Representative Hall, Atlanta, Georgia

Thursday, March 24, 2016

Fortieth Legislative Day

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

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

Abrams
Alexander
Allison
Atwood
Ballinger
Barr
Battles
E Beasley-Teague
Belton
Bennett, K
Bennett, T
Bentley
Benton
Beskin
Beverly
Blackmon
Broadrick
Brockway
Bruce
E Bryant
Buckner
Burns
Caldwell, J
Caldwell, M
Cannon
Cantrell
Carson
Carter, A
Carter, D
Chandler
Cheokas
Clark, D
Clark, H
Clark, V
Coleman
E Cooke
Coomer
Corbett
Deffenbaugh
Dickerson
Dickey
Dickson
Dollar
Douglas
Drenner
Dudgeon
Dukes
Dunahoo
Duncan
Ealum
Efstration
Ehrhart
England
Epps
Evans
Fleming
Floyd
Fludd
Frazier
Frye
Gardner
Gasaway
Gilligan
Glanton
Gordon
Gravley
Greene
Harden
Harrell
Hatchett
Hawkins
E Henson
Hightower
Hitchens
Holcomb
Holmes
Houston
Howard
Hugley
Jackson
Jasperse
Jones, J
Jones, J.B.
Jones, L
Jones, S
Kaiser
Kelley
Kendrick
Kidd
Kirby
Knight
LaRiccia
Lott
Lumsden
Mabra
Marin
Martin
Maxwell
Mayo
McCall
McClain
Meadows
Metze
Mitchell
Morris
Mosby
Nimmer
Nix
Parrish
Parsons
Peake
Petrea
Pezold
E Pirkle
Powell, A
Powell, J
Price
Prince
Pruett
Quick
Raffensperger
Rakestraw
Ramsey
Randall
Reeves
Rhodes
Rice
Rogers, C
Rogers, T
Rutledge
Rynders
Scott
Setzler
Sharper
Shaw
Sims
Smith, E
Smith, L
Smith, M
Smith, R
Smyre
Spencer
Stephens, M
Stephens, R
Stovall
E Stover
Strickland
Tankersley
Tanner
Tarvin
Taylor, D
Taylor, T
Teasley
Thomas, A.M.
Thomas, E
Trammell
Turner
Waites
Watson
Welch
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 Casas of the 107th, Dawkins-Haigler of the 91st, Dempsey of the 13th, Golick of the 40th, Jordan of the 77th, Oliver of the 82nd, Pak of the 108th, Stephenson of the 90th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Reverend Asa Dockery, Pastor, World Harvest Church North, Blairsville, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

The following communications were received:

House of Representatives
Coverdell Legislative Office Building, Room 512
Atlanta, Georgia 30334

March 23, 2016

Good Afternoon:

Please change my vote for Senate Bill 327 from a vote of no to a vote of yes. Also, reflect the yes vote to Senate Bill 327 in the journal.

Thanking you in advance for your assistance.

Sincerely,

/s/ Michele Henson
Rep. Michele Henson

Sharon Beasley-Teague
Representative, District 65
Post Office Box 488
Red Oak, Georgia 30272

3-22-16

HB 649
I would have voted yea.

HB 219
I would have voted yea.

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

1. Introduction of Bills and Resolutions.

2. First reading and reference of House Bills and Resolutions.

3. Second reading of Bills and Resolutions.

4. Reports of Standing Committees.

5. Third reading and passage of Local uncontested Bills.

6. First reading and reference of Senate Bills and Resolutions.

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

HB 1161. By Representatives Trammell of the 132nd, Clark of the 98th, Frye of the 118th, Holcomb of the 81st, Alexander of the 66th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting licenses, permits, and stamps generally, so as to convert the one-year honorary veterans license to a free lifetime license; to amend Code Section 27-1-2 of the Official Code of Georgia Annotated, relating to definitions relative to game and fish, so as to correct a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1162. By Representative Harrell of the 106th:

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to prohibit sales of alcoholic beverages at public facilities on Sundays between the hours of 12:00 Midnight and 12:30 P.M.; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HR 1861. By Representatives Randall of the 142nd, Mosby of the 83rd, Bennett of the 94th and Stephenson of the 90th:

A RESOLUTION promoting policies to decrease the disproportionate access to home dialysis for minorities living with end stage renal disease; and for other purposes.

Referred to the Committee on Special Rules.

HR 1862. By Representative Drenner of the 85th:

A RESOLUTION creating the House Study Committee on Georgia Nuclear Energy Financing; and for other purposes.

Referred to the Committee on Special Rules.

HR 1888. By Representatives Kelley of the 16th, Powell of the 171st, Harrell of the 106th, Jasperse of the 11th, Battles of the 15th and others:

A RESOLUTION creating the House Study Committee on Inequity and Discrimination in the Georgia Revenue Code; and for other purposes.

Referred to the Committee on Special Rules.

HR 1891. By Representative Teasley of the 37th:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that no new sales and use, income, excise, or property tax and no increase in rate or amount of sales and use, income, excise, or property tax shall be enacted unless such new tax or increase in tax is approved by at least 60 percent of the members elected to each branch of the General Assembly in a roll-call vote; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

HR 1892. By Representatives Gardner of the 57th and Douglas of the 78th:

A RESOLUTION expressing support for the strategic partnership between the United States of America and the Republic of Azerbaijan and acknowledging the strategic importance of the Republic of Azerbaijan; and for other purposes.

Referred to the Committee on Governmental Affairs.

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

HB 1157	HB 1158
HB 1159	HB 1160
HR 1758	HR 1781

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

Mr. Speaker:

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

SB 430	Do Pass	SB 431	Do Pass
SB 432	Do Pass	SB 433	Do Pass
SB 434	Do Pass	SB 435	Do Pass
SB 436	Do Pass	SB 438	Do Pass
SB 439	Do Pass		

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

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

Mr. Speaker:

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

HR 1326 Do Pass

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

Representative Jasperse of the 11th District, Chairman of the Committee on Special Rules, submitted the following report:

Mr. Speaker:

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

HR 1093	Do Pass, by Substitute	HR 1367	Do Pass
HR 1577	Do Pass	HR 1605	Do Pass
HR 1606	Do Pass	HR 1610	Do Pass

Respectfully submitted,
/s/ Jasperse of the 11th
Chairman

Representative Jasperse of the 11th District, Chairman of the Committee on Special Rules, submitted the following report:

Mr. Speaker:

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

SR 883 Do Pass

Respectfully submitted,
/s/ Jasperse of the 11th
Chairman

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

HOUSE RULES CALENDAR
THURSDAY, MARCH 24, 2016

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Modified Structured Rule

SB 304 Criminal Records; allow for the preservation of a person's involuntary hospitalization information received by Georgia Crime Information (Substitute)(JudyNC-Holcomb-81st) Parent-42nd

SB 345 Corporations, Partnership, and Associations; provide for the policy of state determining property rights of religious organizations (Substitute) (Judy-Fleming-121st) Hill-6th (AM 29 2546)

SB 356 Animals; provide definition of term "owner"; impoundment of animals for any violation; caring for an impounded animal (Judy-Golick-40th) Williams-27th

SB 379 Sales and Use Tax; provide for exemption for fire districts which have elected governing bodies and supported by ad valorem taxes (Substitute)(W&M-Quick-117th) Ginn-47th (Substitute LC 43 0397ERS)

SB 389 Social Services; temporary assistance for needy families; provide for exception to lifetime maximum assistance (Substitute) (H&HS-Cooper-43rd) Hill-6th (Substitute LC 44 0187S)

SB 416 GBI; establish Georgia Information Sharing and Analysis Center; provide fusion center for sharing and analysis of homeland security activity information (Substitute)(PS&HS-Jasperse-11th) Cowsert-46th

SR 863 Vietnam Veterans Memorial Bridge; Union County; dedicate (Substitute)(Trans-Carter-175th) Gooch-51st

SR 892 Governor Sonny Perdue Highway; Dooley County; dedicate (Substitute)(Trans-Coomer-14th) Walker III-20th (AM 39 0176)

SR 954 Public Property; granting of nonexclusive easements for the construction, operation, and maintenance of facilities, utilities, roads; 16 counties (Substitute)(SProp-Dunahoo-30th) Jeffares-17th (AM 40 0167)

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

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

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

SB 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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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 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
Allison
Y Atwood
Y Ballinger
Barr
Y Battles
E Beasley-Teague
Y Belton
Y Bennett, K
Y Bennett, T
Bentley
Y Benton
Y Beskin
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
Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Coleman
E 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
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
N Gasaway
Y Gilligan
Y Glanton
Golick
Y Gordon
Gravley
Y Greene
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
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
Y Kirby
Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Martin
Y Maxwell
Mayo
Y McCall
Y McClain
Y Meadows
Y Metze
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
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
N Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Rogers, C
N Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
N Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
N Stover
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
Yates
Ralston, Speaker

On the passage of the Bills, the ayes were 151, nays 5.

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

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

Representatives Stovall of the 74th, Dudgeon of the 25th, Benton of the 31st et al., Thomas of the 39th, Bennett of the 80th et al., Corbett of the 174th, Jasperse of the 11th, Williams of the 168th, Blackmon of the 146th et al., Kendrick of the 93rd, Thomas of the 56th et al., Howard of the 124th, Marin of the 96th, Pruett of the 149th, Kidd of the 145th et al., Smyre of the 135th, Ramsey of the 72nd, Mabra of the 63rd, Dawkins-Haigler of the 91st, Kaiser of the 59th, and Burns of the 159th.

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 304. By Senators Parent of the 42nd and Jones II of the 22nd:

A BILL to be entitled an Act to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, so as to allow for the preservation of a person's involuntary hospitalization information received by the Georgia Crime Information Center; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, so as to provide requirements for submitting certain evidence collected from a forensic medical examination to the Georgia Bureau of Investigation; to provide for definitions; to provide for procedure; to provide for reporting; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Pursuing Justice for Rape Victims Act."

SECTION 2.

Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, is amended by revising Code Section 35-1-2, which was previously reserved, as follows:

"35-1-2.

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

(1) 'Division' means the Division of Forensic Sciences of the Georgia Bureau of Investigation.

(2) 'Medical examination' means an examination pursuant to subsection (c) of Code Section 16-6-1 or subsection (c) of Code Section 16-6-2.

(b) When a forensic medical examination is performed, evidence is collected, and the alleged victim has requested that law enforcement officials be notified, the individual performing such exam, or his or her designee, shall notify the appropriate law enforcement agency of the collection of such evidence. Law enforcement officials shall take possession of such evidence no later than 96 hours of being notified.

(c) It shall be the duty of every law enforcement officer who takes possession of the evidence as provided in subsection (b) of this Code section to ensure that such evidence is submitted to the division within 30 days of it being collected, in accordance with the procedures established by the division.

(d) When a forensic medical examination was performed before July 1, 2016, evidence was collected, and the alleged victim requested that law enforcement officials be notified, the individual who performed such exam, or his or her designee, shall notify the appropriate law enforcement agency of the collection of such evidence on or before July 15, 2016, and law enforcement officials shall take possession of such evidence on or before July 31, 2016. It shall be the duty of every law enforcement officer who takes possession of the evidence as provided in this Code section to ensure that such evidence is submitted to the division by August 31, 2016, in accordance with the procedures established by the division.

(e) It shall be the duty of every law enforcement agency to create a list of evidence resulting from a forensic medical examination that is in such agency's possession on August 1, 2016, identifying such evidence as needing to be tested and submitting such listing of information to the division by August 15, 2016.

(f) A failure to comply with the provisions of this Code section shall not affect the admissibility of evidence collected from a forensic medical examination.

(g) Beginning December 1, 2016, the division shall issue an annual report detailing the number of cases for which it has tested evidence pursuant to this Code section and the number of cases that are awaiting testing. Such report shall be provided to the executive counsel of the Governor, the Speaker of the House of Representatives, the Lieutenant Governor, the members of the House Committee on Judiciary, Non-civil, the

members of the Senate Judiciary, Non-civil Committee, and posted online at the Georgia Bureau of Investigation's website. ~~Reserved.~~"

SECTION 3.

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

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

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

Y Abrams	Y 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	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	Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
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	Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	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	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 172, nays 0.

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

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

Mr. Speaker:

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

HB 1104. By Representatives Smyre of the 135th, Hugley of the 136th, Smith of the 134th, Buckner of the 137th and Pezold of the 133rd:

A BILL to be entitled an Act to revise the homestead exemption for Muscogee County formerly provided for by a local constitutional amendment duly ratified at the 1982 general election (Res. Act No. 76, House Resolution No. 271, Ga. L. 1981, p. 1926), which local constitutional amendment was continued in force and effect as statutory law pursuant to Article VII, Section II, Paragraph IV of the Constitution and provides for the valuation of certain homestead property of Muscogee County for purposes of ad valorem taxation for school and consolidated city-county government purposes; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

SB 258. By Senators Millar of the 40th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to creation of county boards of equalization, duties, review of assessments, and appeals, so as to provide that the assessed value of property for a taxable year shall not be increased beyond the initial assessment value established by the board of tax assessors during an appeal of such valuation for such taxable year by the taxpayer but may be reduced as a result of the appeal of the taxpayer; 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 Senate were taken up for consideration and read the third time:

SB 356. By Senators Williams of the 27th, Stone of the 23rd, Unterman of the 45th and Cowsert of the 46th:

A BILL to be entitled an Act to amend Title 4 of the O.C.G.A., relating to animals, so as to provide a definition of the term "owner"; to provide for impoundment of animals for any violation of Article 1 of Chapter 11 of said title; to amend Article 1 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate courts, so as to provide for the foreclosure of liens on animals; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

On the passage of the Bill, 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	N Harrell	Y Mitchell	N Smith, L
N Allison	Y Cooper	Y Hatchett	N Morris	Y Smith, M
Y Atwood	N Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	N Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	N Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	N Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	N Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	N Stover
Y Bentley	N Douglas	Y Hugley	Y Petrea	N Strickland
Y Benton	N Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	N Dudgeon	Y Jasperse	N Pirkle	N Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	N Duncan	N Jones, L	N Price	Y Taylor, T
N Brockway	N Ealum	Y Jones, S	N Prince	N Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	N Kelley	N Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	N Rakestraw	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Ramsey	Y Waites
N Caldwell, M	Fleming	Y Kirby	Randall	Y Watson
N Cannon	Y Floyd	N Knight	Y Reeves	N Welch
N Cantrell	Y Fludd	N LaRiccia	N Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
N Casas	N Gasaway	Marin	N Rutledge	Y Willard
Y Chandler	N Gilligan	N Martin	N Rynders	Y Williams, A
Y Cheokas	Y Glanton	N Maxwell	Y Scott	N Williams, C
N Clark, D	Y Golick	N Mayo	N Setzler	Y Williams, E
N Clark, H	Y Gordon	N McCall	Y Sharper	Y Williamson
N 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, the ayes were 114, nays 59.

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

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

SB 255. By Senators Stone of the 23rd, Bethel of the 54th, Millar of the 40th, Albers of the 56th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, so as to modernize, reorganize, and provide constitutional protections in garnishment proceedings; to provide for definitions; to provide for an affidavit and summons of garnishment, contents, and procedure for garnishment; to provide for property being subject to and exempt from garnishment; to provide for a defendant's and third party's claim and plaintiff's traverse and the procedure for claims and traverses; to provide for procedures only applicable to financial institutions; to provide for and require the use of certain forms for garnishment proceedings; to amend Code Sections 44-7-50 and 53-12-80 of the O.C.G.A., relating to demand for possession and spendthrift provisions, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, so as to modernize, reorganize, and provide constitutional protections in garnishment proceedings; to provide for definitions; to provide for an affidavit and summons of garnishment, contents, and procedure for garnishment; to provide for property being subject to and exempt from garnishment; to provide for a garnishee's answer to a summons of garnishment; to provide for garnishee expenses; to provide for a defendant's and third party's claim and plaintiff's traverse to a garnishment proceeding; to provide for procedure for claims and traverses; to provide for default judgment and opening of default judgments; to provide for procedures only applicable to financial institutions; to provide for release of garnishment; to provide for continuing garnishments; to provide for continuing garnishment for support of family members; to provide for and require the use of certain forms for garnishment proceedings; to amend Code Sections 44-7-50 and 53-12-80 of the Official Code of Georgia Annotated, relating to demand for possession and spendthrift provisions, respectively, so as to correct cross-

references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, is amended by repealing Chapter 4, relating to garnishment proceedings, and enacting a new Chapter 4 to read as follows:

"CHAPTER 4
ARTICLE 1

18-4-1.

As used in this chapter, the term:

(1) 'Disposable earnings' means that part of the earnings of an individual remaining after the deduction for federal income tax, state income tax, withholdings for the Federal Insurance Contributions Act (FICA), and other mandatory deductions required by law.

(2) 'Earnings' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, fee, bonus, tips, overtime, or severance pay, including recurring periodic payments from pensions or retirement plans, including, but not limited to, the United States Department of Veterans Affairs, Railroad Retirement Board, Keoghs, and individual retirement accounts.

(3) 'Entity' means a public corporation or a corporation, limited liability company, partnership, limited partnership, professional corporation, firm, or other business organization other than a natural person.

(4) 'Financial institution' means every federal or state chartered commercial or savings bank, including savings and loan associations and cooperative banks, federal or state chartered credit unions, benefit associations, insurance companies, safe-deposit companies, trust companies, any money market mutual fund, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

(5) 'Garnishee answer' or 'garnishee's answer' means the response filed by a garnishee responding to a summons of garnishment detailing the money or other property of the defendant that is in the possession of the garnishee or declaring that the garnishee holds no such money or other property of the defendant.

(6) 'Public corporation' means any department, agency, branch of government, or political subdivision, as such term is defined in Code Section 50-15-1, or any public board, bureau, commission, or authority created by the General Assembly.

18-4-2.
(a) The procedure in garnishment cases shall be uniform in all courts throughout this state that have jurisdiction to preside over garnishment proceedings.
(b) In all cases when a money judgment was obtained in a court of this state or a federal court or is being enforced in this state as provided in Article 5 of Chapter 12 of Title 9, the 'Uniform Foreign-Country Money Judgments Recognition Act,' or Article 6 of Chapter 12 of Title 9, the 'Uniform Enforcement of Foreign Judgments Law,' the plaintiff shall be entitled to the process of garnishment.
(c) Except as otherwise provided in this chapter, Chapter 11 of Title 9 shall apply in garnishment proceedings.
(d) Any affidavit, garnishee answer, or pleading required or permitted by this chapter shall be amendable at any time before judgment is entered or before money or other property subject to garnishment is distributed by the court.

18-4-3.
(a) The plaintiff, the plaintiff's attorney, or the plaintiff's agent shall make, on personal knowledge or belief, an affidavit setting forth that the plaintiff has a judgment against a named defendant, the amount remaining due on the judgment, the name of the court which rendered the judgment, and the case number thereof.
(b) Upon the filing of the affidavit described in subsection (a) of this Code section with the clerk of any court having jurisdiction to preside over garnishment proceedings, such clerk shall cause a summons of garnishment to issue, provided that the plaintiff's affidavit is:
(1) Made before any officer authorized to administer oaths, a notary public, such clerk, or the deputy clerk of the court in which the garnishment is filed; and
(2) Submitted to and approved by any judge of the court in which the garnishment is filed or submitted to and approved by any clerk or deputy clerk of such court if the court has promulgated rules authorizing the clerk or deputy clerk of such court to review and approve affidavits of garnishment.
(c) An affidavit of garnishment may be electronically submitted to the clerk or deputy clerk of the court if the court has promulgated rules authorizing such submission.
(d) The form for an affidavit of garnishment is set forth in Code Section 18-4-71.

18-4-4.
(a) All obligations owed by the garnishee to the defendant at the time of service of the summons of garnishment upon the garnishee and all obligations accruing from the garnishee to the defendant throughout the garnishment period shall be subject to the process of garnishment. No payment made by the garnishee to the defendant or on his or her behalf, or by any arrangement between the defendant and the garnishee, after the date of service of the summons of garnishment upon the garnishee shall defeat the lien of such garnishment.
(b) All money or other property of the defendant in the possession or control of the garnishee at the time of service of the summons of garnishment upon the garnishee or

coming into the possession or control of the garnishee throughout the garnishment period shall be subject to the process of garnishment, provided that, in the case of collateral securities in the hands of a creditor, such securities shall not be subject to garnishment so long as there is an amount owed on the debt for which the securities were given as collateral.

(c) The garnishment period shall begin on the day of service of the summons of garnishment and, for:

(1) A continuing garnishment, shall include the next 179 days;

(2) Garnishments, other than a continuing garnishment or continuing garnishment for support, served on a financial institution, shall include the next five days;

(3) A continuing garnishment for support, shall remain for so long as the defendant is employed by the garnishee and shall not terminate until the original arrearage is retired; and

(4) All other garnishments, shall include the next 29 days.

18-4-5.

(a)(1) Subject to the limitations set forth in Code Sections 18-4-6 and 18-4-53, the maximum part of disposable earnings for any work week which is subject to garnishment shall not exceed the lesser of:

(A) Twenty-five percent of the defendant's disposable earnings for that week; or

(B) The amount by which the defendant's disposable earnings for that week exceed $217.00.

(2) In case of earnings for a period other than a week, a multiple of $7.25 per hour shall be used.

(b) The limitation on garnishment set forth in subsection (a) of this Code section shall apply although the garnishee may receive a summons of garnishment in more than one garnishment case naming the same defendant unless the garnishee has received a summons of continuing garnishment for support as provided in Article 3 of this chapter.

(c) No employer shall discharge an employee by reason of the fact that such employee's earnings have been subjected to garnishment for any one obligation, even though more than one summons of garnishment may be served upon such employer with respect to the obligation.

18-4-6.

(a)(1) Certain earnings or property of the defendant may be exempt from the process of garnishment.

(2) Funds or benefits from an individual retirement account or from a pension or retirement program shall be exempt from the process of garnishment until paid or otherwise distributed to a member of such program or beneficiary thereof. Such funds or benefits, when paid or otherwise distributed to such member or beneficiary, shall be exempt from the process of garnishment only to the extent of the limitations provided in Code Section 18-4-5 for other disposable earnings, unless a greater exemption is otherwise provided by law.

(3) Funds in an unfunded plan maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees shall not be exempt from the process of garnishment.

(4) Exempt property shall not be considered disposable earnings for purposes of Code Section 18-4-5 or subsection (b) of Code Section 18-4-53.

(b) Not later than ten days after the effective date of this Code section, the Attorney General shall create and maintain on the Department of Law's website a list of exemptions that a defendant may be allowed by law to claim in relation to a garnishment of his or her earnings or property. The Attorney General shall revise such list when exemptions are repealed, revised, or created by law. The Attorney General shall transmit a copy of such list to each clerk of court in this state who issues summonses of garnishment and transmit a revised list when a change is made to such list.

(c) Each clerk of court in this state who issues summonses of garnishment shall post and update such list of exemptions as promulgated by the Attorney General and shall provide such list to individuals upon request.

(d) A defendant may claim an exemption as provided in Code Section 18-4-15.

(e) The fact that an exemption is not identified by the Attorney General shall not preclude a defendant from claiming an exemption.

18-4-7.

(a) The amount shown on the summons of garnishment shall not exceed the amount the defendant owes the plaintiff pursuant to a judgment.

(b)(1) A summons of garnishment, or an attachment thereto, shall state on its face with particularity all of the following information, to the extent reasonably available to the plaintiff:

(A) The name of the defendant and, to the extent such would reasonably enable the garnishee to properly respond to the summons of garnishment, all known configurations, nicknames, aliases, former or maiden names, trade names, or variations thereof;

(B) The service address and the current address of the defendant and, to the extent such would reasonably enable the garnishee to properly respond to the summons of garnishment and such is reasonably available to the plaintiff, the past addresses of the defendant; and

(C) The social security number or federal tax identification number of the defendant; provided, however, that if such summons is filed with a court, the court filing shall be redacted in accordance with Code Section 9-11-7.1 or 15-10-54, as applicable. The defendant's full social security number or federal tax identification number shall be made known to the garnishee and defendant in accordance with Code Section 9-11-7.1 or 15-10-54, as applicable, to the extent such information is reasonably available to the plaintiff.

(2) A summons of garnishment on a financial institution shall not be used for a continuing garnishment or continuing garnishment for support. A summons of

garnishment on a financial institution, or an attachment thereto, shall also state with particularity the defendant's account, identification, or tracking numbers known to the plaintiff used by the garnishee in the identification or administration of the defendant's funds or property; provided, however, that if such summons is filed with a court, the court filing shall be redacted in accordance with Code Section 9-11-7.1 or 15-10-54, as applicable. The defendant's account, identification, or tracking numbers shall be made known to the garnishee and defendant in accordance with Code Section 9-11-7.1 or 15-10-54, as applicable, to the extent such information is known to the plaintiff.

(3) A misspelling of any information required by this subsection, other than the surname of a natural person defendant, shall not invalidate a summons of garnishment, so long as such information is not misleading in a search of the garnishee's records.

(c) The form for a summons of garnishment is set forth in Code Section 18-4-74, and the optional attachment thereto is set forth in Code Section 18-4-75. The form for a summons of garnishment on a financial institution is set forth in Code Section 18-4-76, and the attachment thereto is set forth in Code Section 18-4-77. The form for a summons of garnishment on a financial institution shall not be used for a continuing garnishment or continuing garnishment for support.

(d) When a plaintiff uses the incorrect form for a summons of garnishment of any type, the garnishment shall not be valid and the garnishee shall be relieved of all liability.

18-4-8.

(a) The plaintiff shall serve the garnishee, as provided in Code Section 9-11-4, or, when the garnishment is filed in a magistrate court, the plaintiff may serve the garnishee by using the constable of the magistrate court in the manner set forth in Code Section 9-11-4, with a copy of the affidavit of garnishment, summons of garnishment, Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property, and Defendant's Claim Form. The plaintiff shall fill in the style of the case, except for the civil action file number, and the garnishment court information on such notice and claim form. Such notice and claim form are set forth in Code Section 18-4-82.

(b)(1) Not more than three business days after service of the summons of garnishment on the garnishee, the plaintiff shall cause a copy of the affidavit of garnishment, a copy of the summons of garnishment, a copy of the Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property, and a copy of the Defendant's Claim Form as described in subsection (a) of this Code section, using one of the following methods:

(A)(i) To be sent to the defendant at the defendant's last known address by:

(I) Regular mail; and

(II) Registered or certified mail or statutory overnight delivery, return receipt requested.

(ii) The return receipt indicating receipt by the defendant, the envelope bearing the official notification from the United States Postal Service of the defendant's

refusal to accept delivery of such registered or certified mail, the envelope bearing the official notification from a commercial firm of the defendant's refusal to accept such statutory overnight delivery, or an official written notice from the United States Postal Service of the defendant's refusal to accept delivery of such registered or certified mail shall be filed with the clerk of the court in which the garnishment is pending.

(iii) The defendant's refusal to accept or failure to claim such registered or certified mail or statutory overnight delivery addressed to such defendant shall be deemed notice to such defendant;

(B)(i) To be delivered personally to the defendant by:

(I) An individual who is not a party and is not younger than 18 years of age;

(II) An individual who has been appointed by the court to serve process or is a permanent process server;

(III) The sheriff of the county where the action is brought or where the defendant is found or by such sheriff's deputy;

(IV) The marshal or sheriff of the court or by such official's deputy;

(V) The constable of the magistrate court, when the garnishment is filed in a magistrate court, or by the constable's deputy; or

(VI) A certified process server as provided in Code Section 9-11-4.1.

(ii) A certification by the person making the delivery shall be filed with the clerk of the court in which the garnishment is pending; or

(C) To be sent to the defendant by regular mail at the address at which the defendant was served as shown on the return of service in the action resulting in the judgment when it shall appear by affidavit to the satisfaction of the clerk of the court that the defendant resides out of this state, has departed this state, cannot, after due diligence, be found within this state, or has concealed his or her place of residence from the plaintiff. A certificate of such mailing shall be filed with the clerk of the court in which the garnishment is pending by the person mailing such notice.

(2) The methods of notification specified in this subsection shall be cumulative and may be used in any sequence or combination. When it appears that a plaintiff has reasonably, diligently, and in good faith attempted to use one method, another method thereafter may be utilized; for the time during which the attempt was being made, the time limit shall be tolled for the subsequent method.

(3) No money or other property paid or delivered to the court by the garnishee shall be distributed nor shall any judgment be rendered against the garnishee until:

(A) Ten days have elapsed from the date of compliance with at least one method of notification provided by this subsection; and

(B) If a garnishee answer was filed:

(i) Twenty days have elapsed from the filing of the garnishee's answer without a claim having been filed by any defendant or third party and without a traverse having been filed by the plaintiff; or

(ii) All traverses filed prior to the twenty-first day from the filing of the garnishee's answer have been adjudicated and all claims have been adjudicated.

18-4-9.
(a) Summonses of garnishment may issue from time to time until the judgment is paid or the garnishment proceeding is otherwise terminated.
(b) No new summons of garnishment on the same affidavit of garnishment shall be issued after two years from the date of the original filing of such affidavit. The garnishment proceeding based on such affidavit shall automatically stand dismissed unless there are funds remaining in the registry of the court or a new summons of garnishment has been issued in the preceding 30 days.

18-4-10.
(a) The summons of garnishment shall state that if the garnishee fails to file a garnishee's answer to such summons in a timely manner, a judgment by default shall be entered against the garnishee for the amount remaining due on a judgment as shown in the plaintiff's affidavit of garnishment.
(b) The summons of garnishment shall be directed to the garnishee, commanding the garnishee to respond and state what money or other property is subject to garnishment. Except as provided in subsection (c) of this Code section and Articles 2 and 3 of this chapter, the garnishee's answer shall be filed with the court issuing the summons not sooner than 30 days and not later than 45 days after service of the summons, and the money or other property subject to garnishment shall be paid to or delivered to the court concurrently with such garnishee's answer.
(c) When the garnishee is a financial institution and the garnishment is not a continuing garnishment or continuing garnishment for support, such garnishee's answer shall be filed with the court issuing the summons of garnishment not sooner than five days and not later than 15 days after the date of service of the summons, and the money or other property subject to garnishment shall be paid to or delivered to the court concurrently with such garnishee's answer. If the defendant does not have an active account with and is not the owner of any money or other property in the possession of such financial institution, then the garnishee may immediately file the garnishee's answer; provided, however, that such garnishee's answer shall be filed not later than 15 days after the date of service of the summons.

18-4-11.
(a) Within the time prescribed by Code Section 18-4-10, the garnishee shall file a garnishee answer. Along with the garnishee's answer, the garnishee shall pay or deliver to the court the money or other property admitted in the garnishee's answer to be subject to garnishment.
(b) If in responding to the summons of garnishment the garnishee shall state that the property of the defendant includes property in a safe-deposit box or similar property, the garnishee shall respond to the court issuing the summons of garnishment as to the

existence of such safe-deposit box and shall restrict access to any contents of such safe-deposit box until the earlier of:

(1) Further order of such court regarding the disposition of the contents of such safe-deposit box; or

(2) The elapsing of 120 days from the date of filing of the garnishee answer unless such time has been extended by the court.

(c) If the garnishee has been served with a summons in more than one garnishment case involving the same defendant, the garnishee shall state in each garnishee answer that the money or other property is being paid or delivered to a specifically named court subject to the demands of other cases and shall give the numbers of all such cases in each garnishee answer.

(d) If the garnishee is unable to respond with the specific information required by this Code section, the garnishee's inability shall be stated in the garnishee's answer, together with all the facts plainly, fully, and distinctly set forth, so as to enable the court to give judgment thereon.

(e) The form for a garnishee answer is set forth in Code Section 18-4-84, and the form for a financial institution garnishee answer is set forth in Code Section 18-4-85.

18-4-12.

(a) When a garnishment proceeding is filed in a court under any provision of this chapter involving an entity as garnishee, the execution and filing of a garnishee answer may be done by an entity's authorized officer or employee and shall not constitute the practice of law. If a claim or traverse is filed to such entity's garnishee answer in a court of record, an attorney shall be required to represent such entity in further garnishment proceedings.

(b) An entity's payment into court of any money or other property of the defendant, or money or other property which is admitted to be subject to garnishment, may be done by an entity's authorized officer or employee and shall not constitute the practice of law.

18-4-13.

(a) All garnishee answers shall, concurrently with filing, be served by the garnishee upon the plaintiff or the plaintiff's attorney and the defendant or the defendant's attorney.

(b)(1) Service of the garnishee's answer upon the plaintiff shall be shown by the:

(A) Written acknowledgment of the plaintiff or the plaintiff's attorney; or

(B) Certificate of the garnishee or the garnishee's attorney, attached to the garnishee's answer, that a copy of the garnishee's answer was mailed to the plaintiff or the plaintiff's attorney.

(2) No service upon the plaintiff shall be required unless the name and address of the plaintiff or the plaintiff's attorney shall legibly appear on the face of the summons of garnishment.

(3) If the garnishee fails to serve the plaintiff, the plaintiff shall be allowed 20 days from the time the plaintiff receives actual notice of the garnishee's answer to traverse the garnishee's answer.

(c)(1) Service of the garnishee's answer upon the defendant shall be shown by the:

(A) Written acknowledgment of the defendant or the defendant's attorney; or

(B) Certificate of the garnishee or the garnishee's attorney, attached to the garnishee's answer, that a copy of the garnishee's answer was mailed to the:

(i) Defendant's attorney; or

(ii) Defendant at the last address known to the garnishee.

(2) No service upon the defendant shall be required by a financial institution garnishee if the defendant does not have an active account with and is not the owner of any money or other property in the possession of such financial institution.

(d) The garnishee shall provide the defendant, by regular mail at the defendant's last address known to the garnishee, with the Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property and the Defendant's Claim Form that it received from the plaintiff as set forth in subsection (a) of Code Section 18-4-8.

18-4-14.

(a) The garnishee shall be entitled to the garnishee's actual reasonable expenses, including attorney's fees, in preparing and filing a garnishee's answer. The amount of expenses incurred shall be taxed in the bill of costs and shall be paid by the party upon whom the cost is cast, as costs are cast in other cases. The garnishee may deduct $50.00 or 10 percent of the amount paid into court, whichever is greater, not to exceed $100.00, as reasonable attorney's fees or expenses.

(b) If the garnishee can show that the garnishee's actual attorney's fees or expenses exceed the amount provided for in subsection (a) of this Code section, the garnishee shall petition the court for a hearing at the time of filing the garnishee's answer without deducting from the amount paid into court. Upon hearing from the parties, the court may enter an order for payment of actual attorney's fees or expenses proven by the garnishee to have been incurred reasonably in preparing and filing the garnishee's answer.

(c) In the event the garnishee makes the deduction permitted in subsection (a) of this Code section but the costs are later cast upon the garnishee, the garnishee shall forthwith refund to the defendant the funds deducted; if the costs are later cast against the plaintiff, the court shall enter judgment in favor of the defendant and against the plaintiff for the amount of the deductions made by the garnishee.

(d) Nothing in this Code section shall limit the reimbursement of costs incurred by a financial institution as provided in Code Section 7-1-237.

18-4-15.

(a) A garnishment proceeding is an action between the plaintiff and garnishee; provided, however, that at any time before a judgment is entered or before money or

other property subject to garnishment is distributed, the defendant may become a party to the garnishment by filing a claim with the clerk of court and may use the form set forth in Code Section 18-4-82. A defendant's claim shall assert the basis upon which he or she claims that his or her money or other property is exempt from garnishment. Money or other property may be exempt from garnishment for a variety of reasons, including, but not limited to, the limitations on garnishment as provided in Code Sections 18-4-5 and 18-4-53, exemptions as provided in Code Section 18-4-6, the plaintiff not having a judgment against the defendant, the amount claimed due by the plaintiff being erroneous, such money or other property being subject to a claim held by a third party that is superior to the judgment described in the affidavit of garnishment, or other legal or statutory defenses. Even when earnings are held at a financial institution, such money may be exempt from garnishment due to the limitations on garnishment as provided in Code Sections 18-4-5 and 18-4-53, exemptions as provided in Code Section 18-4-6, or other reasons.

(b) The defendant shall serve a copy of his or her claim upon the plaintiff and garnishee. The clerk of court shall transmit a copy of the defendant's claim to the plaintiff and garnishee. If the defendant's claim alleges that money or other property in the possession of the court may be subject to a claim held by a third party that is superior to the judgment described in the affidavit of garnishment, the defendant shall serve a copy of his or her claim upon the third party named in such claim.

(c) The defendant shall become a party to all proceedings by filing a claim pursuant to this Code section.

(d) Upon the filing of the defendant's claim, a judge of the court in which the garnishment is pending shall order a hearing to be held not more than ten days from the date the claim is filed. The form for the order for such hearing is set forth in Code Section 18-4-83. Such hearing shall be available to the defendant as a matter of right after filing his or her claim, and no further summons of garnishment shall issue nor shall any money or other property paid or delivered to the court as subject to garnishment be disbursed until the hearing shall be held.

(e) The validity of the judgment upon which a garnishment is based shall only be challenged in accordance with Chapter 11 of Title 9, and no such challenge shall be entertained in the garnishment case. However, when the court finds that the defendant has attacked the validity of the judgment upon which the garnishment is based in an appropriate forum, the judge may order the garnishment be stayed until the validity of the judgment has been determined in such forum.

(f) The filing of a claim by the defendant shall not relieve the garnishee of the duties of filing a garnishee answer, of withholding money or other property subject to garnishment, or of paying or delivering to the court any money or other property subject to garnishment.

(g) A party's failure to include the civil action file number on a defendant's claim shall not affect the validity of such claim.

18-4-16.
Within 20 days after the plaintiff has been served with the garnishee's answer, the plaintiff may file a traverse stating that the garnishee's answer is untrue or legally insufficient. Such statement places in issue all questions of law and fact concerning the garnishee's answer. The form for a plaintiff's traverse is set forth in Code Section 18-4-87.

18-4-17.
At any time before judgment is entered on the garnishee's answer or money or other property subject to garnishment is distributed, any person may file a third-party claim in writing under oath stating that he or she has a claim superior to that of the plaintiff to the money or other property in the hands of the garnishee subject to the process of garnishment, and the third-party claimant shall be a party to all further proceedings upon the garnishment. A third-party claimant shall serve his or her claim upon the plaintiff, defendant, and garnishee. The form for a third-party claim is set forth in Code Section 18-4-88.

18-4-18.
When money or other property in court is subject to a third-party claim or to more than one garnishment case, the party with the oldest entered judgment shall have priority to such money or other property and any interested party to any one of the garnishment cases may make a motion to the court where such money or other property has been deposited for the distribution of such money or other property. Each party of interest in each case and the clerk of court shall be served with a copy of the motion. Upon hearing the motion, the court shall enter an order directing that the clerk be paid the court cost of each garnishment proceeding first, and all remaining money or other property shall be distributed in accordance with the laws governing the relative priority of claims, judgments, and liens.

18-4-19.
(a) After the garnishee's answer is filed, the defendant's claim shall be tried first, the plaintiff's traverse shall be tried second, and third-party claims shall be tried last; provided, however, that the court shall retain the money or other property subject to garnishment until the completion of the trial of all claims and traverses which are filed under this chapter. The court may consolidate or bifurcate such actions for trial in the court's discretion.
(b) If a claim or traverse has been filed, all parties of record may introduce evidence to establish their respective interests in the money or other property in court, and the court shall direct that such money or other property be distributed in accordance with the laws governing the relative priority of claims, judgments, and liens.
(c) When the defendant prevails upon the trial of his or her claim:
(1) That the plaintiff does not have a judgment against the defendant or that the plaintiff's affidavit of garnishment is untrue or is legally insufficient, the garnishment

case shall be dismissed by the court, and any money or other property belonging to the defendant in the possession of the court shall be restored to the defendant unless another claim or traverse thereto has been filed;

(2) That the amount shown to be due on the plaintiff's affidavit of garnishment is incorrect, the court may allow the summons of garnishment to be amended to the amount proven to be owed, and if such amount is less than the amount shown to be due by the plaintiff, any money or other property belonging to the defendant in the possession of the court in excess of the amount due shall be restored to the defendant unless another claim or traverse thereto has been filed;

(3) That the money or other property belonging to the defendant in the possession of the court is exempt from garnishment, such exempt money or other property shall be restored directly to the defendant. The court shall order such restoration within 48 hours; and

(4) Based on any legal or statutory defense or that money or other property in the possession of the court may be subject to a claim held by a third party that is superior to the judgment described in the affidavit of garnishment, the court shall determine the disposition of the money or other property belonging to the defendant in the possession of the court.

(d) On the trial of the plaintiff's traverse, if the court finds the garnishee has failed to respond properly to the summons of garnishment, the court shall disallow any expenses demanded by the garnishee and shall enter a judgment for any money or other property paid or delivered to the court with the garnishee's answer, plus any money or other property the court finds subject to garnishment which the garnishee has failed to pay or deliver to the court; provided, however, that the total amount of such judgment shall not exceed the amount shown to be due by the plaintiff, together with the costs of the garnishment proceeding.

18-4-20.

When no claim has been filed and no traverse has been filed within 20 days after the garnishee's answer is filed:

(1) If money is paid or delivered to the court by the garnishee, the clerk of the court shall pay the money to the plaintiff or the plaintiff's attorney upon application, and the garnishee shall be automatically discharged from further liability with respect to the summons of garnishment so answered;

(2) If property is delivered to the court by the garnishee, the sheriff, marshal, constable, or like officer of the court shall sell the property in the manner provided by law for the sale of property levied under an execution, and the garnishee shall be automatically discharged from further liability with respect to the summons of garnishment so answered. The proceeds of such sale shall be paid or delivered to the plaintiff or the plaintiff's attorney upon application; or

(3) If money or other property admitted to be subject to the garnishment is not paid or delivered to the court, judgment shall be entered for the plaintiff and against the garnishee for such money or other property and execution shall issue on the judgment.

18-4-21.
Except as provided in Code Section 18-4-22, when a garnishee fails or refuses to file a garnishee answer by the forty-fifth day after service of the summons of garnishment, such garnishee shall automatically be in default. The default may be opened as a matter of right by the filing of a garnishee answer within 15 days of the day of default and payment of costs. If the case is still in default after the expiration of the period of 15 days, judgment by default may be entered at any time thereafter against such garnishee for the amount remaining due on the judgment obtained against the defendant as shown in the plaintiff's affidavit of garnishment.

18-4-22.
When a garnishee is a financial institution and fails or refuses to file a garnishee answer by the fifteenth day after the date of service of the summons of garnishment, such garnishee shall automatically be in default. The default may be opened as a matter of right by the filing of a garnishee answer within 15 days of the day of default and payment of costs. If the case is still in default after the expiration of the period of 15 days, judgment by default may be entered at any time thereafter against such garnishee for the amount remaining due on the judgment obtained against the defendant as shown in the plaintiff's affidavit of garnishment.

18-4-23.
(a) A garnishee may be relieved from liability for failure to file a garnishee answer if the plaintiff failed to provide the information required by paragraph (2) of subsection (b) of Code Section 18-4-7 that would reasonably enable the garnishee to respond properly to the summons of garnishment and a good faith effort to locate the requested property was made by the garnishee based on the information provided by the plaintiff. In determining whether a garnishee may be relieved of liability, the court shall consider and compare the accuracy and quantity of the information supplied by the plaintiff pursuant to paragraph (2) of subsection (b) of Code Section 18-4-7 with the manner in which such garnishee maintains and locates its records, the compliance by such garnishee with its own procedures, and the conformity of the record systems and procedures with reasonable commercial standards prevailing in the area in which such garnishee is located.
(b) A garnishee and a plaintiff shall not be subject to liability to any party or nonparty to the garnishment at issue arising from the attachment of a lien or the freezing, payment, or delivery into court of money or other property reasonably believed to be that of the defendant if such attachment, freezing, payment, or delivery is reasonably required by a good faith effort to comply with the summons of garnishment. In determining whether such compliance by a garnishee is reasonable, the court shall consider and compare the accuracy and quantity of the information supplied by the plaintiff pursuant to paragraph (2) of subsection (b) of Code Section 18-4-7 with the manner in which such garnishee maintains and locates its records, the compliance by such garnishee with its own procedures, and the conformity of the record systems and

procedures with reasonable commercial standards prevailing in the area in which such garnishee is located.

(c)(1) As used in this subsection, the term:

(A) 'Association account' means any account or safe-deposit box or similar property maintained by a corporation, statutory close corporation, limited liability company, partnership, limited partnership, limited liability partnership, foundation, trust, national, state, or local government or quasi-government entity, or other incorporated or unincorporated association.

(B) 'Fiduciary account' means any account or safe-deposit box maintained by any party in a fiduciary capacity for any other party other than the defendant in garnishment. Without limiting the foregoing, such term shall include any trust account as defined in Code Section 7-1-810, any account created pursuant to a transfer governed by Code Section 44-5-119, and any agency account or safe-deposit box governed by a power of attorney or other written designation of authority.

(2)(A) A garnishee shall not be liable for failure to pay or deliver to the court money or other property in an association account that may be subject to garnishment by reason of the fact that a defendant is an authorized signer on such association account, unless the summons of garnishment alleges that the association account is being used by the defendant for an improper or unlawful purpose.

(B) A garnishee shall not be liable for failure to pay or deliver to the court money or other property in a fiduciary account that may be subject to garnishment if such fiduciary account specifically is exempted from garnishment as set forth in Code Section 18-4-6.

(C) A garnishee shall not be liable for failure to pay or deliver to the court money or other property in a fiduciary account that may be subject to garnishment by reason of the fact that a defendant is a fiduciary of the fiduciary account, unless the summons of garnishment is against the defendant in the defendant's capacity as a fiduciary of the fiduciary account or the summons of garnishment alleges that the fiduciary account is being used by the defendant for an improper or unlawful purpose.

18-4-24.

(a) When a default judgment is rendered against a garnishee under Code Section 18-4-21, 18-4-22, or 18-4-43, the plaintiff shall serve the garnishee, as provided in Code Section 9-11-4, or, when the garnishment is filed in a magistrate court, the plaintiff may serve the garnishee by using the constable of the magistrate court in the manner set forth in Code Section 9-11-4, with a copy of such default judgment. On a motion filed not later than 90 days from the date the garnishee was served with such default judgment, the garnishee may, upon payment of all accrued costs of court, have such default judgment modified so that the amount of such default judgment shall be reduced to an amount equal to the greater of $50.00 or $50.00 plus 100 percent of the amount by which the garnishee was indebted to the defendant from the time of service of the

summons of garnishment through and including the last day on which a timely garnishee answer could have been made for all money or other property belonging to the defendant which came into the garnishee's hands from the time of service of the summons through and including the last day on which a timely answer could have been made and less any exemption allowed the defendant.
(b) On the trial of a motion to modify a default judgment, the burden of proof shall be upon any plaintiff who objects to the timeliness of the motion to establish that such motion was not filed within the time provided for by this Code section.

18-4-25.
(a) A release of a summons of garnishment:
(1) Shall relieve the garnishee from any obligation to file a garnishee answer to any summons of garnishment pending on the date of the release and shall authorize the garnishee to pay or deliver to the defendant any money or other property in the garnishee's possession belonging to the defendant; and
(2) Shall not operate as a dismissal of the garnishment proceeding.
(b) It shall be the duty of the clerk of the court in which garnishment proceedings are pending to issue a release of garnishment if:
(1) The plaintiff or the plaintiff's attorney requests a release in writing;
(2) The amount shown to be due on the plaintiff's affidavit of garnishment together with the costs of the garnishment proceeding are paid into court;
(3) A judge enters an order, after a hearing required by this chapter, directing that the garnishment be released; or
(4) The garnishment is dismissed.
(c) The form for a release of garnishment is set forth in Code Section 18-4-89.

18-4-26.
(a) Money due officials or employees of a municipal corporation or county of this state or of the state government, or any department or institution thereof, as salary for services performed for or on behalf of the municipal corporation or county of this state or the state, or any department or institution thereof, shall be subject to garnishment, except that in no event shall the officials' or employees' salary for services performed for or on behalf of any municipal corporation or county of this state or the state, or any department or institution thereof, be garnisheed when the judgment serving as a basis for the issuance of the summons of garnishment arises out of the liability incurred in the scope of the officials' or employees' governmental employment while responding to an emergency. In such cases, the summons of garnishment shall be directed to such political entity and served upon the person authorized by law to draw the warrant on the treasury of the government or to issue a check for such salary due, or upon the chief administrative officer of the political subdivision, department, agency, or instrumentality; and such entity shall be required to respond to such summons in accordance with the mandate thereof and as provided by this chapter.

(b) For purposes of this Code section only, the state and its political subdivisions, departments, agencies, and instrumentalities shall be deemed private persons; and jurisdiction for the purpose of issuing a summons of garnishment shall be restricted to a court located in the county in which the warrant is drawn on the treasury of the government or in which the check is issued for the salary due the official or employee of the state or its political subdivisions, departments, agencies, or instrumentalities.

ARTICLE 2

18-4-40.
(a) In addition to garnishment proceedings otherwise available under this chapter, in all cases when a money judgment was obtained in a court of this state or a federal court or is being enforced in this state as provided in Article 5 of Chapter 12 of Title 9, the 'Uniform Foreign-Country Money Judgments Recognition Act,' or Article 6 of Chapter 12 of Title 9, the 'Uniform Enforcement of Foreign Judgments Law,' a plaintiff shall be entitled to the process of continuing garnishment against any garnishee who is an employer of the defendant against whom the judgment has been obtained.
(b) Unless otherwise specifically provided in this article, Article 1 of this chapter shall apply to this article.

18-4-41.
(a) In addition to the information required by subsection (a) of Code Section 18-4-3, an affidavit of continuing garnishment shall state that the plaintiff believes that the garnishee is or may be an employer of the defendant and subject to continuing garnishment.
(b) Only one summons of continuing garnishment shall issue on one affidavit of continuing garnishment.
(c) The plaintiff shall serve a summons of continuing garnishment and provide notice of exemptions in the same manner as provided for in Code Section 18-4-8.
(d) The form for an affidavit of continuing garnishment is set forth in Code Section 18-4-72. The form for a summons of continuing garnishment is set forth in Code Section 18-4-78, and the optional attachment thereto is set forth in Code Section 18-4-79.

18-4-42.
(a) As used in this Code section, the term 'previous garnishee answer date' means the date upon which the immediately preceding garnishee answer was filed.
(b) If the garnishee owes the defendant any sum for wages earned as the garnishee's employee, the garnishee answer shall state specifically when the wages were earned by the defendant, whether the wages were earned on a daily, weekly, or monthly basis, the rate of pay and hours worked, and the basis for computation of earnings.
(c) The summons of continuing garnishment shall be directed to the garnishee, commanding the garnishee:

(1) To file a first garnishee answer with the court issuing such summons not sooner than 30 days and not later than 45 days after service of the summons of continuing garnishment, for the period of time from the date of service through and including the day of the first garnishee answer;

(2) To file subsequent garnishee answers with such court for the remaining period covered by the summons of continuing garnishment; and

(3) To accompany all such garnishee answers with any money subject to continuing garnishment.

(d)(1) Subsequent garnishee answers shall be filed not later than 45 days after the previous garnishee answer date stating what money of the defendant is subject to continuing garnishment from the previous garnishee answer date through and including the date on which the next garnishee answer is filed.

(2) Subsequent garnishee answers shall not be required on a summons of continuing garnishment if the preceding garnishee answer filed states what money of the defendant is subject to continuing garnishment from the previous garnishee answer date to and including the one hundred seventy-ninth day after service of the summons of continuing garnishment.

(3) Notwithstanding the other provisions of this subsection, the last garnishee answer shall be filed not later than the one hundred ninety-fifth day after service of the summons of continuing garnishment.

(e) The summons of continuing garnishment shall state that if the garnishee fails to file a garnishee's answer to such summons in a timely manner, a judgment by default shall be entered against the garnishee for the amount remaining due on a judgment as shown in the plaintiff's affidavit of continuing garnishment.

(f)(1) If the employment relationship between the garnishee and the defendant does not exist at the time of service of the summons of continuing garnishment, the garnishee shall state in the garnishee answer that such relationship does not exist and may immediately file the garnishee's answer; provided, however, that such garnishee's answer shall be filed not later than 45 days after service of the summons of continuing garnishment.

(2) When the defendant has been an employee of the garnishee, and if the defendant is no longer employed by the garnishee, the garnishee may immediately file the garnishee's answer; provided, however, that such garnishee's answer shall be filed not later than 45 days after service of the summons of continuing garnishment.

(3) If the employment relationship between the garnishee and the defendant terminates on or after service of the summons of continuing garnishment, the garnishee shall state in the garnishee answer that such relationship has been terminated, giving the date of termination, and may immediately file the garnishee's answer; provided, however, that such garnishee's answer shall be filed not later than 45 days after service of the summons of continuing garnishment.

(4) Upon the termination of employment of the defendant by the garnishee, the garnishee shall be required to file a final garnishee answer stating the date of the defendant's termination.

(g) When a garnishee answer is made pursuant to subsection (f) of this Code section, no claim has been filed, and no traverse has been filed within 20 days after such garnishee answer is filed, the garnishee shall be discharged from further liability and obligation in the same manner as set forth under Code Section 18-4-20 for that summons with respect to the period of continuing garnishment remaining after the employment relationship is terminated.
(h) The form for a garnishee's answer to a continuing garnishment is set forth in Code Section 18-4-86.

18-4-43.
(a) When a garnishee fails or refuses to file a garnishee answer at least once every 45 days, such garnishee shall automatically be in default. The default may be opened as provided in Code Section 18-4-21. If the case is still in default after the expiration of the period of 15 days, judgment by default may be entered at any time thereafter against such garnishee for the amount remaining due on the judgment obtained against the defendant as shown in the plaintiff's affidavit of continuing garnishment.
(b) A garnishee may obtain relief from a default judgment upon the same conditions as provided in Code Section 18-4-24.

ARTICLE 3

18-4-50.
As used in this article, the term:
(1) 'Earnings' shall have the same meaning as set forth in Code Section 18-4-1 and shall include disability or retirement benefits that are received from the Social Security Administration pursuant to Title II of the federal Social Security Act, disability benefits that are received pursuant to the federal Veterans' Benefits Act of 2010, 38 U.S.C. Section 101, et seq., workers' compensation benefits, whether temporary or permanent, and unemployment insurance benefits.
(2) 'Judgment' means an order for periodic support obtained:
(A) In a court of this state;
(B) In a court of another state which has been registered pursuant to Code Section 19-11-77 under the 'Uniform Reciprocal Enforcement of Support Act' or as provided in Article 3 of Chapter 11 of Title 19, the 'Uniform Interstate Family Support Act,' or Article 6 of Chapter 12 of Title 9, the 'Uniform Enforcement of Foreign Judgments Law';
(C) By a final administrative order for support issued by the Department of Human Services; or
(D) By a final administrative order issued by a governmental agency of another state.
(3) 'Periodic support' means money required to be paid regularly on a daily, weekly, monthly, or other similar specified frequency for the support of a minor child of the defendant or a spouse or former spouse of the defendant.

18-4-51.
(a) In addition to garnishment proceedings otherwise available under this chapter, in all cases when a judgment was obtained or is being enforced, a plaintiff shall be entitled to the process of continuing garnishment for support against any garnishee who is an employer of the defendant against whom the judgment has been obtained.
(b) Unless otherwise specifically provided in this article, Articles 1 and 2 of this chapter shall apply to this article.

18-4-52.
(a) In addition to the information required by subsection (a) of Code Sections 18-4-3 and 18-4-41, the plaintiff shall attach a certified copy of the judgment to be enforced to the affidavit of continuing garnishment for support and shall state the following in such affidavit:
(1) That the defendant is in arrears on the obligation of support in an amount equal to or in excess of one month's obligation as decreed in such judgment;
(2) The amount of arrearage which exists under such judgment as of the date of the execution of the affidavit;
(3) The amount of support due under the judgment for each obligee named therein, taking into account the possible attainment of majority or emancipation or death of any minor child named in such judgment; and
(4) The date of the termination of the obligation of support of each obligee named in the judgment, based upon the terms of such judgment, or, as to any obligee who is a minor child, the date each such obligee shall attain the age of 18 years.
(b) Such affidavit may be amended from time to time by subsequent affidavits of any party showing a modification or other amendment to the original judgment being enforced. Such amended or subsequent affidavits shall include a certified copy of any such modification or amendment and shall contain the information required by paragraphs (1) through (4) of subsection (a) of this Code section.
(c) The plaintiff shall serve the summons of continuing garnishment for support and provide notice of exemptions in the same manner as provided for in Code Section 18-4-8.
(d) The form for an affidavit of continuing garnishment for support is set forth in Code Section 18-4-73.

18-4-53.
(a) A summons of continuing garnishment for support shall contain a notice to the garnishee that such garnishment is based on a judgment governed by this article. The form for a summons of continuing garnishment for support is set forth in Code Section 18-4-80, and the optional attachment thereto is set forth in Code Section 18-4-81.
(b) Subject to the limitations set forth in Code Section 18-4-6, the maximum part of disposable earnings for any work week which shall be subject to continuing garnishment for support shall not exceed 50 percent of the defendant's disposable earnings for that week.

(c) Funds or benefits from an individual retirement account or from a pension or retirement program shall not be exempt from the process of continuing garnishment for support except as provided in subsection (b) of this Code section for other disposable earnings, unless a greater exemption is otherwise provided by law.

18-4-54.
(a) The money paid into court with the initial garnishee answer, after deduction for costs, shall be first applied to the support payment required to be paid on a periodic basis that has accrued on a daily basis, by converting the periodic amount to an annual amount and dividing by 365, from the date of the plaintiff's affidavit of continuing garnishment for support to the date of the initial garnishee answer. All sums in excess of such payment shall be applied to the original arrearage. As used in this subsection, the term 'original arrearage' means the sum of arrears existing as of the date of the making of the plaintiff's affidavit of continuing garnishment for support, plus any amounts includable pursuant to subsection (c) of this Code section.
(b) If the amount claimed as original arrearage as of the date of the making of the plaintiff's affidavit of continuing garnishment for support is not satisfied by the money payable into court under the initial garnishee answer, after application of the funds as set forth in subsection (a) of this Code section, the garnishee shall file further garnishee answers no later than 45 days after the previous garnishee answer date, stating the earnings accrued and the basis of their accrual and tendering such money accruing in such period. The amounts paid into court pursuant to subsequent garnishee answers, over and above the periodic payment accruing within such period, shall be applied to the original arrearage until the same is retired.
(c) If the money paid into court pursuant to any garnishee answer is less than the sums due under the support requirement accruing over the same period of time, after allowance for any costs deductible from same, the resulting difference shall be added to the amount due as original arrearage until the same is retired by subsequent payments.
(d) The garnishee shall file additional garnishee answers until the original arrearage is retired and all support payments are current.
(e) Upon the termination of employment of the defendant by the garnishee, the garnishee shall be required to file a final garnishee answer stating the date of the defendant's termination.

18-4-55.
The continuing garnishment for support described in this article shall attach for so long as the defendant is employed by the garnishee and shall not terminate until the original arrearage is retired and all support payments are current. The garnishee may rely upon the information as to the termination date of the duty of support of any individual claimed in the affidavit of continuing garnishment for support, the amount of the duty of support to be paid, any sums paid by the defendant between the date of the filing of such affidavit and the date of the initial garnishee answer, and the amount of the original arrearage existing as of the date of such affidavit, unless the defendant files a

claim against such affidavit or the garnishee's answer and the court enters any finding otherwise.

ARTICLE 4

18-4-70.
(a) For the purpose of this chapter, the forms contained in this article shall be required to be used; provided, however, that a party may use its own format so long as it contains all of the information in the form. A defendant may use the form provided in Code Section 18-4-82 to file a claim or may use the defendant's own pleading. When a case involves more than one plaintiff or defendant or necessitates the inclusion of additional information, the form may be expanded to allow for the information pertaining to all parties and such additional information to be displayed.
(b) The certificates of service provided within the forms in this article are included as examples. A party may modify a certificate of service in accordance with the circumstances of the case, including, but not limited to, transmission by e-mail as provided in subsection (b) of Code Section 9-11-5 or by court rule.
(c) A court may combine multiple forms.

18-4-71.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff:	)	
_____	)	
Name	)	
	)	
Plaintiff's contact information:	)	
_____	)	
Name	)	
_____	)	**Civil Action File No. _____**
Street Address	)	
_____	)	
City State ZIP Code	)	
_____	)	
E-mail Address	)	
_____	)	
Phone Number	)	
_____	)	
Bar Number	)	
	)	
v.	)	

Defendant:

_____
Name

_____
Street Address

_____
City State ZIP Code

Garnishee:

_____
Name

_____
Street Address

_____
City State ZIP Code

AFFIDAVIT OF GARNISHMENT

□ Check this box if the Garnishee is a financial institution.

□ Check this box if garnishment is for the collection of child support or alimony. See O.C.G.A. § 18-4-50, et seq.

Personally appeared _____, who on oath says:
(Print name)

1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]
2. The Plaintiff obtained a judgment against the Defendant in Case Number_____
in the _____ Court of _____ County,
_____,
State
and no agreement requires forbearance from the garnishment which is applied for currently.
3. $_____ is the balance due, which consists of the sum of
$_____ Principal, $_____ Postjudgment interest, and $_____
Other (e.g., prejudgment interest, attorney's fees, costs [exclusive of the cost of this action]).
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

This _____ day of _____, 20____.

_____
Affiant

_____
Print name of Affiant

Sworn to and subscribed before me this _____ day
of _____, 20____.

_____
Notary Public or Deputy Clerk of Court'

18-4-72.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff:

_____
Name

Plaintiff's contact information:

_____
Name

_____
Street Address

_____
City State ZIP Code

_____
E-mail Address

_____
Phone Number

_____
Bar Number

v.

Defendant:

_____
Name

_____
Street Address

_____
City State ZIP Code

Garnishee:

Civil Action File No. _____

_____)
Name)
_____)
Street Address)
_____)
City State ZIP Code)

AFFIDAVIT OF CONTINUING GARNISHMENT

DO NOT USE THIS FORM FOR A CONTINUING GARNISHMENT FOR CHILD SUPPORT OR ALIMONY. SEE O.C.G.A. § 18-4-73.

Personally appeared _____, who on oath says:
(Print name)

1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]
2. The Plaintiff obtained a judgment against the Defendant in Case Number _____ in the _____ Court of _____ County, _____,
State
and no agreement requires forbearance from the garnishment which is applied for currently.
3. $_____ is the balance due, which consists of the sum of $_____ Principal, $_____ Postjudgment interest, and $_____ Other (e.g., prejudgment interest, attorney's fees, costs [exclusive of the cost of this action]).
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
5. The Affiant believes that the Garnishee is an employer of the Defendant.

This _____ day of _____, 20____.

_____
Affiant

_____
Print name of Affiant

Sworn to and subscribed before me this _____ day of _____, 20____.

_____
Notary Public or Deputy Clerk of Court'

18-4-73.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff:

_____
Name

Plaintiff's contact information:

_____
Name
_____
Street Address
_____
City State ZIP Code
_____
E-mail Address
_____
Phone Number
_____
Bar Number

v.

Defendant:

_____
Name
_____
Street Address
_____
City State ZIP Code

Garnishee:

_____
Name
_____
Street Address
_____
City State ZIP Code

Civil Action File No. _____

AFFIDAVIT OF CONTINUING GARNISHMENT FOR SUPPORT

Personally appeared _____, who on oath says:

(Print name)

1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]

2. The Plaintiff obtained a judgment against the Defendant in Case Number _____ in the _____ Court of _____ County, _____, State and no agreement requires forbearance from the garnishment which is applied for currently.

3. The Affiant states that the Defendant is in arrears on the obligation for support in an amount equal to or in excess of one month's obligation as decreed in the judgment for support and provides the following information:

$_____ is the amount of arrearage which exists under the judgment as of the execution of this affidavit.

Check one of the boxes below and complete the requested information:

A. □ Periodic support is owed for one obligee, or the judgment sets forth a total amount of periodic support for multiple obligees as follows:

$ _____ is the total amount of periodic support due for _____, Name of obligee _____, and _____. Such periodic support is payable on a _____ basis.
Name of obligee Name of obligee E.g., weekly, monthly

The termination date of the obligation for periodic support is _____.
Date

B. □ Periodic support is owed for multiple obligees, and the judgment sets forth a different amount of periodic support for each obligee as follows:

$ _____ is the total amount of periodic support due for _____, Name of obligee payable on a _____ basis, and the termination date of such obligation is _____.
E.g., weekly, monthly Date

$ _____ is the total amount of periodic support due for _____, Name of obligee payable on a _____ basis, and the termination date of such

E.g., weekly, monthly
obligation is _____.
Date

$ _____ is the total amount of periodic support due for
_____,
Name of obligee
payable on a _____ basis, and the termination date of such
E.g., weekly, monthly
obligation is _____.
Date

4. □ Check this box and attach a certified copy of the judgment for support hereto.
5. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
6. The Affiant believes that the Garnishee is an employer of the Defendant.

This _____ day of _____, 20____.

_____
Affiant

_____
Print name of Affiant

Sworn to and subscribed before me this _____ day
of _____, 20____.

_____
Notary Public or Deputy Clerk of Court'

18-4-74.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff:	)	
_____	)	
Name	)	
	)	
Plaintiff's contact information:	)	
_____	)	
Name	)	
_____	)	**Civil Action File No. _____**
Street Address	)	
_____	)	
City State ZIP Code	)	
_____	)	

E-mail Address)
_____)
Phone Number)
_____)
Bar Number)
)
v.)
)
Defendant:) **Garnishment Court information:**
_____) _____
Name) Street Address
_____) _____, Georgia _____
Street Address) City ZIP Code
_____) _____
City State ZIP Code) Phone Number
)
Garnishee:)
_____)
Name)
_____)
Street Address)
_____)
City State ZIP Code)

SUMMONS OF GARNISHMENT

□ Check this box if this is a garnishment for child support or alimony. If this is intended to be a continuing garnishment for support, use the form set forth in O.C.G.A. § 18-4-80.

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff..... $_____
Plus court costs due on this summons..... $_____
Total garnishment claim..... $_____

COURT OF JUDGMENT _____
JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, including property in safe-deposit boxes or similar property that you hold, belonging to the Defendant or obligations owed to the Defendant named above beginning on the day of service of this summons and including the next 29 days. You are **FURTHER COMMANDED** to file

your answer, in writing, not sooner than 30 days and not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold beginning on the day of service of this summons and including the next 29 days. Money, including wages, or other property admitted in an answer to be subject to garnishment must be paid or delivered to the Court concurrently with your answer.

If, in answering this summons, you state that the property of the Defendant includes property in a safe-deposit box or similar property, you shall answer to the Court issuing this summons as to the existence of such safe-deposit box or similar property and shall restrict access to any contents of such safe-deposit box or similar property until further order of such Court regarding the disposition of such contents or 120 days from the date of filing your answer to this summons unless such time has been extended by the Court, whichever is sooner.

Should you fail to file a Garnishee Answer as required by this summons, a judgment by default will be rendered against you for the amount remaining due on a judgment as shown in the Plaintiff's Affidavit of Garnishment.

WITNESS, the Honorable _____, Judge of said Court.
This ____ day of _____, 20_____.

_____, Clerk of Court
By: _____
Deputy Clerk, _____ Court'

18-4-75.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	

Garnishee _____)

ATTACHMENT FOR SUMMONS OF GARNISHMENT

Other known names of the Defendant:

_____

_____

_____

Current and past addresses of the Defendant:

_____

_____

_____

Social security number or federal tax identification number of the Defendant:

_____

_____

_____

THIS PLEADING SHALL NOT BE FILED WITH THE COURT'

18-4-76.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff:	)	
_____	)	
Name	)	
	)	
Plaintiff's contact information:	)	
_____	)	
Name	)	
_____	)	**Civil Action File No. _____**
Street Address	)	
_____	)	
City State ZIP Code	)	
_____	)	
E-mail Address	)	
_____	)	
Phone Number	)	
_____	)	
Bar Number	)	
	)	
v.	)	

Defendant:	)	**Garnishment Court information:**
_____	)	_____
Name	)	Street Address
_____	)	_____, Georgia _____
Street Address	)	City ZIP Code
_____	)	_____
City State ZIP Code	)	Phone Number
Garnishee:	)	
_____	)	
Name	)	
_____	)	
Street Address	)	
_____	)	
City State ZIP Code	)	

SUMMONS OF GARNISHMENT ON A FINANCIAL INSTITUTION

DO NOT USE THIS FORM IF THIS IS A CONTINUING GARNISHMENT (SEE O.C.G.A. §§ 18-4-72 and 18-4-78) **OR CONTINUING GARNISHMENT FOR CHILD SUPPORT OR ALIMONY** (SEE O.C.G.A. §§ 18-4-73 and 18-4-80).

□ **Check this box if other allegations are made against a nonjudgment Defendant pursuant to O.C.G.A. § 18-4-23.**

□ **Check this box if this is a garnishment for child support or alimony.**

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff..... $_____

Plus court costs due on this summons..... $_____

Total garnishment claim..... $_____

COURT OF JUDGMENT _____

JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, including property in safe-deposit boxes or similar property that you hold, belonging to the Defendant named above beginning on the day of service of this summons and including the next five days. You are **FURTHER COMMANDED** to file your answer, in writing, not sooner than five days and not later than 15 days after the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the

Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant you hold beginning on the day of service of this summons and including the next five days. Money, including wages, or other property admitted in an answer to be subject to garnishment must be paid or delivered to the Court concurrently with your answer.

If, in answering this summons, you state that the property of the Defendant includes property in a safe-deposit box or similar property, you shall answer to the Court issuing this summons as to the existence of such safe-deposit box or similar property and shall restrict access to any contents of such safe-deposit box or similar property until further order of such Court regarding the disposition of such contents or 120 days from the date of filing your answer to this summons unless such time has been extended by the Court, whichever is sooner.

Should you fail to file a Garnishee Answer as required by this summons, a judgment by default will be rendered against you for the amount remaining due on the judgment as shown in the Plaintiff's Affidavit of Garnishment.

WITNESS, the Honorable _____, Judge of said Court.
This ____ day of _____, 20_____.

_____, Clerk of Court
By: _____
Deputy Clerk, _____ Court'

18-4-77.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

ATTACHMENT FOR SUMMONS OF GARNISHMENT ON A FINANCIAL INSTITUTION

Other known names of the Defendant:

_____

_____

_____

Current and past addresses of the Defendant:

_____

_____

_____

Social security number or federal tax identification number of the Defendant:

_____

_____

_____

Account or identification numbers of accounts of the Defendant used by the Garnishee:

_____

_____

_____

Other allegations pursuant to O.C.G.A. § 18-4-23:

_____

_____

_____

THIS PLEADING SHALL NOT BE FILED WITH THE COURT'

18-4-78.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff:	)	
_____	)	
Name	)	
	)	
Plaintiff's contact information:	)	
_____	)	
Name	)	
_____	)	**Civil Action File No. _____**
Street Address	)	
_____	)	
City State ZIP Code	)	
_____	)	
E-mail Address	)	

_____)
Phone Number)
_____)
Bar Number)
)
v.)
)
Defendant:) **Garnishment Court information:**
_____) _____
Name) Street Address
_____) _____, Georgia _____
Street Address) City ZIP Code
_____)
City State ZIP Code) Phone Number
)
Garnishee:)
_____)
Name)
_____)
Street Address)
_____)
City State ZIP Code)

SUMMONS OF CONTINUING GARNISHMENT

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff.....$_____
Plus court costs due on this summons.....$_____
Total garnishment claim.....$_____

COURT OF JUDGMENT _____
JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant named above beginning on the day of service of this summons and including the next 179 days. You are **FURTHER COMMANDED** to file your answer, in writing, not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to

the Defendant you hold or owe beginning on the day of service of this summons and between the time of such service and the time of making your first answer. Thereafter, you are required to file further answers no later than 45 days after your last answer. Every further answer shall state what money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe at and from the time of the last answer to the time of the current answer. The last answer required by this summons shall be filed no later than the 195th day after you receive this summons. Money, including wages, or other property admitted in an answer to be subject to continuing garnishment must be paid or delivered to the Court concurrently with each answer.

Should you fail to file Garnishee Answers as required by this summons, a judgment by default will be rendered against you for the amount remaining due on a judgment as shown in the Plaintiff's Affidavit of Continuing Garnishment.

WITNESS, the Honorable _____, Judge of said Court.
This ____ day of _____, 20_____.

_____, Clerk of Court
By: _____
Deputy Clerk, _____ Court'

18-4-79.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

ATTACHMENT FOR SUMMONS
OF CONTINUING GARNISHMENT

Other known names of the Defendant:

_____

_____

_____

Current and past addresses of the Defendant:

_____

_____

_____

Social security number or federal tax identification number of the Defendant:

_____

_____

_____

THIS PLEADING SHALL NOT BE FILED WITH THE COURT'

18-4-80.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff:	)	
_____	)	
Name	)	
Plaintiff's contact information:	)	
_____	)	
Name	)	
_____	)	**Civil Action File No. _____**
Street Address	)	
_____	)	
City State ZIP Code	)	
_____	)	
E-mail Address	)	
_____	)	
Phone Number	)	
_____	)	
Bar Number	)	
	)	
v.	)	
	)	
Defendant:	)	**Garnishment Court information:**
_____	)	_____
Name	)	Street Address
_____	)	_____, Georgia _____
Street Address	)	City ZIP Code
_____	)	_____
City State ZIP Code	)	Phone Number

Garnishee:

_____
Name

_____
Street Address

_____
City State ZIP Code

SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT GOVERNED BY ARTICLE 3 OF CHAPTER 4 OF TITLE 18

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff.....$_____

Plus court costs due on this summons.....$_____

Total garnishment claim.....$_____

COURT OF JUDGMENT _____

JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant named above beginning on the day of service of this summons until the original arrearage is retired and all periodic support payments are current or until the termination of the garnishment. You are **FURTHER COMMANDED** to file your answer, in writing, not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe beginning on the day of service of this summons and between the time of such service and the time of making your first answer. Thereafter, you are required to file further answers no later than 45 days after your last answer. Every further answer shall state what money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe at and from the time of the last answer to the time of the current answer. YOU MUST FILE ADDITIONAL ANSWERS UNTIL THE ORIGINAL ARREARAGE IS RETIRED AND ALL PERIODIC SUPPORT PAYMENTS ARE CURRENT. Money, including wages, or other property admitted in an answer to be subject to continuing garnishment must be paid or delivered to the Court concurrently with each answer. The Plaintiff and the Defendant are required by

law to serve you with a copy of any amendment or modification to the original judgment.

Should you fail to file Garnishee Answers as required by this summons, a judgment by default will be rendered against you for the amount remaining due on a judgment as shown in the Plaintiff's Affidavit of Continuing Garnishment.

WITNESS, the Honorable _____, Judge of said Court.
This ____ day of _____, 20_____.

_____, Clerk of Court
By: _____
Deputy Clerk, _____ Court'

18-4-81.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____ _ __**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

ATTACHMENT FOR SUMMONS OF
CONTINUING GARNISHMENT FOR SUPPORT

Other known names of the Defendant:

_____
_____
_____

Current and past addresses of the Defendant:

_____
_____
_____

Social security number or federal tax identification number of the Defendant:

_____
_____

THIS PLEADING SHALL NOT BE FILED WITH THE COURT'

18-4-82.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff:

_____
Name

Plaintiff's contact information:

_____
Name
_____
Street Address
_____
City State ZIP Code
_____
E-mail Address
_____
Phone Number
_____
Bar Number

v.

Defendant:

_____
Name
_____
Street Address
_____
City State ZIP Code

Garnishee:

_____
Name
_____
Street Address
_____
City State ZIP Code

Civil Action File No. _____

NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF MONEY, INCLUDING WAGES, AND OTHER PROPERTY

You received this notice because money, including wages, and other property belonging to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY BE ABLE TO KEEP YOUR MONEY, INCLUDING WAGES, OR OTHER PROPERTY.
READ THIS NOTICE CAREFULLY.

State and federal law protects some money, including wages, from garnishment even if it is in a bank. Some common exemptions are benefits from social security, supplemental security income, unemployment, workers' compensation, the Veterans' Administration, state pension, retirement funds, and disability income. This list of exemptions does not include all possible exemptions. A more detailed list of exemptions is available at the Clerk of Court's office located at _____ (Name of Court), _____ (Address), _____ (City), Georgia _____ (ZIP Code), and on the website for the Attorney General (www.law.ga.gov).

Garnishment of your earnings from your employment is limited to the lesser of 25 percent of your disposable earnings for a week or the amount by which your disposable earnings for a week exceed $217.00. More than 25 percent of your disposable earnings may be taken from your earnings for the payment of child support or alimony or if a Chapter 13 bankruptcy allows a higher amount.

TO PROTECT YOUR MONEY, INCLUDING WAGES, AND OTHER PROPERTY FROM BEING GARNISHED, YOU MUST:

1. Complete the Defendant's Claim Form as set forth below; and
2. File this completed claim form with the Clerk of Court's office located at _____ (Name of Court), _____ (Address), _____ (City), Georgia _____ (ZIP Code).

FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE. You may lose your right to claim an exemption if you do not file your claim form within 20 days after the Garnishee's Answer is filed or if you do not mail or deliver a copy of your completed claim form to the Plaintiff and the Garnishee at the addresses listed on this notice.

The Court will schedule a hearing within ten days from when it receives your claim form. The Court will mail you the time and date of the hearing at the address that you provide on your claim form. You may go to the hearing with or without an attorney. You will need to give the Court documents or other proof that your money is exempt.

The Clerk of Court cannot give you legal advice. IF YOU NEED LEGAL ASSISTANCE, YOU SHOULD SEE AN ATTORNEY. If you cannot afford a private attorney, legal services may be available.

DEFENDANT'S CLAIM FORM

I CLAIM EXEMPTION from garnishment. Some of my money or property held by the garnishee is exempt because it is: (check all that apply)

□ 1. Social security benefits.
□ 2. Supplemental security income benefits.
□ 3. Unemployment benefits.
□ 4. Workers' compensation.
□ 5. Veterans' benefits.
□ 6. State pension benefits.
□ 7. Disability income benefits.
□ 8. Money that belongs to a joint account holder.
□ 9. Child support or alimony.
□ 10. Exempt wages, retirement, or pension benefits.
□ 11. Other exemptions as provided by law.
Explain: _____
_____

I further state: (check all that apply)

□ 1. The Plaintiff does not have a judgment against me.
□ 2. The amount shown due on the Plaintiff's Affidavit of Garnishment is incorrect.
□ 3. The Plaintiff's Affidavit of Garnishment is untrue or legally insufficient.

Send the notice of the hearing on my claim to me at:
Address: _____
Phone
Number: _____
E-mail Address: _____

The statements made in this claim form are true to the best of my knowledge and belief.

_____ _____,20____
Defendant's signature Date

_____
Print name of Defendant

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the Garnishee in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____day of _____, 20__.

_____
Defendant or Defendant's Attorney'

18-4-83.

'IN THE _____COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No_____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

ORDER FOR HEARING ON DEFENDANT'S CLAIM

It is hereby ordered that a hearing be held upon the Defendant's claim before this court on the _____ day of _____, 20__, at __:___. M., and that the Clerk of Court shall transmit a copy of the Defendant's Claim Form and this order to the Plaintiff, the Defendant, and the Garnishee.

This _____day of _____, 20__.

_____
Judge,
_____ Court of _____ County

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by

depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____day of _____, 20__.

_____
Deputy Clerk of Court'

18-4-84.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

GARNISHEE ANSWER

1. At the time of service or from the time of service to the time of this Garnishee Answer, the Garnishee had in its possession the following described property of the Defendant:

_____
_____
_____

2. At the time of service or from the time of service to the time of this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of $_____.
3. $ _____ is the amount herewith paid into court.
4. The Garnishee further states: _____.

_____
Garnishee,
Garnishee's Attorney, or
officer or employee of an entity Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____day of _____, 20__.

_____
Garnishee,
Garnishee's Attorney, or
officer or employee of an entity Garnishee'

18-4-85.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee		

FINANCIAL INSTITUTION GARNISHEE ANSWER

1. At the time of service of the Summons of Garnishment on a Financial Institution and including the next five days, the Garnishee had in its possession the following described money and property of the Defendant:

_____
_____
_____

2. $_____ is the amount herewith paid into court.
3. □ **Check this box if the Defendant is not presently an account holder of the Garnishee.**
4. The Garnishee further states: _____.

_____
Garnishee,
Garnishee's Attorney, or
officer or employee of an entity Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____day of _____, 20__.

_____
Garnishee,
Garnishee's Attorney, or
officer or employee of an entity Garnishee'

18-4-86.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

GARNISHEE ANSWER TO CONTINUING GARNISHMENT

1. From the time of service of the Summons of Continuing Garnishment, if this is the first Garnishee Answer to such summons, otherwise from the time of the last Garnishee Answer to the Summons of Continuing Garnishment until the time of this Garnishee Answer, the Garnishee had in the Garnishee's possession the following described property of the Defendant:

_____

_____

_____

2. From the time of service of the Summons of Continuing Garnishment, if this is the first Garnishee Answer to such summons, otherwise from the time of the last Garnishee Answer to the Summons of Continuing Garnishment until the time of this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of $_____.

3. $_____ of the amount named in paragraph 2 were wages earned at the rate of
$_____ per _____ for the period beginning _____,
20____,
Date
through the time of making this Garnishee Answer. The amount of wages which is subject to this garnishment is computed as follows:

$ _____ Gross earnings
$ _____ Total social security and withholding tax and other mandatory deductions required by law
$ _____ Total disposable earnings
$ _____ Amount of wages subject to garnishment.

4. $ _____ is the amount herewith paid into court.

5. □ Check this box if the Defendant is not presently employed by the Garnishee.

6. □ Check this box if the Defendant was employed by the Garnishee on or after service of the Summons of Continuing Garnishment but was terminated as of _____, 20____.
Date

7. □ Check this box if this is the last Garnishee Answer this Garnishee is required to file to the presently pending Summons of Garnishment in the above-styled case.

8. The Garnishee further states: _____.

_____
Garnishee,
Garnishee's Attorney, or
officer or employee of an entity Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____ day of _____, 20__.

_____
Garnishee,
Garnishee's Attorney, or
officer or employee of an entity Garnishee'

18-4-87.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

PLAINTIFF'S TRAVERSE

Now comes the Plaintiff in the above-styled case and traverses the Garnishee Answer by saying the same is untrue or legally insufficient. The Plaintiff further states:

_____
_____.

_____
Plaintiff or Plaintiff's Attorney

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Defendant and the Garnishee in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____ day of _____, 20__.

_____
Plaintiff or Plaintiff's Attorney'

18-4-88.

'IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

THIRD-PARTY CLAIM

Personally appeared _____, who on oath says that he or she
(Print name)
has a claim superior to that of the Plaintiff to the money or other property in the hands of the Garnishee subject to the process of garnishment.
The Affiant further states: (check applicable box and complete the information requested)

□ The Affiant obtained a judgment against the Defendant in the _____ Court of
_____ County, _____, in Case Number _____
State
on _____, and the unpaid balance of such judgment is in the amount of
Date
$ _____.

or

□ The basis of the Affiant's claim is _____
_____
.

This _____ day of _____, 20____.

_____
Affiant

_____
Print name of Affiant

Sworn to and subscribed before me this _____ day of _____, 20____.

_____
Notary Public or Deputy Clerk of Court

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____day of _____, 20__.

_____
Third-party Claimant or Third-party Claimant's Attorney'

18-4-89.

'IN THE _____COURT OF _____ COUNTY
STATE OF GEORGIA

_____	)	
Plaintiff	)	
	)	
v.	)	**Civil Action File No._____**
	)	
_____	)	
Defendant	)	
	)	
_____	)	
Garnishee	)	

RELEASE OF GARNISHMENT

To: _____
Garnishee

This is to notify you that you have been released from filing a Garnishee Answer to any and all Summons of Garnishment or Summons of Continuing Garnishment pending as of this date in the above-styled case.

This release authorizes you to pay or deliver to the Defendant in garnishment any money or other property in your possession belonging to the Defendant.

This release does not terminate the garnishment proceedings, nor does this release relieve you of any obligation placed on you by the service of a Summons of Garnishment subsequent to this date.

This _____ day of _____, 20__.

_____
Clerk,
_____ Court of _____ County

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____day of _____, 20__.

_____
Deputy Clerk of Court'"

SECTION 3.

Code Section 44-7-50 of the Official Code of Georgia Annotated, relating to demand for possession, is amended by revising subsection (a) as follows:

"(a) In all cases where a tenant holds possession of lands or tenements over and beyond the term for which they were rented or leased to the tenant or fails to pay the rent when it becomes due and in all cases where lands or tenements are held and occupied by any tenant at will or sufferance, whether under contract of rent or not, when the owner of the lands or tenements desires possession of the lands or tenements, the owner may, individually or by an agent, attorney in fact, or attorney at law, demand the possession of the property so rented, leased, held, or occupied. If the tenant refuses or fails to deliver possession when so demanded, the owner or the agent, attorney at law, or attorney in fact of the owner may immediately go before the judge of the superior court, the judge of the state court, or the clerk or deputy clerk of either court, or the judge or the clerk or deputy clerk of any other court with jurisdiction over the subject matter, or a magistrate in the district where the land lies and make an affidavit under oath to the facts. The affidavit may likewise be made before a notary public, subject to the same requirements for judicial approval specified in Code Section ~~18-4-61, relating to garnishment affidavits~~ 18-4-3."

SECTION 4.

Code Section 53-12-80 of the Official Code of Georgia Annotated, relating to spendthrift provisions, is amended by revising subsection (d) as follows:

"(d) A spendthrift provision shall not be valid as to the following claims against a beneficiary's right to a current distribution to the extent the distribution would be subject to garnishment under Article ~~2~~ 1 of Chapter 4 of Title 18 if the distribution were disposable earnings:

(1) Alimony or child support;

(2) Taxes or other governmental claims;

(3) Tort judgments;

(4) Judgments or orders for restitution as a result of a criminal conviction of the beneficiary; or

(5) Judgments for necessaries.

The ability of a creditor or assignee to reach a beneficiary's interest under this subsection shall not apply to the extent that it would disqualify the trust as a special needs trust established pursuant to 42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C)."

SECTION 5.

This Act shall become effective 30 days after its approval by the Governor or 30 days after its becoming law without such approval.

SECTION 6.

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

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

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	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	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	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	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	N 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	Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 174, nays 1.

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

SR 863. By Senator Gooch of the 51st:

A RESOLUTION recognizing United States military veterans of the Vietnam War and dedicating a bridge in their honor; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, veterans of the Vietnam War demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, these brave men and women served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that Vietnam veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, these individuals embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART II

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, both Major General William "Bill" K. Gayler and Brigadier General John "Pete" P. Johnson have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, the son of Max and Pat Gayler of Chattoogaville, Georgia, Major General Gayler graduated from North Georgia College, entered the United States Armed Forces in the aviation branch, and currently serves as Deputy Commanding General, U.S. Army Europe, and Commander, U.S. Army NATO, in Wiesbaden, Germany; and

WHEREAS, the son of Paulie and Aurora Johnson of Chattoogaville, Georgia, Brigadier General Johnson graduated from the United States Military Academy at West Point, entered the United States Armed Forces in the infantry branch, and currently serves as Director, Training Directorate, G3/5/7 Operations and Plans, United States Department of the Army at the Pentagon; and

WHEREAS, both men served tours in Iraq, Afghanistan, and other combat areas; have commanded companies, battalions, and brigades; and have served in the position of Chief of Staff, 101st Air Assault Division; and

WHEREAS, both Major General Gayler and Brigadier General Johnson were promoted to the rank of Brigadier General at the same time, had fathers who were neighbors and close friends growing up in Chattoogaville, and come from military families; and

WHEREAS, the Gayler and Johnson families have a combined 155 years and counting of military service to this nation; and

WHEREAS, Major General Gayler and Brigadier General Johnson embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that these remarkable and distinguished Americans be recognized appropriately by dedicating a road in their honor.

PART III

WHEREAS, Mr. L. Wesley Smith was born in Whitwell, Tennessee, to J.W. and Billie Faye Moiser Smith but called Ringgold, Georgia, home for 43 years; and

WHEREAS, Mr. Smith was widely recognized for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he dedicated his career to the banking industry for more than 50 years, starting as a bank teller for Pioneer Bank in 1965 and retiring as CEO and chairman of Northwest Georgia Bank where he served on the board for as long as his health permitted; and

WHEREAS, Mr. Smith was a former chairman of the Georgia Bankers Association and also served on the American Bankers Association Board of Directors; and

WHEREAS, he understood and demonstrated the importance of serving one's community by serving as deacon at several area churches and also was a member of Gathering Church in Fort Oglethorpe; and

WHEREAS, Mr. Smith was a strong community supporter and civic leader, helping to found the Catoosa County Chamber of Commerce and through his leadership the Northwest Georgia Bank Foundation donated more than $1 million to local charities and constructed the Northwest Georgia Bank Amphitheatre; and

WHEREAS, he served as treasurer for Governor Nathan Deal's gubernatorial campaign and served on his transition team; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating an intersection in his memory.

PART IV

WHEREAS, Mr. Walter Frazier, Jr., was also known by teammates, coaches, opponents, and fans by the nickname "Clyde" which was derived from the famed robber Clyde

Barrow of Bonnie and Clyde due to his precision in stealing the basketball from opponents; and

WHEREAS, the eldest of nine children, Mr. Frazier graduated from Howard High School in Atlanta, where he excelled as a quarterback of the football team and a catcher on the baseball team; and

WHEREAS, he accepted a basketball scholarship to Southern Illinois University and earned All American honors as a senior; and

WHEREAS, he was a first round draft pick for the New York Knicks in the 1987 NBA draft, and during his rookie year, Mr. Frazier and his teammate, Phil Jackson, were named to the NBA All-Rookie Team; and

WHEREAS, known for his amazing peripheral vision and quick hands, Mr. Frazier's skill and leadership helped the New York Knicks earn NBA Championship titles in 1970 and 1973; and

WHEREAS, considered one of the best players in the history of the NBA, Mr. Frazier was named to the All-NBA First Team four times, the All-NBA Second Team two times, and the All Defensive First Team seven times; and

WHEREAS, this seven-time NBA All-Star was named All-Star Most Valuable Player in 1975 and elected into the Naismith Memorial Basketball Hall of Fame in 1987; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a road in his honor.

PART V

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Private Lonnie S. Rhinehart demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Army, valiantly and courageously defending his fellow citizens during World War II in Germany; and

WHEREAS, Private Rhinehart was in battle for 19 days and was 19 years old when he was killed on January 20, 1945; and

WHEREAS, Private Rhinehart embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating an intersection in his memory.

PART VI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, U.S. Navy Petty Officer 2nd Class Randall Smith demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he was injured in a terrorist attack on the Navy Operational Support Center in Chattanooga on July 16, 2015, and died from his injuries; and

WHEREAS, Petty Officer Smith was posthumously awarded the Purple Heart by the Navy for his selfless display of bravery and sacrifice; and

WHEREAS, Petty Officer Smith embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating an intersection in his memory.

PART VII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Private First Class Charles W. Bradshaw demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he was wounded in action while serving in the Korean War on March 20, 1953, and died from his injuries; and

WHEREAS, Private First Class Bradshaw was posthumously awarded the Purple Heart by the United States Marine Corps for his selfless display of bravery and sacrifice; and

WHEREAS, Private First Class Bradshaw embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that

this remarkable and distinguished American be recognized appropriately by dedicating an intersection in his memory.

PART VIII

WHEREAS, Senator Michael Polak is widely recognized by the citizens of this state for the vital role that he plays in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Senator Polak served ten years in the Georgia State Senate and Georgia House of Representatives, where he played a pivotal role serving the citizens of Georgia, was elected and re-elected five times by the citizens of DeKalb County, and retired in 2002; and

WHEREAS, Senator Polak was recognized for his legislative efforts by a broad spectrum of organizations with more than 20 Legislator of the Year and Leadership awards for his commitment to improving the lives of Georgians, especially senior citizens, veterans, children in foster care, individuals living with disabilities, and the economically disadvantaged; and

WHEREAS, known by his fellow members of the General Assembly as the father of ethics in Georgia, Senator Polak was recognized as a leader in calling for ethics and campaign finance reform, on which many of Georgia's current laws are based; and

WHEREAS, as a freshman in the Senate he was one of a few in history to receive a chairmanship position during his first term; and

WHEREAS, as chairman of the Senate Science, Technology, and Defense Committee and Sub Committee on Appropriations for Science and Technology, Senator Polak became a leader in technology policy, paving the way for secure digital transactions, as well as the creation of the Georgia Technology Authority; and

WHEREAS, one of his more significant, yet not well known, achievements includes his authorship and successful passage of legislation as a member of the House of Representatives to place Governor Zell Miller's HOPE Scholarship program into law, which stands as one of the most significant educational initiatives in the history of Georgia; and

WHEREAS, his time in the General Assembly was marked by his thoughtful deliberation and willingness to cross party lines, challenge the status quo, and persevere difficult challenges facing Georgia citizens; and

WHEREAS, Senator Polak has continued his commitment to Georgia and sharing his passion for politics as an adjunct professor teaching political science at the Georgia Institute of Technology; and

WHEREAS, he lives in Decatur, Georgia, and has been united in love and marriage to his wife, Holly Lanford, for 22 wonderful years and been blessed with two remarkable sons, Chase and Joshua; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a bridge in his former legislative district in his honor.

PART IX

WHEREAS, the Nacoochee Valley was the point of intersection of two major trails used by early Native Americans, where a settlement was formed called Little Chota; and

WHEREAS, the Unicoi Trail passed through the Valley across Unicoi Gap going to Hiawassee, North Carolina, East Tennessee, and then Kentucky, and the Rabun Trail began with Coosa to Tugaloo River, Sautee Creek, and Bean Creek and then entered the Valley, exiting at Dukes Creek to Dahlonega then Northeast Alabama; and

WHEREAS, the Sautee Valley, adjacent to the Nacoochee Valley, has its center point at Highway 255 and Lynch Mountain Road; and

WHEREAS, a toll road was constructed by early settlers on the Unicoi Trail through the Cherokee Nation and was called the Unicoi Turnpike; and

WHEREAS, gold was first discovered in 1828 in the Valley, then a part of Habersham County, and in 1857, White County was cut out of Habersham; gold mining companies were given permission by the Georgia Legislature in 1858 to put in hydraulic mining techniques in the Valley; and

WHEREAS, Governor Hardman acquired the Nichols-Hunnicutt Hardman Estate with a home and the Cherokee Native American Burial Mound in the Nacoochee Valley in 1903, which is still one of the most photographed sites in Georgia; and

WHEREAS, massive timber companies operated in the Valley in the early twentieth century, and in the 1920s, the Smithsonian Museum excavated the Nacoochee Mound in the Valley and found Cherokee Native American artifacts; and

WHEREAS, in the 1970s, the City of Helen was regenerated and turned into an Alpine Village, bringing with it a huge influx of visitors to the Nacoochee Valley; and

WHEREAS, the Nacoochee Valley in White County with approximately 25,000 acres was added to the National Register of Historic Places by the United States Department of Interior in 1980; in 1986, the Sautee Valley with 10,000 acres was added to the National Register of Historic Places; and

WHEREAS, the Sautee Nacoochee Community Association was then formed as a private, nonprofit organization with a mission to protect the Valley's preservation and is housed in a schoolhouse on the former Nacoochee Institute site; and

WHEREAS, the Sautee and Nacoochee Valleys were designated in the 1980s as one of the 100 Best Small Arts Communities in the United States; and

WHEREAS, it is abundantly fitting and proper that these historic areas and important locations be recognized by dedicating three roads in their honor.

PART X

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the passing of Sheriff Dewey George Seagraves; and

WHEREAS, Sheriff Seagraves was born in Madison County in 1906 and was a cotton farmer and part-time bailiff before he was elected to serve as sheriff of Madison County in 1950; and

WHEREAS, he dedicated his life to protecting and serving the citizens of Madison County from 1950 until his retirement in 1972, with his tenure as sheriff standing as the longest in the county's history; and

WHEREAS, Sheriff Seagraves was known as a "people's sheriff," often going above and beyond the call of duty to provide assistance and a helping hand; and

WHEREAS, a fair but firm man, he was known to bring someone home who had done wrong instead of placing them in jail, giving them a stern warning and life lesson; and

WHEREAS, Sheriff Seagraves exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties and it is abundantly fitting and proper that an intersection is named in his memory.

PART XI

WHEREAS, a historic natural landmark, Currahee Mountain is the first mountain in the Appalachian Range and was designated the edge of the western frontier of America in 1784; and

WHEREAS, "Currahee" is a Cherokee Indian word meaning "stands alone"; and

WHEREAS, Currahee Mountain was the site chosen as the home of Camp Toccoa, the World War II training camp for paratroopers; and

WHEREAS, beginning in 1942, Camp Toccoa was the training site for more than 17,000 paratroopers from the 501st, 506th, 511th, and 517th parachute infantry divisions; and

WHEREAS, Currahee Mountain served as a backdrop for films, documentaries, and books about the 6,000 "Toccoa Men" who successfully completed paratrooper training, including *Band of Brothers*, *Saving Private Ryan*, and *The Dirty Dozen*; and

WHEREAS, "Currahee" was the battle cry for the 506th Parachute Infantry Regiment; and

WHEREAS, Currahee Mountain is home of the legendary "3 miles up, 3 miles down" training run; and

WHEREAS, it is abundantly fitting and proper that a parkway be dedicated to honor the rich history and tradition of this location.

PART XII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Bobby Mathis on December 28, 2015; and

WHEREAS, a native of Talbot County, Georgia, Trooper Mathis served as a member of the Executive Detail of the Georgia State Patrol; and

WHEREAS, Trooper Mathis devoted countless hours to protecting Governor Nathan Deal and the first family, always with a warm attitude and friendly smile and demeanor; and

WHEREAS, he exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating an intersection in his honor.

PART XIII

WHEREAS, the seeds which were sown by the loving and humble efforts of the devoted original worshipers of Mt. Olivet Missionary Baptist Church have blossomed, establishing a rich tradition and history; and

WHEREAS, organized in Rockmart, Georgia, in 1866, Mt. Olivet Missionary Baptist Church is recognized by the Paulding County Historical Society as the oldest African American church in Paulding County; and

WHEREAS, the congregation of this church has compiled an unparalleled record of constructive, compassionate, and humanitarian service which it demonstrates daily through open minds, open hearts, and open doors; and

WHEREAS, currently led by Reverend Cord Franklin, Sr., Mt. Olivet Missionary Baptist Church has grown under the divine direction of numerous pastors over the years, allowing the Word of God to spread throughout the community; and

WHEREAS, Mt. Olivet Missionary Baptist Church has hosted town hall meetings to strengthen ties between the community and law enforcement, has held clothing drives, and has conducted quality of life seminars; and

WHEREAS, the members of Mt. Olivet Missionary Baptist Church have a sincere desire to serve the Lord and are wholeheartedly committed to spreading the gospel of Jesus Christ; and

WHEREAS, it is abundantly fitting and proper that a road be dedicated to honor the rich history and tradition of this church.

PART XIV

WHEREAS, Mr. Lovett Stovall is a national social change trailblazer, influential political strategist, and entrepreneur who has become a well-known leader in Atlanta; and

WHEREAS, Mr. Stovall was born June 5, 1940, in Atlanta, Georgia, the sixth of 12 children, to the beloved Crowder and Mandie Florence Dodson Stovall; and

WHEREAS, he spent his youth in the historic Pittsburgh community and was educated in the Atlanta public school system at W.H. Crogman Elementary and Luther Judson Price High schools; and

WHEREAS, his accomplishments and dedication to communities on the south side of Atlanta and in surrounding areas span over five decades; and

WHEREAS, Mr. Stovall began his work as a community and political dynamo where he championed economic and educational equality; he organized the restructuring of the Fulton County and Georgia Young Democrats to engage young people across Georgia in the political process, earning him the Young Man of the Year Community Service Award; and

WHEREAS, he was a special advisor to Atlanta Mayor Maynard H. Jackson for 12 years where he spearheaded engagement programs, housing opportunities, youth leadership programs, summer jobs, and the first Atlanta city-wide Christmas party which collectively serviced over 20,000 metro Atlanta residents; and

WHEREAS, he served as a founding committee member of the building of the Coca-Cola Lakewood Amphitheatre and a founding member of the Lakewood Oversight Committee, which established the Lakewood Finance Committee that funds surrounding communities of the Lakewood Amphitheatre; and

WHEREAS, this tireless community servant was instrumental in securing $1.5 million to build Carver YMCA and served on the City of Atlanta Empowerment Zone Committee, on the official planning committee for the Summerhill Reunion, and as Neighborhood Planning Unit-Y Chairperson; and he served and founded numerous community organizations and athletic programs; and

WHEREAS, he also served on the City of Atlanta Community Relations Board where he led the Atlanta Braves' Good Neighbor Program, which provided services for over 40,000 metro Atlanta residents; and

WHEREAS, Mr. Stovall served as President or member of the Parent Teacher Association for several schools over the span of a decade, demonstrating his commitment to the education of his daughters; and

WHEREAS, in 1986, he and his wife, Nancy, started L&N Sales, which later became Stovall's T-shirts, a commercial printing company that held contracts with more than 100 national and international businesses and organizations; and

WHEREAS, Mr. Stovall founded the retail operations firm, Stovall Enterprises, in 1990, which managed the logistical and retail operations of the 1996 Olympic Games and many retail operations; the firm has achieved gross sales of well over $30 million and employed over 1,000 people; he also co-founded YSS Cleaning Services which employed thousands of metro Atlanta residents for projects at the Atlanta Fulton County Stadium; and

WHEREAS, he is the co-founder, served as president for ten years, and is currently the president emeritus of the Big Red Homecoming Reunion, an annual event which reunites over 1,500 alumni of L.J. Price Middle School on school grounds to perform community service work; and

WHEREAS, Mr. Stovall married Nancy Cater Stovall in 1964 and has three daughters and seven grandchildren; he studied business management and was a football starter at Fort Valley State College; he is a deacon and lifelong member of Holy Temple Baptist

Church, Paradise Church of God in Christ, and Abundant Life Church of God in Christ; and

WHEREAS, affectionately known as "Bro. Stovall," he is a member of the International Masons & Eastern Stars, the founder of and past Worshipful Master for King James Lodge #121 and Eldrin Bell Lodge #155, past Worshipful Master for William V. Banks Lodge #104, and a 32nd degree Shriner; and

WHEREAS, he is a family man and has a heart for the people as an avid community organizer, networker, liaison, vocal and action leader, mentor, motivator, willing supporter, uplifter, and encourager of people no matter their economic hardship or status; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized by dedicating a bridge in his honor.

PART XV

WHEREAS, Mr. Walter M. Mathews, Jr., demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States military, valiantly and courageously serving in the Korean War; and

WHEREAS, a graduate of Cincinnati College of Mortuary Science, Mr. Mathews established the Watson-Mathews Funeral Home and an ambulance service in Montezuma, Georgia; and

WHEREAS, he assisted members of the community during times of need and sorrow for more than 40 years and owned and operated Mathews Memorials and Vault Company; and

WHEREAS, Mr. Mathews served as county coroner, a Master of Traveler's Rest Lodge #65 F&M, and a member and president of the Montezuma Kiwanis Club, Macon County Housing Authority, American Legion Post #124, and VFW Post #6442; and

WHEREAS, he was a 32nd Degree Scottish Rite Mason and a member of Al Sihah Shrine Center, National Funeral Directors Association, Georgia Academy of Graduate Embalmers, and Georgia Funeral Directors Association; and

WHEREAS, a man of deep and abiding faith, Mr. Mathews was a member of Montezuma United Methodist Church and the Baracca Sunday School Class; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a road in his memory.

PART XVI

WHEREAS, Mr. Colquitt George "C.G." Russell was widely recognized for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a lifelong resident of Camden County, Georgia, Mr. Russell was educated in the Camden County School System and attended business school in Jacksonville, Florida; and

WHEREAS, he owned and operated Russell Chevrolet-Buick in Kingsland from 1932 to 1984 and served as United States Postmaster for the city from 1936 to 1943; and

WHEREAS, Mr. Russell was a member of the Kingsland Methodist Church, Kingsland Lion's Club, Kingsland Masonic Lodge, Civil Air Patrol, and Quiet Birdmen Pilot Society; and

WHEREAS, he diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the Camden County Board of Commissioners; and

WHEREAS, as Chairman of the Board of Commissioners, Mr. Russell was instrumental in the approval of five interchanges for the county during the construction of Interstate 95 and the approval for an increased height for the bridge over St. Mary's River, which was critical to allow large boat access to protected waters during hurricanes and other storms; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating an interchange in his memory.

PART XVII

WHEREAS, Mr. Jesse Rouse served as a guardian of this nation's freedom and liberty with the United States Armed Forces; and

WHEREAS, a leader in Lincoln County, Mr. Rouse served as president of the Twilight Improvement Association, a clearing-house for the presentation, review, and study of problems facing the citizens of Lincoln County, Georgia; and

WHEREAS, under Mr. Rouse's leadership and guidance, the Twilight Improvement Association received federal funds for emergency food and medical services for residents of Lincoln County; and

WHEREAS, Mr. Rouse organized a senior citizens program and established a transportation program for senior citizens in the county; and

WHEREAS, he was responsible for acquiring scholarship funding for six local college students and organized several voter registration drives and voter forums; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XVIII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, veterans of the Vietnam War demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, these brave men and women served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that Vietnam veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, these individuals embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XIX

WHEREAS, Mr. Carl Dykes was widely recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a native of Toombs County, Georgia, Mr. Dykes graduated from Toombs County High School; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Army, valiantly and courageously protecting Americans during World War II; and

WHEREAS, Mr. Dykes built the first grocery store in Hinesville in 1948 and was the co-owner of D and D supermarket on Jekyll Island; and

WHEREAS, he diligently and conscientiously devoted his time, talents, and energy to his constituents as a member of the Georgia State Senate, ably and adeptly representing the people of the 2nd District, and for 12 years as Mayor of Hinesville; and

WHEREAS, during his tenure as Mayor, the City of Hinesville enjoyed a period of stability during an explosive growth in population; and

WHEREAS, his leadership and guidance were invaluable to several local organizations, including the American Legion Post 168, Knights of Pythias, and the Lions Club of Hinesville; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a road in his memory.

PART XX

WHEREAS, in the mid-1940s, Mr. and Mrs. Robert Lex McLarry purchased an establishment located along a near 90-degree curve at the intersection of Old Sunbury Road and U.S. Highway 84/State Route 38 in Flemington, Georgia; and

WHEREAS, the structure, dubbed McLarry's, was a combination café and service station well before 'self-service' became any everyday term; eventually a lube rack and car wash station were added to the building; and

WHEREAS, for years, McLarry's was the place for local citizens to gather for a bite to eat, fill up their motor vehicle with gasoline, discuss the latest news or gossip, or exchange tall tales of fishing or hunting expeditions; and

WHEREAS, with swiveling stools at the counter, juke boxes affixed to each table, and a hot grill serving fresh hamburgers, McLarry's was the locale for everything from an after-game victory gathering of local high school football fans and players to a venue for local attorneys to meet and discuss strategies; and

WHEREAS, a humble establishment on a huge curve in the road, McLarry's proudly served patrons for 25 years before closing its doors; and

WHEREAS, though McLarry's is no longer in business, locals still refer to the curve just outside Fort Stewart as McLarry's Curve and it is abundantly fitting and proper that this road be dedicated to honor this rich history and tradition.

PART XXI

WHEREAS, Mr. James Slaton "Jay" Shaw was widely recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Shaw attended Abraham Baldwin Agriculture College before establishing The Jay Shaw Company, a real estate and insurance agency focused on providing financial support and involvement for communities in and around his hometown of Lakeland, Georgia; and

WHEREAS, he diligently and conscientiously devoted his time, talents, and energy to his constituents as a member of the House of Representatives for 17 years as a representative for House District 176 and chairman of the community health subcommittee for the House Committee on Appropriations; and

WHEREAS, Mr. Shaw served as mayor of Lakeland for ten years, a position in which his leadership and diplomacy were instrumental in advancing the city's position in the region and preserving Banks Lake as a historic landmark; and

WHEREAS, he served on the State Transportation Board from 2010 to 2015 and led the board as chairman in 2013; and

WHEREAS, during his time serving this state, Mr. Shaw focused on advancing healthcare in rural areas, improving Georgia's transportation system, and promoting balance and positive reform; and

WHEREAS, a man of deep and abiding faith, Mr. Shaw was a trustee and board member of Unity United Methodist Church; and

WHEREAS, his legacy lives on through his wife of 45 years, Libby Shaw; his devoted sons and daughters-in-law, Jason, Sam, Katy, and Christa; and his adoring grandchildren, Jenna, Brady, Anne Harvey, and Slaton; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a road in his honor.

PART XXII

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Mr. Robert Keith Futch on January 26, 1980; and

WHEREAS, Mr. Futch was born on January 31, 1959, in Nashville, Georgia, the beloved son of Lace and Britta Futch; and

WHEREAS, he grew up in Willacoochee, Georgia, where, as a small child, he loved spending time on the river, hunting, and fishing; and

WHEREAS, affectionately known by family and friends as "Mullet," Mr. Futch was a stellar athlete in high school, where he played softball and football and demonstrated great leadership as a member of Future Farmers of America; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Navy; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XXIII

WHEREAS, Dr. Robert T. Bussey was born on January 28, 1947, in Waycross, Georgia; and

WHEREAS, a graduate of Center High School, Dr. Bussey earned a bachelor's degree from Morris Brown College, a master's degree from Valdosta State University, and a doctoral degree from Nova Southeastern University; and

WHEREAS, Dr. Bussey dedicated his career to inspiring and educating the future leaders of this state as a teacher at Ava Street School, a principal at Center Junior High School, and a teacher, assistant principal, and principal at Waycross High School; and

WHEREAS, his leadership and guidance were instrumental in his work with the League of Professional Schools, Ware County Children and Youth Council, the Department of Educational Leadership at Valdosta State University, Partners in Education, Ware County American Heart Association, 100 Black Men of Southeast Georgia, Leadership 21, and the Ware County Chamber of Commerce; and

WHEREAS, during his prestigious 36-year career in education, Dr. Bussey was recognized with numerous honors and accolades, including the Katherine A. Foss Educator of the Year Award and Metlife/NASSP State 2003 Principal of the Year Award; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a road in his memory.

PART XXIV

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, U.S. Navy Petty Officer 2nd Class Randall Smith demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he was injured in a terrorist attack on the Navy Operational Support Center in Chattanooga on July 16, 2015, and died from his injuries; and

WHEREAS, Petty Officer Smith was posthumously awarded the Purple Heart by the Navy for his selfless display of bravery and sacrifice; and

WHEREAS, Petty Officer Smith embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating an intersection in his memory.

PART XXV

WHEREAS, Mr. Frank Cathey is widely recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a native of Mountain City, Georgia, Mr. Cathey was a dedicated farmer who operated an apple orchard which had been in his family for 100 years; and

WHEREAS, he operated the Valley Pharmacy in Dillard, Georgia, for 43 years, where he was a pillar of the community; and

WHEREAS, Mr. Cathey dedicated his time, talents, and efforts to his community and this state through his work with the Rabun County Board of Education, the board of directors for Regions Bank in Clayton, the advisory committee for the Federal Land Bank, and the North Georgia Technical School Foundation; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a road in his memory.

PART XXVI

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that the bridge on Highway 129 over Ivy Log Creek in Blairsville is dedicated as the Vietnam Veterans Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that Highway 114 from Lyerly, Georgia, to the Alabama state line is dedicated as the Generals Gayler & Johnson Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of U.S. Highway 41 and Georgia Highway 151 in Catoosa County is dedicated as the L. Wesley Smith Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that US 278/Ponce de Leon Avenue from the intersection with Piedmont Avenue to the intersection with State Route 10/Freedom Parkway in Fulton County is dedicated as the Walt Frazier Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Battlefield Parkway and Highway 41 in Catoosa County is dedicated as the Private Lonnie S. Rhinehart Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Battlefield Parkway and Lakeshore Drive in Catoosa County is dedicated as the U.S. Navy Petty Officer Randall Smith Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Cove Road and Camp Road in Walker County is dedicated as the PFC Charles W. Bradshaw Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 8/State Route 10 over Lullwater Creek in DeKalb County is dedicated as the Michael Polak Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Georgia 255 North from Georgia 17 to Covered Bridge Road, the portion of Georgia 17 from Joe Brown Pike Bridge to Helen Highway, and the portion of Helen Highway from Dukes Creek Crossing to 7300 Helen Highway in White County are dedicated as the Sautee Nacoochee Arts and Heritage District.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of U.S. 29/State Route 8/General Daniels Avenue and State Route 98/Comer Road in Madison County is dedicated as the Sheriff Dewey G. Seagraves Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 17 from the intersection with Interstate 85 to the intersection with Interstate 985 in Stephens, Franklin, and Habersham counties is dedicated as the Currahee Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of U.S. Highway 80/State Route 22 and Drane Matthews Road/George Smith Road in Talbot County is dedicated as the Trooper Bobby Mathis Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 101 from the intersection with State Route 120/Buchanan Highway north to the Paulding County line is dedicated as the Mt. Olivet Missionary Baptist Church Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Interstate 75 at the University Avenue exit in Fulton County is dedicated as the Lovett Stovall Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 224 from the intersection with State Route 90/Spalding Road to the intersection with East Railroad Street in Macon County is dedicated as the Walter M. Mathews, Jr., Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the interchange at the State Route 40 and Interstate 95 exit in Camden County is dedicated as the Colquitt George "C.G." Russell Memorial Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Highway 79 over Fishing Creek in Lincoln County is dedicated as the Jesse Rouse Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 10/U.S.78 from the intersection of State Route 383 to the interchange of State Route 415 in Richmond County is dedicated as the Vietnam Veterans Memorial Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 38 Connector/General Screven Way from U.S. Highway 84/State Route 38/State Route 196 to the gates of Fort Stewart Military Base in Liberty County is dedicated as the Carl Dykes Memorial Way.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. Highway 84/State Route 38 from mile post 8.30 to mile post 8.55 in Liberty County is dedicated as McLarry's Curve.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. Highway 22/State Route 31 from the intersection of State Route 11 and State Route 31 in Lakeland

to the intersection of State Route 7 and State Route 31 in Valdosta in Lowndes County is dedicated as the James Slaton "Jay" Shaw Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 135/S. Peterson Street at the Alapaha River Overflow, 3 miles south of Willacoochee, Georgia, at mile 0.27 in Atkinson County is dedicated as the Robert Keith Futch Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. 84/S.R. 38/Victory Drive in Waycross, Georgia, from the intersection with U.S. 1/U.S. 23/U.S. 82/U.S. 84/S.R. 4/S.R. 38/S.R. 52/S. Georgia Parkway to the intersection with Wadley Road and Glenmore Avenue in Ware County is dedicated as the Dr. Robert T. Bussey Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Battlefield Parkway and Lakeshore Drive in Catoosa County is dedicated as the U.S. Navy Petty Officer Randall Smith Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. 441/U.S. 23/S.R. 15 from the southern city limits of Mountain City northward to the boundary line between Georgia and North Carolina is dedicated as the Frank Cathey Memorial Highway.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to make appropriate copies of this resolution available for distribution to the Department of Transportation; to the family of Mr. L. Wesley Smith; Private Lonnie S. Rhinehart; U.S. Navy Petty Officer 2nd Class Randall Smith; Private First Class Charles W. Bradshaw; Sheriff Dewey George Seagraves; Trooper Bobby Mathis; Mr. Walter M. Mathews, Jr.; Mr. Colquitt George "C.G." Russell; Mr. Jesse Rouse; Mr. Carl Dykes; Mr. James Slaton "Jay" Shaw; Mr. Robert Keith Futch; Dr. Robert T. Bussey; U.S. Navy Petty Officer 2nd Class Randall Smith; and Mr. Frank Cathey; and to Major General William "Bill" K. Gayler; Brigadier General John "Pete" P. Johnson; Mr. Walter Frazier, Jr.; Mr. Michael Polak; Mt. Olivet Missionary Baptist Church; and Mr. Lovett Stovall.

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
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
Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
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
Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Jackson
Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
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
Y Scott
Y Setzler
Y Sharper
Y Shaw
Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
Y Williams, E
Williamson
Y Yates
Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 166, nays 0.

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

SR 892. By Senators Walker III of the 20th, Hill of the 4th, Kennedy of the 18th, Lucas of the 26th, Black of the 8th and others:

A RESOLUTION recognizing Governor Sonny Perdue and dedicating a road in his honor; and for other purposes.

The following Committee substitute was read:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, Governor Sonny Perdue has long been recognized by the citizens of this state for the vital role he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a graduate of Warner Robins High School, Governor Perdue earned a doctorate in veterinary medicine from the University of Georgia; and

WHEREAS, he served his country with honor as a Captain in the United States Air Force and went on to become a successful and well-respected businessman and participant in civic and church affairs before beginning his political career; and

WHEREAS, Governor Perdue was elected to the Georgia Senate in 1990, attaining the office of President Pro Tempore and serving in that body until he began his first successful campaign for Governor and was elected in 2002; and

WHEREAS, Governor Perdue was sworn in as Georgia's 81st governor on January 13, 2003, the first Republican to occupy the governor's mansion since the Reconstruction era; and

WHEREAS, his two terms as governor were marked by reformation of the state budget by cutting wasteful spending and turning the state's budget deficit into a substantial surplus and leading the state as it created more than 200,000 new jobs and posted the highest graduation rate and SAT scores in state history; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a road in his honor.

PART II

WHEREAS, Mr. Bob Bryant was widely recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Bryant earned a bachelor's degree from Columbia College and served as a guardian of this nation's freedom and liberty with the United States Armed Forces for more than 20 years; and

WHEREAS, he worked for the City of Savannah as a sanitation superintendent for three years and as a facility maintenance supervisor from 1991 to 2001; he also served as an

operations/general manager for radio station WEAS FM and an office manager for the Allen and Perry Law Firm; and

WHEREAS, Mr. Bryant served for many years as an honorary council member and two terms as Mayor Pro Tem on the Garden City Council; and

WHEREAS, Mr. Bryant diligently and conscientiously devoted his time, talents, and energy to his constituents as a member of the House of Representatives, where he served on the House Committees on Appropriations, Economic Development and Tourism, Industry and Labor, Transportation, and Ways and Means; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a bridge in his honor.

PART III

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that Interstate 75 in Houston County from the Peach County line to the Dooly County line is dedicated as the Governor Sonny Perdue Highway.

BE IT FURTHER RESOLVED that the bridge on GA 21/GA 421/GA 25/Interstate 516 at the intersection of State Route 25 and State Route 26 Connector/Burnsed Blvd. in Chatham County is dedicated as the Bob Bryant Memorial Bridge.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to make appropriate copies of this resolution available for distribution to Governor Sonny Perdue, to the family of Mr. Bob Bryant, and to the Department of Transportation.

The following amendment was read and adopted:

Representatives Cheokas of the 138th and Smith of the 134th offer the following amendment:

Amend the House Committee on Transportation substitute to SR 892 (LC 39 1413S) by inserting between lines 41 and 42 the following:

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Sergeant First Class Victor A. Anderson demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Army and Army National Guard for 22 years and was killed in action while serving in Iraq; and

WHEREAS, Sergeant First Class Anderson's commendations include the Bronze Star, Purple Heart, Combat Infantryman's Badge, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, Army Reserve Component Achievement Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Iraqi Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Service Medal, Armed Forces Reserve Medal, NCO Professional Development Ribbon, Army Service Ribbon, Army Overseas Service Ribbon, United Nations Medal, NATO Medal-Former Republic of Yugoslavia, Kuwait Liberation Medal-Saudi Arabia, Kuwait Liberation Medal-Kuwait, Georgia Special Operations Ribbon, and Georgia State Active Duty Ribbon; and

WHEREAS, he served as a police officer and deputy sheriff in his hometown of Ellaville and as a deputy sheriff in Sumter County; and

WHEREAS, Sergeant First Class Anderson embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a road in his memory.

PART IV

By inserting between lines 47 and 48 the following:

BE IT FURTHER RESOLVED AND ENACTED that the portion of Highway 19 from Schley County mile marker 0 to Sumter County mile marker 15.7 and continuing to the northern city limits of Americus at mile marker 14 is dedicated as the SFC Victor A. Anderson Memorial Highway.

By deleting line 53 and inserting in lieu thereof the following:

Perdue, to the family of Mr. Bob Bryant and Sergeant First Class Victor A. Anderson, and to the Department of Transportation.

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

On the adoption of the Resolution, by substitute, as amended, 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 Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
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
Y Glanton
Y Golick
Y 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
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Marin
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
Powell, A
Y Powell, J
Y Price
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
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
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, as amended, the ayes were 171, nays 0.

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

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

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 Committee substitute was previously read.

The following amendment was read and adopted:

Representatives Sims of the 120th and Greene of the 151st offer the following amendment:

Amend the substitute to SR 954 (LC 40 1174S) by replacing lines 3 through 13 with the following:

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.

WHEREAS, the State of Georgia is the owner of certain real property located in the counties of Bartow, Bulloch, Carroll, Chatham, Columbia, Coweta, DeKalb, Emanuel, Gordon, Henry, Marion, Murray, Paulding, Sumter, Ware, and Whitfield; and

WHEREAS, the Department of Transportation; Excelsior Electric Membership Corporation; Flint Electric Membership Corporation; Georgia Power Company; Snapping Shoals Electric Membership Corporation; and Transcontinental

By deleting lines 895 through 982, by renumbering Article XIII as Article XII, and by renumbering Sections 145 through 158 as Sections 132 through 145, respectively.

The Committee substitute, as amended, was adopted.

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

On the adoption of the Resolution, by substitute, as amended, 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
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
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
Y 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
Y Jackson
Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Marin
Martin
Y Maxwell
Mayo
McCall
Y McClain
Y Meadows
Y Metze
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
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
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
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
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, as amended, the ayes were 167, nays 0.

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

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

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

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

HB 904. By Representatives Strickland of the 111th, Shaw of the 176th, Fleming of the 121st, Bryant of the 162nd and Kirby of the 114th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain contribution rates and credits; to change certain provisions relating to rate of employer contributions; to extend certain provisions relating to variations in the standard rate; to extend provisions relating to administrative assessments; to reduce the percentage of the administrative assessment to be assessed for a certain period; to provide exceptions; to change certain provisions relating to additional assessments for a new or newly covered employer; to extend the provision relating to automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 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 following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, 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 provide for liability protection for certain activities related to livestock; to provide for limitations; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 4 of the Official Code of Georgia Annotated, relating to livestock dealers and auctions, is amended by revising Code Section 4-6-1, relating to definitions relative to livestock dealers, as follows:

"4-6-1.

As used in this chapter, the term:

~~(1) 'Bond' means a written instrument issued or executed by a bonding, surety, or insurance company licensed to do business in this state, guaranteeing that the person bonded shall faithfully fulfill the terms of the contract of purchases and guarantee the payment of the purchase price of all livestock purchased by him, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase.~~

~~(2)~~(1) 'Cash' includes only currency, cashier's checks, and money orders.

~~(3)~~(2) 'Dealer' ~~is synonymous with the term 'broker' and means any person, firm, or corporation, including a packer, engaged in the business of buying livestock of any kind for resale or in selling livestock of any kind bought for the purpose of resale or in buying livestock of any kind for slaughter. Every agent acting for or on behalf of any dealer, broker, or livestock market operator is a dealer or broker.~~ means any person or agent of such person who engages in or facilitates, including by electronic means, the business of buying, selling, exchanging, or otherwise transferring ownership of livestock within this state for his or her own account or for that of another. The term 'dealer' shall not include:

(A) Farmers acquiring livestock solely for the purpose of grazing and feeding as a part of their farm operations ~~are not encompassed by the definition of 'dealer' or 'broker'~~; ~~and~~

(B) Packers whose total annual purchases of livestock are less than $50,000.00 who buy only from licensed dealers and licensed sales establishments ~~are not included in the definition of 'dealer' or 'broker.'~~;

(C) Persons selling only livestock of their own production or buying only for their own production; or

(D) Auctioneers that do not take ownership of livestock.

~~(4)~~(3) 'Livestock' means cattle, swine, equines, sheep, and goats of all kinds and species.

~~(5)~~(4) 'Livestock market operator' means any person~~, firm, or corporation~~ engaged in the business of operating a sales establishment, public auctions or sales of livestock, or barns and yards for the containment of livestock held for the purpose of auction or sale.

~~(6)~~(5) 'Person' means any person, firm, corporation, association, cooperative, or combination thereof.

~~(7)~~(6) 'Sales establishment' means any yard, barn, or other premises where livestock is sold at auction.

(7) 'Surety' means a letter of credit, certificate of deposit, or other written instrument issued or executed by a lending institution or bonding, surety, or insurance company licensed to do business in this state, guaranteeing the faithful performance of the terms of the contract of purchase, including the payment of the purchase price of all livestock purchased by the holder of such instrument, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase."

SECTION 2.

Said chapter is further amended by revising Code Section 4-6-2, relating to the sale, auction, transfer, or movement of infected livestock, as follows:

"4-6-2.

No dealer~~, broker,~~ or livestock market operator shall sell, auction, transfer, or move any livestock which are infected with any disease or which have been placed under quarantine by the authority of the Commissioner. Until all such livestock have been inspected by a veterinarian approved by the Commissioner, no dealer~~, broker,~~ or livestock market operator shall sell, auction, transfer, or move any livestock which have been infected, which are suspected of being infected, or which are likely to have been exposed to infection. No dealer~~, broker,~~ or livestock market operator shall sell, auction, transfer, or move any livestock from any barn, yard, or premises unless all sanitary practices and precautions prescribed by the rules and regulations of the Commissioner have been observed in the premises, barn, or yard."

SECTION 3.

Said chapter is further amended by revising Code Section 4-6-3, relating to livestock dealer licenses, as follows:

"4-6-3.

(a) No livestock market operator shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner. The triennial fee for a livestock market operator license shall be proportionate to the surety acquired by such operator, but shall not exceed $200.00.

(b) No ~~livestock dealer or broker~~ dealer who buys or sells through a livestock market operator or directly from producers shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner. ~~There shall be no fee for such license.~~ The annual fee for a dealer license shall be no more than $25.00.

(c) No ~~such~~ license shall be issued to any person pursuant to this Code section unless the applicant therefor furnishes to the Commissioner the ~~required bond~~ surety required under this article and such surety is approved by the Commissioner. ~~The bonds shall be executed by a surety corporation authorized to transact business in this state and approved by the Commissioner.~~ Any and all ~~bond~~ surety applications shall be accompanied by a certificate of 'good standing' issued by the Commissioner of Insurance. If any company issuing a ~~bond~~ surety shall ~~be removed from doing~~ become unauthorized to do business in this state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner of Agriculture within 30 days. Such ~~bonds shall be upon forms prescribed by the Commissioner and~~ sureties shall be conditioned to secure the faithful performance of ~~such~~ a person's obligations as a livestock market operator~~, livestock dealer, or livestock broker~~ or dealer under this article and the rules and regulations prescribed ~~under this article~~ pursuant thereto. ~~Whenever the Commissioner shall determine that a previously approved bond has for any cause become insufficient, the Commissioner may require an additional bond or bonds to be given, conforming with the requirements of this Code section. Unless the additional bond or bonds are given within the time fixed by written demand therefor, or if the bond~~ If the surety of a dealer~~, broker,~~ or livestock market operator is canceled, then the license of such person shall immediately be revoked by operation of law without notice or hearing."

SECTION 4.

Said chapter is further amended by revising Code Section 4-6-4, relating to cancellation, revocation, or suspension of licenses, as follows:

"4-6-4.

Every licensed dealer~~, broker,~~ and livestock market operator who shall violate this chapter or rules and regulations established by the Commissioner pursuant to this chapter shall have his or her license revoked, canceled, or suspended, upon a notice and hearing."

SECTION 5.

Said chapter is further amended by revising Code Section 4-6-5, relating to maintenance of records, as follows:

"4-6-5.

No dealer~~, broker,~~ or livestock market operator shall buy, store, or otherwise receive any livestock without first recording the name and address of the person or persons bringing in the livestock and recording the license tag number of the vehicle used ~~by the person or persons~~ to transport the livestock."

SECTION 6.

Said chapter is further amended by revising Code Section 4-6-10, relating to penalties for violations, as follows:

"4-6-10.

(a) Any dealer~~, broker,~~ or livestock market operator who violates any of the provisions of this chapter, any quarantine provision, or any rule or regulation established by the Commissioner under the authority of this or any other law for the protection of the general public in the prevention of livestock diseases shall be guilty of a misdemeanor.

(b) Any dealer~~, broker,~~ or livestock market operator who violates Code Section 4-6-5, relating to maintenance of records, for a third or subsequent time shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed $10,000.00 or by imprisonment for not less than one nor more than three years, or both, and any person so convicted shall have any license issued under this article permanently revoked and shall be ineligible to apply for a subsequent license under this article.

(c) Any dealer~~, broker,~~ or livestock market operator who violates Code Section 4-6-2, relating to the sale, auction, or transfer of known infected livestock, or Code Section 4-6-6, relating to quarantines, for the third or subsequent time shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed $10,000.00 or by imprisonment for not less than one nor more than three years, or both, and any person so convicted shall have any license issued under this article permanently revoked and shall be ineligible to apply for a subsequent license under this article."

SECTION 7.

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

"4-6-12.

The Commissioner shall publish in print or electronically the names and locations of duly licensed dealers and livestock market operators."

SECTION 8.

Said chapter is further amended by revising Code Section 4-6-42, relating to surety bonds generally, as follows:

"4-6-42.

~~(a)~~ No person shall operate a sales establishment for the sale of livestock at auction unless he or she has then in force a ~~bond~~ surety in an amount ~~calculated as follows:~~ established in a memorandum of agreement with the department sufficient to secure the performance of the obligations of the holder of such surety.

~~(1) If the annual sales of the establishment are $2,600,000.00 or less, the amount of the bond shall be one fifty-second of the amount of annual sales but not less than $10,000.00; or~~

~~(2) If the annual sales of the establishment are more than $2,600,000.00, the amount of the bond shall be $50,000.00 plus one fifty-second of the amount of annual sales in excess of $2,600,000.00 times a factor of 0.20.~~

~~(b) An amount calculated under subsection (a) of this Code section, if not a multiple of $5,000.00, shall be rounded to nearest higher multiple of $5,000.00.~~"

SECTION 9.

Said chapter is further amended by revising Code Section 4-6-43, relating to surety bonds relative to dealers and brokers generally, as follows:

"4-6-43.

(a) No dealer ~~or broker~~ shall purchase livestock at any sales establishment or directly from producers unless he <u>or she</u> has then in force a ~~bond~~ <u>surety</u> in an amount ~~calculated as follows:~~ <u>established in a memorandum of agreement with the department sufficient to secure the performance of the obligations of the holder of such surety.</u>

~~(1) Determine a number which is the number of days during the preceding year on which the dealer or broker did business;~~

~~(2) Divide the total dollar value of livestock purchased by the dealer or broker during the preceding year by the lesser of:~~

~~(A) One-half of the number determined under paragraph (1) of this subsection; or~~

~~(B) One hundred thirty; and~~

~~(3) Adjust the amount obtained under paragraph (2) of this subsection as follows:~~

~~(A) If the amount obtained under paragraph (2) of this subsection is $10,000.00 or less then the amount of the bond shall be $10,000.00;~~

~~(B) If the amount obtained under paragraph (2) of this subsection is more than $10,000.00 but not more than $75,000.00 then that amount shall be the amount of the bond; or~~

~~(C) If the amount obtained under paragraph (2) of this subsection is more than $75,000.00 then the amount of the bond shall be the sum of $75,000.00 plus 10 percent of the amount by which the amount obtained under paragraph (2) of this subsection exceeds $75,000.00.~~

(b) ~~An amount calculated under subsection (a) of this Code section, if not a multiple of $5,000.00, shall be rounded up to the nearest multiple of $5,000.00.~~

~~(c)~~ This Code section shall not be applicable to nor shall a ~~bond~~ <u>surety</u> be required of a dealer who purchases livestock at sales establishments for cash only. No livestock market operator shall permit a dealer ~~or broker~~ who is not properly licensed and ~~bonded~~ <u>holding surety</u> to purchase livestock other than for cash."

SECTION 10.

Said chapter is further amended by repealing in its entirety Code Section 4-6-44, relating to calculation of bonds, and designating said Code section as reserved.

SECTION 11.

Said chapter is further amended by repealing in its entirety Code Section 4-6-49, relating to annual sale and purchase reports and proof of bonding requirements, and designating said Code section as reserved.

SECTION 12.

Said chapter is further amended by revising Code Section 4-6-49.1, relating to denial of licenses and required statements and records, as follows:

"4-6-49.1.

(a) No license shall be issued to or allowed to be maintained by any sales establishment or dealer if:

(1) Any beneficial interest in the business of the sales establishment or dealer is directly or indirectly owned by a defaulter; or

(2) Any defaulter is employed in a management position by the sales establishment or dealer.

(b) As used in this Code section, the term 'defaulter' means any person who has, within the past five years, been employed in a managerial position by or owned any beneficial interest in the business of a sales establishment or dealer which business has ceased operations without satisfying all liabilities of the business either from assets of the business or from any ~~bond or bonds~~ surety.

(c) The Commissioner shall have full authority to require disclosure from licensees and applicants of information sufficient to determine whether the licensee or applicant is qualified to be licensed under this Code section. The Commissioner shall have full authority to examine the records and accounts of all licensees in order to determine whether any proceeds of the business are being paid to any defaulter.

(d) This Code section shall not prohibit the Commissioner from allowing a defaulter to operate as a dealer who purchases livestock for cash only.

(e) All applicants for licensure shall submit to the Commissioner a current financial statement; and all licensees shall submit a current financial statement annually."

SECTION 13.

Said chapter is further amended by revising Code Section 4-6-52, relating to special sales, as follows:

"4-6-52.

(a) As used in this Code section, 'special sale' means any livestock sale, except a regular sale at an establishment and any sale by a farmer of livestock owned by the farmer, with payment made directly to the farmer.

(b) The Commissioner is authorized to prescribe rules and regulations for the operation of special sales. No person shall hold a special sale without obtaining a permit therefor from the Commissioner or his or her duly authorized representative, which shall be granted without charge upon submission of proof satisfactory to the Commissioner that the person applying for the permit ~~is bonded~~ has procured a surety in an amount equal

to one-fourth of the anticipated proceeds of the sale; provided, however, that such ~~bond~~ surety shall be not less than $10,000.00 and not more than $150,000.00 in amount.

(c) Associations holding sales of animals consigned by members of the association only shall not be required to procure a ~~bond~~ surety if the directors of the association accept full responsibility for financial obligations of sale and release the Commissioner, in writing, from any responsibility.

~~(c.1)~~(d) Georgia 4-H clubs and Georgia Future Farmers of America chapters shall not be required to procure a ~~bond~~ surety.

~~(d) Any person who violates this Code section shall be guilty of a misdemeanor.~~"

SECTION 14.

Said title is further amended by revising Chapter 12, relating to injuries from equine or llama activities, as follows:

"CHAPTER 12

4-12-1.

The General Assembly recognizes that persons who participate in equine activities, livestock activities, or llama activities may incur injuries as a result of the risks involved in such activities. The General Assembly also finds that the state and its citizens derive numerous economic and personal benefits from such activities. The General Assembly finds, determines, and declares that this chapter is necessary for the immediate preservation of the public peace, health, and safety. It is, therefore, the intent of the General Assembly to encourage equine activities, livestock activities, and llama activities by limiting the civil liability of those involved in such activities.

4-12-2.

As used in this chapter, the term:

(1) 'Engages in a llama activity' means riding, training, assisting in providing medical treatment of, driving, or being a passenger upon a llama, whether mounted or unmounted, or any person assisting a participant or show management. The term 'engages in a llama activity' does not include being a spectator at a llama activity, except in cases where the spectator places himself or herself in an unauthorized area and in immediate proximity to the llama activity.

(2) 'Engages in an equine activity' means riding, training, assisting in providing medical treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, or any person assisting a participant or show management. The term 'engages in an equine activity' does not include being a spectator at an equine activity, except in cases where the spectator places himself or herself in an unauthorized area and in immediate proximity to the equine activity.

(3) 'Equine' means a horse, pony, mule, donkey, or hinny.

(4) 'Equine activity' means:

(A) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting;

(B) Equine training or teaching activities, or both;

(C) Boarding equines;

(D) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine;

(E) Rides, trips, hunts, or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor;

(F) Placing or replacing horseshoes on an equine; and

(G) Examining or administering medical treatment to an equine by a veterinarian.

(5) 'Equine activity sponsor' means an ~~individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit,~~ entity which sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to, pony clubs; 4-H clubs; hunt clubs; riding clubs; school and college sponsored classes, programs, and activities; therapeutic riding programs; and operators, instructors, and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held.

(6) 'Equine professional' means ~~a person~~ an entity engaged for compensation in:

(A) Instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine;

(B) Renting equipment or tack to a participant; or

(C) Examining or administering medical treatment to an equine as a veterinarian.

(7) 'Inherent risks of ~~equine~~ animal activities' ~~or 'inherent risks of llama activities'~~ means those dangers or conditions which are an integral part of equine activities, livestock activities, or llama activities, as the case may be, including, but not limited to:

(A) The propensity of the animal to behave in ways that may result in injury, harm, or death to persons on or around them;

(B) The unpredictability of the animal's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals;

(C) Certain hazards such as surface and subsurface conditions;

(D) Collisions with other animals or objects; and

(E) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

(7.1) 'Livestock' means swine, cattle, sheep, and goats.

(7.2) 'Livestock activity' means:

(A) Grazing, herding, feeding, branding, boarding, milking, inspecting, or evaluating livestock, or taking part in any other activity that involves the care or maintenance of livestock;

(B) Participating in a livestock show, fair, competition, or auction; or

(C) Participating in a livestock training or teaching event.

(7.3) 'Livestock activity sponsor' means an entity that sponsors, organizes, or provides facilities for a livestock activity, and includes all employees of such entity.

(7.4) 'Livestock facility' means a property or facility at which a livestock activity is held.

(7.5) 'Livestock professional' means an entity that owns livestock that is involved in a livestock activity.

(8) 'Llama' means a South American camelid which is an animal of the genus lama, commonly referred to as a 'one llama,' including llamas, alpacas, guanacos, and vicunas.

(9) 'Llama activity' means:

(A) Llama shows, fairs, competitions, performances, packing events, or parades that involve any or all breeds of llamas;

(B) Using llamas to pull carts or to carry packs or other items;

(C) Using llamas to pull travois-type carriers during rescue or emergency situations;

(D) Llama training or teaching activities or both;

(E) Taking llamas on public relations trips or visits to schools or nursing homes;

(F) Participating in commercial packing trips in which participants pay a llama professional to be a guide on a hike leading llamas;

(G) Boarding llamas;

(H) Riding, inspecting, or evaluating a llama belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the llama or is permitting a prospective purchaser of the llama to ride, inspect, or evaluate the llama;

(I) Using llamas in wool production;

(J) Rides, trips, or other llama activities of any type however informal or impromptu that are sponsored by a llama activity sponsor; and

(K) Trimming the nails of a llama.

(10) 'Llama activity sponsor' means an ~~individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit,~~ entity which sponsors, organizes, or provides the facilities for a llama activity, including, but not limited to llama clubs; 4-H clubs; hunt clubs; riding clubs; school and college-sponsored classes, programs, and activities; therapeutic riding programs; and operators, instructors, and promoters of llama facilities, including, but not limited to stables, clubhouses, fairs, and arenas at which the activity is held.

(11) 'Llama professional' means ~~a person~~ an entity engaged for compensation:

(A) In instructing a participant or renting to a participant a llama for the purpose of riding, driving, or being a passenger upon the llama; or

(B) In renting equipment or tack to a participant.

(12) 'Participant' means any person, whether amateur or professional, who engages in an equine activity, a livestock activity, or ~~who engages in~~ a llama activity, whether or not a fee is paid to participate in such activity.

4-12-3.

(a) Except as provided in subsection (b) of this Code section, an equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama activity sponsor, a llama professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of ~~equine~~ animal activities ~~or from the inherent risks of llama activities~~ and, except as provided in subsection (b) of this Code section, no participant or participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama activity sponsor, a llama professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of ~~equine~~ animal activities ~~or resulting from any of the inherent risks of llama activities~~.

(b) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama activity sponsor, a llama professional, or any other person if the equine activity sponsor, equine professional, livestock activity sponsor, livestock professional, owner of the livestock facility, llama activity sponsor, llama professional, or person:

(1)(A) Provided ~~the~~ equipment or tack for the activity, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it ~~did cause~~ caused the injury.

(B) Provided the animal and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the ~~equine activity or llama~~ activity and to safely manage the particular animal based on the participant's representations of his or her ability;

(2) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the equine activity sponsor, equine professional, livestock activity sponsor, livestock professional, owner of a livestock facility, llama activity sponsor, llama professional, or person and for which warning signs have not been conspicuously posted;

(3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury; or

(4) Intentionally injures the participant.

(c) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an equine activity sponsor, equine professional, a livestock activity sponsor, a livestock

professional, an owner of a livestock facility, llama activity sponsor, or llama professional under liability provisions as set forth in the products liability laws.
(d) Nothing in this Code Section nor any provision of the laws of this State recognizing equine activity, livestock activity, or llama activity as inherently dangerous shall serve as a basis for liability on the part of any person who encourages, promotes, or instructs others in equine activities, livestock activities, or llama activities.

4-12-4.
(a) Every equine professional and every equine activity sponsor shall post and maintain signs which contain the warning notice specified in subsection (b) of this Code section. Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine professional or the equine activity sponsor conducts equine activities. The warning notice specified in subsection (b) of this Code section shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional or by an equine activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on ~~or off~~ the location or site of the equine professional's or the equine activity sponsor's business, shall contain in clearly readable print the warning notice specified in subsection (b) of this Code section.
(b) The signs and contracts described in subsection (a) of this Code section shall contain language substantially similar to the following warning notice:

WARNING

Under Georgia law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of ~~equine~~ animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of Georgia Annotated.

(c) Failure to comply with the requirements concerning warning signs and notices provided in this Code section shall prevent an equine activity sponsor or equine professional from invoking the privileges of immunity provided by this chapter.

4-12-5.
(a) Every llama professional and every llama activity sponsor shall post and maintain signs which contain the warning notice specified in subsection (b) of this Code section. Such signs shall be placed in a clearly visible location on or near stables, corrals, pens, or arenas where the llama professional or the llama activity sponsor conducts llama activities. The warning notice specified in subsection (b) of this Code section shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by a llama professional or by a llama activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or a llama to a participant, whether or not the contract involves llama activities on ~~or off~~ the location or site of the llama professional's or the llama activity

sponsor's business, shall contain in clearly readable print the warning notice specified in subsection (b) of this Code section.

(b) The signs and contracts described in subsection (a) of this Code section shall contain language substantially similar to the following warning notice:

WARNING

Under Georgia law, a llama activity sponsor or llama professional is not liable for an injury to or the death of a participant in llama activities resulting from the inherent risks of ~~llama~~ animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of Georgia Annotated.

(c) Failure to comply with the requirements concerning warning signs and notices provided in this Code section shall prevent a llama activity sponsor or llama professional from invoking the privileges of immunity provided by this chapter.

4-12-6.

(a) Every livestock activity sponsor, livestock professional, and owner of a livestock facility shall post and maintain signs which contain the warning notice specified in subsection (b) of this Code section. Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas where the livestock activity sponsor conducts livestock activities. The warning notice specified in subsection (b) of this Code section shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by a livestock activity sponsor, livestock professional, or livestock owner for the providing of professional services, instruction, or the rental of equipment, tack, or livestock to a participant, whether or not the contract involves livestock activities on the business location or site of such livestock activity sponsor, livestock professional, or livestock owner, shall contain in clearly readable print the warning notice specified in subsection (b) of this Code section.

(b) The signs and contracts described in subsection (a) of this Code section shall contain language substantially similar to the following warning notice:

WARNING

Under Georgia law, a livestock activity sponsor, livestock professional, or owner of a livestock facility is not liable for an injury to or the death of a participant in livestock activities resulting from the inherent risks of animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of Georgia Annotated.

(c) Failure to comply with the requirements concerning warning signs and notices provided in this Code section shall prevent a livestock activity sponsor, livestock professional, or owner of a livestock facility from invoking the privileges of immunity provided by this chapter.

4-12-7.

Nothing in this chapter shall be construed so as to abrogate or otherwise affect the provisions of Chapter 3 of this title."

SECTION 15.

This Act shall become effective on July 1, 2016, and shall not apply to any cause of action arising prior to such date.

SECTION 16.

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

Representative Pirkle of the 155th moved that the House disagree to the Senate substitute to HB 876.

The motion prevailed.

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

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to require a driver who refused blood alcohol concentration testing as required by implied consent laws or an offender convicted of DUI with a blood alcohol concentration of 0.15 grams or higher to install and maintain ignition interlock devices on his or her vehicle; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to uniform rules of the road, so as to provide for the probation of terms of imprisonment for DUI offenders in certain instances; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as condition of probation, so as to provide for the court issuance of a certificate of installation of ignition interlock devices; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 40-5-67.1, relating to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit, suspensions and denials, and right to a hearing and review, so as to prohibit a withdraw of an arrest report related to driving while under the influence of alcohol previously submitted by a law enforcement officer to the Department of Driver Services; to prohibit law enforcement officers from entering a joint withdrawal agreement on behalf of such department at an administrative license suspension hearing; 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 40-5-67.1, relating to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit, suspensions and denials, and right to a hearing and review, is amended by revising paragraph (1) of subsection (f) and by adding a new subsection to read as follows:

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

"(k) No law enforcement officer shall be authorized to withdraw a report required by subsection (c) or (d) of this Code section, enter into a joint withdrawal agreement on behalf of the department, or take any other action involving the criminal disposition of the matter which otherwise would be in the discretion of the prosecuting attorney."

SECTION 2.

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

Representative Rice of the 95th moved that the House disagree to the Senate substitute to HB 205.

The motion prevailed.

SB 258. By Senators Millar of the 40th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to creation of county boards of equalization, duties, review of assessments, and appeals, so as to provide that the assessed value of property for a taxable year shall not be increased beyond the initial assessment value established by the board of tax assessors during an appeal of such valuation for such taxable year by the taxpayer but

may be reduced as a result of the appeal of the taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Duncan of the 26th moved that the House insist on its position in substituting SB 258.

The motion prevailed.

The following Resolutions of the House were read and adopted:

HR 1893. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION commending Mary Margaret Wright, the 2016 STAR Student of Darlington School, Rome City School System, and District #1; and for other purposes.

HR 1894. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing the Floyd County 911 Center upon being named the 2016 Georgia 911 Center of the Year; and for other purposes.

HR 1895. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending the Charles C. Parker Center for Active Adults at Etowah Park in Rome, Georgia, on the wonderful occasion of its 30th anniversary; and for other purposes.

HR 1896. By Representative Belton of the 112th:

A RESOLUTION commending Dana Hicky of Morgan County High School; and for other purposes.

HR 1897. By Representatives Thomas of the 56th, Smyre of the 135th, Jones of the 53rd, McClain of the 100th, Beasley-Teague of the 65th and others:

A RESOLUTION honoring the life and memory of Ralph David Abernathy III; and for other purposes.

HR 1898. By Representative Lumsden of the 12th:

A RESOLUTION commending Kayla Ngo, Coosa High School's 2016 STAR Student; and for other purposes.

HR 1899. By Representative Hugley of the 136th:

A RESOLUTION recognizing St. Mary's Road United Methodist Church on the grand occasion of its 61st anniversary; and for other purposes.

HR 1900. By Representative Ralston of the 7th:

A RESOLUTION honoring the life and memory of Samuel Howard Hill; and for other purposes.

HR 1901. By Representative Hugley of the 136th:

A RESOLUTION recognizing Ms. Shankeia Pollard; and for other purposes.

HR 1902. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION commending Mr. Kelly McDurmon, the 2016 STAR Teacher for Darlington School, the Rome City School System, and District #1; and for other purposes.

HR 1903. By Representative Belton of the 112th:

A RESOLUTION commending Hannah Liebert of Eastside High School; and for other purposes.

HR 1904. By Representatives Cooper of the 43rd, Price of the 48th, Wilkerson of the 38th, Golick of the 40th, Dollar of the 45th and others:

A RESOLUTION recognizing and commending the Juvenile Court of Cobb County Court Appointed Special Advocate program; and for other purposes.

HR 1905. By Representatives Efstration of the 104th, Coleman of the 97th, Harrell of the 106th, Clark of the 101st, Barr of the 103rd and others:

A RESOLUTION recognizing Tommy Hughes; and for other purposes.

HR 1906. By Representatives Smyre of the 135th, Ralston of the 7th, Abrams of the 89th, Burns of the 159th, Thomas of the 56th and others:

A RESOLUTION honoring the life and memory of Dr. Ralph David Abernathy III; and for other purposes.

HR 1907. By Representative Kendrick of the 93rd:

A RESOLUTION commending the Upsilon Alpha Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated, recognizing January 25-31, 2016, as Upsilon Alpha Omega Week at the state capitol, and encouraging the citizens of Gwinnett County to join Upsilon Alpha Omega in observing the organization's 22 years of service and the outstanding contributions it has made to the State of Georgia; and for other purposes.

HR 1908. By Representatives Smyre of the 135th, Hugley of the 136th, Buckner of the 137th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION honoring the life and memory of James "J.B." Johnson; and for other purposes.

HR 1909. By Representative Lumsden of the 12th:

A RESOLUTION commending Maci Caroline Bicknell, Trion High School's 2016 STAR Student; and for other purposes.

HR 1910. By Representatives Dickey of the 140th, Peake of the 141st and Holmes of the 129th:

A RESOLUTION commending Mr. Charles Hernandez, Mary Persons High School's 2016 STAR Teacher; and for other purposes.

HR 1911. By Representatives Thomas of the 56th, Alexander of the 66th, Stovall of the 74th, Scott of the 76th and Jones of the 53rd:

A RESOLUTION recognizing Silas "SiMan Baby" Alexander III; and for other purposes.

HR 1912. By Representatives Efstration of the 104th, Coleman of the 97th, Harrell of the 106th, Clark of the 101st, Barr of the 103rd and others:

A RESOLUTION recognizing and honoring Dallas Davidson; and for other purposes.

HR 1913. By Representatives Efstration of the 104th, Coleman of the 97th, Harrell of the 106th, Clark of the 101st, Barr of the 103rd and others:

A RESOLUTION recognizing Judge Emily Brantley; and for other purposes.

HR 1914. By Representative Harden of the 148th:

A RESOLUTION recognizing Clay Oliver; and for other purposes.

HR 1915. By Representative Harden of the 148th:

A RESOLUTION recognizing and commending Miss Andi Drue Dickerson, the 2016 Georgia Watermelon Queen; and for other purposes.

HR 1916. By Representative Kendrick of the 93rd:

A RESOLUTION recognizing the debutantes of the Debutante Cotillion and Scholarship Ball; and for other purposes.

HR 1917. By Representative Belton of the 112th:

A RESOLUTION recognizing and commending the Morgan County High School 2016 Women's Basketball Team; and for other purposes.

HR 1918. By Representative Dudgeon of the 25th:

A RESOLUTION recognizing and commending Liam McNamara; and for other purposes.

HR 1919. By Representative Lumsden of the 12th:

A RESOLUTION commending Kelly Wheeler, Model High School's 2016 STAR Student; and for other purposes.

HR 1920. By Representative Lumsden of the 12th:

A RESOLUTION commending Lucas McCain Hill, Chattooga County High School's 2016 STAR Student; and for other purposes.

HR 1921. By Representative Maxwell of the 17th:

A RESOLUTION recognizing Vernon Lee; and for other purposes.

HR 1922. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION commending Brandon Johnson, Rome City Schools' 2016 Teacher of the Year; and for other purposes.

HR 1923. By Representative Belton of the 112th:

A RESOLUTION recognizing and commending the Morgan County High School 2016 Men's Basketball Team; and for other purposes.

HR 1924. By Representatives Efstration of the 104th, Coleman of the 97th, Harrell of the 106th, Clark of the 101st, Barr of the 103rd and others:

A RESOLUTION recognizing and commending David McCleskey; and for other purposes.

HR 1925. By Representative Jones of the 53rd:

A RESOLUTION honoring the life and memory of Dr. Herbert Wolfgang Eber; and for other purposes.

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

AFTERNOON SESSION

The Speaker called the House to order.

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

Mr. Speaker:

The Senate insists on its amendment to the following bill of the Senate:

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

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

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

SB 441. By Senator McKoon of the 29th:

A BILL to be entitled an Act to amend an Act creating the State Court of Troup County (formerly the Civil and Criminal Court of Troup County), approved March 6, 1962 (Ga. L. 1962, p. 3020), as amended, so as to authorize the court to charge and collect a technology fee for certain filings; to specify the uses to which said technology fees may be put; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1926. By Representative Pruett of the 149th:

A RESOLUTION recognizing and congratulating Beatrice Edge on the grand occasion of her retirement; and for other purposes.

HR 1927. By Representative Efstration of the 104th:

A RESOLUTION recognizing the formation and chartering of the Moore Middle School Leo Club; and for other purposes.

HR 1928. By Representatives Pruett of the 149th, Stephens of the 164th, Sims of the 123rd, Dempsey of the 13th, Houston of the 170th and others:

A RESOLUTION recognizing Elmer Stancil; and for other purposes.

HR 1929. By Representatives Dempsey of the 13th, Cooper of the 43rd, Sims of the 123rd, Howard of the 124th, Hatchett of the 150th and others:

A RESOLUTION recognizing August as Adult Vaccine Preventable Disease Awareness and Improvement Month; and for other purposes.

HR 1930. By Representatives Frazier of the 126th, Abrams of the 89th, Holcomb of the 81st, Williams of the 168th, Smith of the 125th and others:

A RESOLUTION recognizing Martha Chalker; and for other purposes.

HR 1931. By Representative Lumsden of the 12th:

A RESOLUTION commending Gene Greer, Chattooga County High School's 2016 STAR Teacher; and for other purposes.

HR 1932. By Representative Lumsden of the 12th:

A RESOLUTION commending Gail Jones, Trion High School's 2016 STAR Teacher; and for other purposes.

HR 1933. By Representatives Howard of the 124th, Sims of the 123rd, Prince of the 127th and Smith of the 125th:

A RESOLUTION recognizing the Class of 2016 inductees into the Lucy Craft Laney High School Alumni Association Hall of Fame; and for other purposes.

HR 1934. By Representative Kaiser of the 59th:

A RESOLUTION recognizing and commending Stephanie Johnson, the 2016-2017 Georgia Principal of the Year; and for other purposes.

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

HB 904. By Representatives Strickland of the 111th, Shaw of the 176th, Fleming of the 121st, Bryant of the 162nd and Kirby of the 114th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain contribution rates and credits; to change certain provisions relating to rate of employer contributions; to extend certain provisions relating to variations in the standard rate; to extend provisions relating to administrative assessments; to reduce the percentage of the administrative assessment to be assessed for a certain period; to provide exceptions; to change certain provisions relating to additional assessments for a new or newly covered employer; to extend the provision relating to automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend HB 904 (LC 36 2914) by inserting after* "repeal;" *on line 7* "to prevent fraud and abuse of the Unemployment Trust Fund by authorizing the Commissioner of Labor to submit to and receive from the state revenue commissioner certain information related to persons paying into or receiving funds from such fund; to provide penalties for the unlawful divulging of certain confidential information;".

By replacing "article" *with* "chapter" *on lines 83 and 105.*

By deleting line 109 and inserting in lieu thereof the following:

SECTION 6.

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

"34-8-130.

(a) To enforce the provisions of this article and to prevent fraud and abuse of the Unemployment Trust Fund, the Commissioner or his or her duly authorized representative may submit to the state revenue commissioner the names and social security numbers of any individuals who are required to report earnings to the department along with the amount of earnings such individuals have reported to the department during specified time periods. The state revenue commissioner shall compare the submitted earnings of such individuals with income reported by such individuals to the Department of Revenue and shall verify and report back to the department that the submitted earnings of each such individual is either equal to, greater than, or less than the amount of income reported by each such individual to the Department of Revenue. Furthermore, the department may submit to the state revenue commissioner the name of any employer along with the number of employees who are being reported to the department by such employer during specified time periods. The state revenue commissioner shall compare such records submitted by employers to the department with the number of employees reported by each such employer to the Department of Revenue and shall verify and report back to the department that the number of employees reported to the department is either equal to, greater than, or less

than the number of employees reported to the Department of Revenue for state income tax withholding purposes for the specified time period. The department shall pay the state revenue commissioner for all costs incurred by the Department of Revenue pursuant to this subsection. No report contemplated by this subsection shall be provided by the Department of Revenue to the department without a cooperative data sharing agreement executed by the two departments that is specific to the subject matter of this subsection. Any tax information secured from the federal government by the Department of Revenue pursuant to the provisions of Section 6103 of the Internal Revenue Code shall not be disclosed by the Department of Revenue pursuant to this subsection. Any person receiving any tax information under the authority of this subsection shall be subject to the provisions of Code Section 48-7-60 and to all penalties provided under Code Section 48-7-61 for unlawful divulging of confidential tax information, as well as the penalties provided under Code Section 34-8-125.
(b) Nothing in this Code section shall prevent the Department of Revenue or any other governmental agency from having access to records or information as provided for under Code Section 34-8-125."

SECTION 7.

Representative Strickland of the 111th moved that the House disagree to the Senate amendment to HB 904.

The motion prevailed.

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 416. By Senators Cowsert of the 46th, Harbison of the 15th, Harper of the 7th, Thompson of the 14th and Dugan of the 30th:

A BILL to be entitled an Act to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, so as to establish the Georgia Information Sharing and Analysis Center within the Georgia Bureau of Investigation; to provide for a fusion center for the sharing and analysis of homeland security activity information; to provide for definitions; to provide for operations and responsibilities; to provide for membership; to amend Code Section 38-3-20 of the Official Code of Georgia Annotated, relating to Georgia Emergency Management Agency created, director, staff, offices, director's duties, and disaster coordinator, so as to expand the duties of the director of emergency management; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 12, Code Section 20-2-1185, Code Section 31-12-2.1, Chapter 3 of Title 35, Chapter 3 of Title 38, Code Sections 40-1-23 and 46-5-122, Title 48, and Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to establishment of water emergency response procedures; school safety plans; investigation of potential bioterrorism activity and regulations and planning health emergencies; the Georgia Bureau of Investigation; emergency management; regulatory compliance inspections, notifications, contacts with state, permit required for transporting materials, escorts or inspections, exceptions, recovery for damage or discharge, civil monetary penalties, routing agencies, and adoption of regulations; definitions; revenue and taxation; and general provisions regarding torts, respectively, so as to rename the Georgia Emergency Management Agency to the Georgia Emergency Management and Homeland Security Agency; to rename the director of emergency management to the director of emergency management and homeland security; to establish the Georgia Information Sharing and Analysis Center within the Georgia Bureau of Investigation; to provide for a fusion center for the sharing and analysis of homeland security activity information; to provide for and revise definitions; to provide for operations and responsibilities of the center; to provide for membership in the center; to define the duties and responsibilities of the director of emergency management and homeland security; 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 5 of Title 12 of the Official Code of Georgia Annotated, relating to establishment of water resources, is amended by revising subsection (c) of Code Section 12-5-30.4, relating to establishment of water emergency response procedures, as follows:

"(c) If the division determines that there is a threat to the health or property of downstream users of the waters of this state, the division shall as soon as possible, but not more than 24 hours after such determination, notify and consult with the Georgia Emergency Management <u>and Homeland Security</u> Agency, the appropriate local emergency management agency, the appropriate local county health department, and other appropriate divisions within the department as necessary to determine if it is necessary to prepare and distribute a public notice concerning such threat. Upon notification by the division, the local emergency management agency or the local county health department shall prepare and post such public notice through electronic media and print. Such public notice shall be located at places where the public regularly uses the waters of this state or seeks information about such waters."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 12-5-204, relating to completion and submission of emergency plan and costs, as follows:

"(a) The authority shall ensure the completion of the emergency plan not later than September 1, 2011, and shall submit the emergency plan to the director of the Environmental Protection Division of the Department of Natural Resources, the director of the Georgia Emergency Management and Homeland Security Agency, the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the Senate and House Committees on Natural Resources and Environment and of the Senate and House Committees on Appropriations not later than September 15, 2011."

SECTION 3.

Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety plans, is amended by revising subsections (b) and (d) as follows:

"(b) A public school may request funding assistance from the state for the installation of safety equipment, including, but not limited to, video surveillance cameras, metal detectors, and other similar security devices. Funding may be provided to a public school in accordance with a school safety plan prepared by the school and approved by the local board of education, the Department of Education, and the Georgia Emergency Management and Homeland Security Agency."

"(d) The Georgia Emergency Management and Homeland Security Agency shall provide training and technical assistance to public school systems, and may provide this same training and technical assistance to private school systems, and independent private schools throughout this state in the area of emergency management and safe school operations. This training and technical assistance shall include, but not be limited to, crisis response team development, site surveys and safety audits, crisis management planning, exercise design, safe school planning, emergency operations planning, search and seizure, bomb threat management, and model school safety plans."

SECTION 4.

Code Section 31-12-2.1 of the Official Code of Georgia Annotated, relating to investigation of potential bioterrorism activity and regulations and planning for public health emergencies, is amended by revising subsections (b) and (c) as follows:

"(b) The department shall promulgate rules and regulations appropriate for management of any public health emergency declared pursuant to the provisions of Code Section 38-3-51, with particular regard to coordination of the public health emergency response of the state pursuant to subsection (i) of said Code section. Such rules and regulations shall be applicable to the activities of all entities created pursuant to Chapter 3 of this title in such circumstances, notwithstanding any other provisions of law. In developing such rules and regulations, the department shall consult and coordinate as appropriate with the Georgia Emergency Management and Homeland Security Agency, the Federal Emergency Management Agency, the Georgia

Department of Public Safety, the Georgia Department of Agriculture, and the federal Centers for Disease Control and Prevention. The department is authorized, in the course of management of a declared public health emergency, to adopt and implement emergency rules and regulations pursuant to the provisions of subsection (b) of Code Section 50-13-4. Such rules and regulations shall be adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' but shall be automatically referred by the Office of Legislative Counsel to the House of Representatives and Senate Committees on Judiciary.

(c) The department shall promulgate, prepare, and maintain a public health emergency plan and draft executive order for the declaration of a public health emergency pursuant to Code Section 38-3-51 and Chapter 13 of Title 50. In preparation of such public health emergency plan and draft executive order, the department shall consult and coordinate as appropriate with the Georgia Emergency Management and Homeland Security Agency, the Federal Emergency Management Agency, the Georgia Department of Public Safety, the Georgia Department of Agriculture, and the federal Centers for Disease Control and Prevention."

SECTION 5.

Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, is amended by adding a new article to read as follows:

"ARTICLE 9

35-3-200.

As used in this article, the term:

(1) 'Center' means the Georgia Information Sharing and Analysis Center.

(2) 'Fusion center' means collaborative effort which combines resources, expertise, intelligence, and other information from various agencies of state and local governments with the goal of maximizing the ability of this state to detect, prevent, and respond to criminal activities or to otherwise engage in homeland security activities.

(3) 'Homeland security activity' means any activity related to the prevention or discovery of, response to, or recovery from:

(A) A terrorist attack;

(B) A hostile military or paramilitary action; or

(C) An extraordinary law enforcement emergency.

35-3-201.

There is established the Georgia Information Sharing and Analysis Center within the Georgia Bureau of Investigation. The center shall be a fusion center maintaining criminal intelligence and terrorism analytical components.

35-3-202.
(a) Responsibility for the development, maintenance, and operations of the center shall be vested in the director.
(b) The director shall appoint and maintain the necessary professional and support staff to enable the center to effectively and efficiently carry out its duties and responsibilities under this article.

35-3-203.
(a) The director through the center shall share and provide homeland security activity information to the director of emergency management and homeland security, including, but not limited to, threats, warnings, and developing situations, when an investigation reveals conduct of a terroristic nature or in material support of terroristic activities, recruitment of terrorists, or information on the activities of known terrorist organizations.
(b) The center shall liaise with the bureau, the Federal Bureau of Investigation, Joint Terrorism Task Force, United States Department of Homeland Security, and other local, state, and federal intelligence and law enforcement officials for purposes of carrying out its duties and responsibilities under this article.
(c) The center shall allow unrestricted access to secure communications equipment to the director of emergency management and homeland security and his or her representatives who possess the appropriate federally approved security clearances for the dissemination of homeland security activity information by the United States Department of Homeland Security.
(d) The director of emergency management and homeland security shall serve as this state's security manager for the purpose of identifying and processing state personnel for security clearances through the United States Department of Homeland Security.

35-3-204.
(a) Membership in the center shall consist of the director, the director of emergency management and homeland security, the commissioner of public safety, the commissioner of natural resources, the commissioner of corrections, the state fire marshal, the Attorney General, the adjutant general, and state and local fire service, law enforcement, homeland security, emergency management, corrections, and other appropriate agencies and disciplines as determined by the director of emergency management and homeland security in consultation with the director. Such members shall assign or make available their analysts or other personnel to the center as such need is determined by the director of emergency management and homeland security.
(b) The director of emergency management and homeland security shall maintain Georgia Emergency Management and Homeland Security Agency analysts in the center as needed as determined by the director of emergency management and homeland security."

SECTION 6.

Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, is amended by revising Code Section 38-3-20, relating to Georgia Emergency Management Agency created, director, staff, offices, director's duties, and disaster coordinator, as follows:

"38-3-20.

(a) There is established the Georgia Emergency Management and Homeland Security Agency with a director of emergency management and homeland security who shall be the head thereof. The Georgia Emergency Management and Homeland Security Agency shall be assigned to the Office of Planning and Budget for administrative purposes only as provided in Code Section 50-4-3.

(b) The Governor shall appoint the director of emergency management and homeland security. He or she shall hold office at the pleasure of the Governor, who shall fix his or her compensation. The director of emergency management and homeland security shall hold no other state office.

(c) The director may employ such professional, technical, clerical, stenographic, and other personnel, may fix their compensation, and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management and homeland security, as may be necessary to carry out the purposes of Article 9 of Chapter 3 of Title 35, Article 1, this article, and Article 3 of this chapter, the duties of the agency and the director described in Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as amended.

(d) The director and other personnel of the Georgia Emergency Management and Homeland Security Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(e) The director, subject to the direction and control of the Governor, shall:

(1) Be ~~be~~ the executive head of the Georgia Emergency Management and Homeland Security Agency and shall be responsible to the Governor for carrying out the program for emergency management and homeland security in this state~~. He or she shall coordinate~~;

(2) Serve as the central authority reporting to the Governor on all matters relating to homeland security;

(3) Have command and control authority over all operational areas involving terrorist activity within this state, including, but not limited to, the Homeland Security Task Force and the Homeland Security Central Command when activated by the Governor;

(4) Coordinate the activities of all organizations for emergency management and homeland security within the state~~, shall maintain~~;

(5) Maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government~~,~~;

(6) Oversee all risk and threat assessments and coordinate all plans for timely and complete responses through a network of state, local, and federal organizations,

including, but not limited to, the coordination of efficient and timely flow of information;

(7) Be responsible for crisis and consequence management planning, including, but not limited to, measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, or resolve a threat or act of terrorism;

(8) Coordinate and review all activities involving homeland security within any agency, authority, or entity of this state, including, but not limited to, oversight of homeland security activities found within the Department of Public Safety, the Georgia Bureau of Investigation, the Georgia National Guard, the Department of Natural Resources, the Department of Community Health, and the Department of Public Health;

(9) Evaluate information developed by the criminal justice community in regard to threats or potential threats of terrorism; and

(10) Have ~~shall have~~ such additional authority, duties, and responsibilities authorized by Article 1, this article, and Article 3 of this chapter as may be prescribed by the Governor and such additional authority, duties, and responsibilities as described in Article 9 of Chapter 3 of Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as amended.

(f) The director of emergency management and homeland security shall also be the disaster coordinator and shall act for the Governor when requested to do so."

SECTION 7.

Said chapter is further amended by revising subsection (a) of Code Section 38-3-22, relating to Governor's emergency management powers and duties, as follows:

"(a) The Governor shall have general direction and control of the Georgia Emergency Management and Homeland Security Agency and shall be responsible for the carrying out of the provisions of Article 1, this article, and Article 3 of this chapter and, in the event of disaster or emergency beyond local control, may assume direct operational control over all or any part of the emergency management functions within this state."

SECTION 8.

Said chapter is further amended by revising subsection (c) and paragraph (2) of subsection (d) of Code Section 38-3-22.1, relating to safety plan addressing threat of terrorism required of state agencies or authorities, exemptions, training and technical assistance, and confidentiality of plans and related documentation, as follows:

"(c) Subject to the availability of funds for such purpose, the Georgia Emergency Management and Homeland Security Agency shall provide training and technical assistance to agencies and authorities and may provide such training and technical assistance to local units of government and to critical facilities operated by the private sector. Such training and technical assistance shall include, but not be limited to, crisis response team development, site surveys and safety audits, crisis management planning, exercise design, safe school planning, emergency operations planning, search and seizure, bomb threat management, and model safety plans."

"(2) Any other record produced pursuant to this Code section the disclosure of which would, in the determination of the director of the Georgia Emergency Management and Homeland Security Agency, endanger the life or physical safety of any person or persons or the physical safety of any public property."

SECTION 9.

Said chapter is further amended by revising subparagraph (a)(3)(F) and paragraph (6) of subsection (a) of Code Section 38-3-27, relating to local organizations for emergency management, creation, structure, powers, directors, appointment, qualifications, and compensation, state to provide financial assistance, and entitlement for funding, as follows:

"(F) Except as provided in this subparagraph, any director or deputy director of a local emergency management organization appointed after July 1, 1999, shall be a certified emergency manager under the Georgia Emergency Management and Homeland Security Agency's Certified Emergency Manager Program. The curriculum of the Certified Emergency Manager Program and requirements for certification shall be determined by the director of emergency management and homeland security and shall include, but not be limited to, professional development series training, independent study courses, emergency preparedness courses, and field-delivered courses. Certification may be obtained by an appointed director or deputy director within six months of his or her appointment. Certification shall expire biennially. As a condition of certification renewal, such emergency management personnel shall be required to satisfactorily complete continuing education requirements provided for in subparagraph (G) of this paragraph."

"(6) A local director whose salary is reimbursed in part or in full by the Georgia Emergency Management and Homeland Security Agency shall also meet all requirements which may be imposed by the federal emergency management agency or its successor."

SECTION 10.

Said chapter is further amended by revising subsection (d) of Code Section 38-3-50, relating to emergency interim successors to various officials and necessity of declared emergency, as follows:

"(d) Designations of emergency interim successors to state officers shall become official upon the officer filing a list of the successors with the Secretary of State, who shall inform the Governor, the Georgia Emergency Management and Homeland Security Agency, all emergency interim successors to the officer involved, and the judge of the probate court of the county of legal residence of the successors of all such designations and any changes therein. Any designation of an emergency interim successor may be changed or altered by the officer concerned filing a notice of the change or alteration with the Secretary of State."

SECTION 11.

Said chapter is further amended by revising Code Section 38-3-57, relating to establishment of standardized, verifiable, performance based unified incident command system, utilization, training, implementation, funding, and first informer broadcasters, as follows:

"38-3-57.

(a) The Georgia Emergency Management and Homeland Security Agency shall establish and maintain, in collaboration with all appropriate state agencies and volunteer organizations with emergency support function roles and professional organizations that represent local public safety agencies, including the Emergency Management Association of Georgia, the Georgia Association of Police Chiefs, the Georgia Fire Chiefs' Association, and the Georgia Sheriffs' Association, a standardized, verifiable, performance based unified incident command system.

(b) Such system shall be consistent with the Georgia Emergency Operations Plan and shall be utilized in response to emergencies and disasters referenced in the Georgia Emergency Operations Plan, including presidentially declared disasters and states of emergency issued by the Governor.

(c) The Georgia Emergency Management and Homeland Security Agency, in cooperation with the Georgia Public Safety Training Center and the State Forestry Commission, shall develop or adopt a course of instruction for use in training and certifying emergency response personnel in unified incident command.

(d) All local public safety and emergency response organizations, including emergency management agencies, law enforcement agencies, fire departments, and emergency medical services, shall implement the standardized unified incident command system provided for in subsection (a) of this Code section by October 1, 2004.

(e) Local agencies that have not established such system by October 1, 2004, shall not be eligible for state reimbursement for any response or recovery related expenses.

(f)(1) As used in this subsection, the term:

(A) 'Broadcaster' means any corporation or other entity that is primarily engaged in the business of broadcasting video or audio programming, whether through the public airwaves, cable, direct or indirect satellite transmission, or any other similar means of communication.

(B) 'Emergency' means the declaration of a state of emergency or disaster as provided in Code Section 38-3-51 or as presidentially declared.

(C) 'First informer broadcaster' means a broadcaster in Georgia who makes application to the Georgia Emergency Management and Homeland Security Agency for designation as a first informer broadcaster and who is granted such designation as a first informer broadcaster pursuant to rules and regulations promulgated by the director of emergency management and homeland security.

(2) The unified incident command system and the Georgia Emergency Operations Plan shall, by July 1, 2016, establish planning for first informer broadcasters such that first informer broadcasters, to any extent practicable, may during an emergency:

(A) Have access to areas affected by an emergency for the purpose of restoring, repairing, or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit emergency related programming, including but not limited to repairing and maintaining transmitters and generators and transporting fuel for generators;

(B) Have access to the distribution of fuel, food, water, supplies, equipment, and any other materials necessary for maintaining or producing a broadcast or broadcasting signal; and

(C) Not have vehicles, fuel, food, water, and any other materials seized or condemned that are essential for maintaining or producing a broadcast or broadcasting signal.

(3) The Georgia Emergency Management and Homeland Security Agency may develop or adopt courses of instruction for use in training personnel of first informer broadcasters on personal safety and navigation in an area affected by an emergency. The requirements of any such training shall be established pursuant to rules and regulations promulgated by the director of emergency management and homeland security. The costs of any such training shall be paid by the first informer broadcasters participating in the training."

SECTION 12.

Said chapter is further amended by revising Code Section 38-3-140, relating to short title, as follows:

"38-3-140.

This article shall be known and may be cited as the 'Georgia Emergency Management and Homeland Security Agency Nomenclature Act of 2008.'"

SECTION 13.

Said chapter is further amended by revising Code Section 38-3-141, relating to definitions, as follows:

"38-3-141.

As used in this article, the term:

(1) 'Badge' means any official badge, identification card, or security pass used by members of the Georgia Emergency Management and Homeland Security Agency, either in the past or currently.

(2) 'Director' means the director of the Georgia Emergency Management and Homeland Security Agency.

(3) 'Emblem' means any official patch or other emblem worn currently or formerly or used by the Georgia Emergency Management and Homeland Security Agency to identify the agency, a division of the agency, or employees of the agency.

(4) 'Person' means any person, corporation, organization, or political subdivision of the State of Georgia.

(5) 'Seal' means any official symbol, mark, or abbreviation which represents and is used, currently or in the past, by the Georgia Emergency Management and Homeland

Security Agency or any other division or operation under the command of the Georgia Emergency Management and Homeland Security Agency to identify the agency, a division of the agency, or employees of the agency.

(6) 'Willful violator' means any person who knowingly violates the provisions of this article. Any person who violates this article after being advised in writing by the director that such person's activity is in violation of this article shall be considered a willful violator and shall be considered in willful violation of this article. Any person whose agent or representative is a willful violator and who has knowledge of the violation by the agent or representative shall also be considered a willful violator and in willful violation of this article unless, upon learning of the violation, he or she immediately terminates the agency or other relationship with such violator."

SECTION 14.

Said chapter is further amended by revising Code Section 38-3-142, relating to use of agency name without written permission prohibited in certain circumstances, as follows:

"38-3-142.

Whoever, except with the written permission of the director, knowingly uses the words 'Georgia Emergency Management Agency,' 'Georgia Homeland Security Agency,' 'Emergency Management Agency,' ~~or 'GEMA'~~ 'Homeland Security Agency,' 'GEMA,' 'GEMHSA,' or 'GEMA/HS' in referring to Georgia's Emergency Management and Homeland Security Agency in connection with any advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by or associated with the Georgia Emergency Management and Homeland Security Agency shall be in violation of this article."

SECTION 15.

Said chapter is further amended by revising Code Section 38-3-143, relating to use or display of agency symbols without written permission prohibited, as follows:

"38-3-143.

Any person who uses or displays any symbol, including any emblem, seal, or badge, current or historical, used by the Georgia Emergency Management and Homeland Security Agency without written permission from the director shall be in violation of this article."

SECTION 16.

Said chapter is further amended by revising Code Section 38-3-144, relating to requests for permission and grants of permission at director's discretion, as follows:

"38-3-144.

Any person seeking permission to use or display the nomenclature or symbols of the Georgia Emergency Management and Homeland Security Agency may request such

permission in writing to the director. The director shall serve notice on the requesting party within 15 calendar days after receipt of the request of his or her decision on whether the person may use the nomenclature or the symbol. If the director does not respond within the 15 day time period, then the request is presumed to have been denied. The grant of permission under this article shall be at the discretion of the director and under such conditions as the director may impose."

SECTION 17.

Said chapter is further amended by revising Code Section 38-3-151, relating to definitions, as follows:

"38-3-151.

As used in this article, the term:

(1) 'Agency' means the Georgia Emergency Management and Homeland Security Agency established by Code Section 38-3-20.

(2) 'Building mapping information system' means a state-wide informational system containing maps of designated public buildings.

(3) 'Director' means the director of the agency."

SECTION 18.

Code Section 40-1-23 of the Official Code of Georgia Annotated, relating to regulatory compliance inspections, notifications, contacts with state, permit required for transporting materials, escorts or inspections, exceptions, recovery for damage or discharge, civil monetary penalties, routing agencies, and adoption of regulations, is amended by revising subsection (q) as follows:

"(q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part 397, Subpart E. Routing determinations for hazardous materials shall be made in accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section 5112. The commissioner or his or her designee shall consult with Georgia Department of Transportation, Georgia Department of Natural Resources, Georgia Emergency Management and Homeland Security Agency, Georgia Department of Homeland Security, or other agencies as necessary to carry out these responsibilities."

SECTION 19.

Code Section 46-5-122 of the Official Code of Georgia Annotated, relating to definitions, is amended by revising paragraph (2) as follows:

"(2) 'Agency' means the Georgia Emergency Management and Homeland Security Agency established pursuant to Code Section 38-3-20 unless the context clearly requires otherwise."

SECTION 20.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsections (g) and (h) of Code Section 48-2-100, relating to short title, definitions, legislative findings, certain exemptions for out-of-state businesses and

employees conducting operations related to declared state of emergency, and post-emergency of state laws and requirements, as follows:

"(g)(1) Any out-of-state business that enters this state to perform qualified work during a disaster or emergency period shall provide to the department and to the Georgia Emergency Management and Homeland Security Agency a statement that it is in this state for purposes of responding to the disaster or emergency, which statement shall include the business' name, state of domicile, principal business address, federal tax identification number, date of entry, and contact information.

(2) A registered business in this state shall provide the information required in paragraph (1) of this subsection to the department and to the Georgia Emergency Management and Homeland Security Agency for any affiliate that enters this state that is an out-of-state business. The notification shall also include contact information for the registered business in this state.

(h) The Georgia Emergency Management and Homeland Security Agency and the department shall promulgate regulations as necessary to comply with the requirements of this Code section."

SECTION 21.

Said title is further amended by revising subsection (a) of Code Section 48-7-29.4, relating to tax credit for disaster assistance funds received and rules and regulations, as follows:

"(a) A taxpayer who receives disaster assistance during a taxable year from the Georgia Emergency Management and Homeland Security Agency or the Federal Emergency Management Agency shall be allowed a credit against the tax imposed by Code Section 48-7-20 in an amount equal to $500.00 or the actual amount of such disaster assistance, whichever is less. The commissioner may require adequate supporting documentation showing that the taxpayer received such assistance."

SECTION 22.

Said title is further amended by revising subsection (f) of Code Section 48-8-13, relating to taxing jurisdiction for mobile telecommunications services, as follows:

"(f) A home service provider shall identify each customer's place of primary use and shall provide at least quarterly a complete listing of the total number of customers to the Georgia Emergency Management and Homeland Security Agency. The home service provider shall indicate in such report whether it is employing an enhanced ZIP Code to assign each street address to a specific taxing jurisdiction so as to qualify for the safe harbor provisions of 4 U.S.C. Section 120. Further, each home service provider shall, upon request, provide information showing the total number of billings and the amount of fees collected to any taxing jurisdiction as to the customers whose place of primary use is within the jurisdiction of such taxing jurisdiction; provided, however, that in no event shall customer identification be required to be released. Such information shall initially be made available not later than July 1, 2006."

SECTION 23.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, is amended by revising Code Section 51-1-50, relating to immunity of broadcasters from liability for Levi's Call: Georgia's Amber Alert Program, as follows:

"51-1-50.

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

(1) 'Broadcast' means the transmission of video or audio programming by an electronic or other signal conducted by radiowaves or microwaves, by wires, lines, coaxial cables, wave guides or fiber optics, by satellite transmissions directly or indirectly to viewers or listeners, or by any other means of communication.

(2) 'Broadcaster' means any corporation or other entity that is engaged in the business of broadcasting video or audio programming, whether through the public airwaves, by cable, by direct or indirect satellite transmission, or by any other means of communication.

(3) 'Levi's Call: Georgia's Amber Alert Program' means the voluntary program entered into by the Georgia Bureau of Investigation, the Georgia Emergency Management <u>and Homeland Security</u> Agency, the Georgia Association of Broadcasters, and certain broadcasters licensed to serve in the State of Georgia, which program provides that if the Georgia Bureau of Investigation verifies that a child has been abducted and is in danger, an alert containing known details of the abduction is transmitted to the Georgia Emergency Management <u>and Homeland Security</u> Agency, which is then transmitted by the Georgia Emergency Management <u>and Homeland Security</u> Agency to broadcasters in Georgia; and those broadcasters participating in the program then broadcast or otherwise disseminate the alert to listeners, viewers, or subscribers.

(b) Any broadcaster participating in Levi's Call: Georgia's Amber Alert Program shall not be liable for any civil damages arising from the broadcast or other dissemination of any alert generated pursuant to the Levi's Call: Georgia's Amber Alert Program. The immunity provided for in this Code section shall apply to any broadcast or dissemination of information that is substantially consistent with the information transmitted by the Georgia Emergency Management <u>and Homeland Security</u> Agency and that takes place during an alert requested by the Georgia Emergency Management <u>and Homeland Security</u> Agency and for a period of two hours after such alert has ended or the Georgia Emergency Management <u>and Homeland Security</u> Agency informs the participating broadcasters that the alert has changed in content.

(c) Nothing in this Code section shall be construed to limit or restrict in any way any legal protection a broadcaster may have under any other law for broadcasting or otherwise disseminating any information."

SECTION 24.

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 Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Dickey
Y Dickson
Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Harden
Harrell
Y Hatchett
Y Hawkins
Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
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
Y Kirby
Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Mayo
Y McCall
Y McClain
Meadows
Y Metze
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Oliver
Y Pak
Y Parrish
Y Parsons
Y Peake
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
Rice
Y Rogers, C
Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
E Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

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

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

SB 379. By Senators Ginn of the 47th, Wilkinson of the 50th, Harper of the 7th, Mullis of the 53rd, Albers of the 56th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to change a definition; to provide a clarification of an existing exception to a breach of covenant for bona fide conservation use property; to provide for a new exception to a breach of covenant for bona fide conservation use property; to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for a limited period of time an exemption from state sales and use tax only with respect to certain sales to a qualified job training organization; to provide for procedures, conditions, and limitations; to provide for a sunset date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in Code Section 48-5-2, relating to definitions concerning ad valorem taxation of property, by revising paragraph (3) as follows:

"(3) 'Fair market value of property' means the amount a knowledgeable buyer would pay for the property and a willing seller would accept for the property at an arm's length, bona fide sale. The income approach, if actual income and expense data ~~is available~~ are supplied by the property owner, shall be ~~considered~~ applied in determining the fair market value of income-producing property. For purposes of this paragraph, income and expense data prepared by the commissioner pursuant to Code Section 48-5-269 may be used in addition to actual income and expense data. Notwithstanding any other provision of this chapter to the contrary, the transaction amount of the most recent arm's length, bona fide sale in any year shall be the maximum allowable fair market value for the next taxable year. With respect to the valuation of equipment, machinery, and fixtures when no ready market exists for the sale of the equipment, machinery, and fixtures, fair market value may be determined by resorting to any reasonable, relevant, and useful information available, including, but not limited to, the original cost of the property, any depreciation or obsolescence, and any increase in value by reason of inflation. Each tax assessor shall have access

to any public records of the taxpayer for the purpose of discovering such information."

SECTION 2.

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

"(o) The transfer of a part of the property subject to a covenant for a bona fide conservation use shall not constitute a breach of a covenant if:

(1) The part of the property so transferred is used for single-family residential purposes, starting within one year of the date of transfer and continuing for the remainder of the covenant period, and the residence is occupied <u>within 24 months from the date of the start</u> by a person who is related within the fourth degree of civil reckoning to an owner of the property subject to the covenant; and

(2) The part of the property so transferred, taken together with any other part of the property so transferred to the same relative during the covenant period, does not exceed a total of five acres;

and in any such case the property so transferred shall not be eligible for a covenant for bona fide conservation use, but shall, if otherwise qualified, be eligible for current use assessment as residential transitional property and the remainder of the property from which such transfer was made shall continue under the existing covenant until a terminating breach occurs or until the end of the specified covenant period."

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

SECTION 3.

Said title is further amended in Code Section 48-8-3, relating to exemptions from sales and use taxes, by revising paragraph (1) and by deleting "or" at the end of paragraph (95), by deleting the period and adding "; or" at the end of paragraph (96), and by adding a new paragraph to read as follows:

"(1) Sales to the United States government, this state, any county or municipality of this state, <u>fire districts which have elected governing bodies and are supported by, in whole or in part, ad valorem taxes,</u> or any bona fide department of such governments when paid for directly to the seller by warrant on appropriated government funds;"

"<u>(97)(A) For the period beginning July 1, 2017 and ending June 30, 2020, sales of tangible personal property and services to a qualified job training organization when such organization obtains an exemption determination letter from the commissioner.</u>

(B) For the purposes of this paragraph, the term 'qualified job training organization' means an organization which:

(i) Is located in this state;

(ii) Is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code;

(iii) Specializes in the retail sale of donated items;

(iv) Provides job training and employment services to individuals with workplace disadvantages and disabilities, including, but not limited to, reentry citizens who shall be persons released from incarceration, persons with disabilities, and veterans; and

(v) Uses a majority of its revenues for job training and placement programs.

(C)(i) For the purposes of this paragraph, the term 'local sales and use tax' means any sales tax, use tax, or local sales and use tax which is levied and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or by or pursuant to Article 2, Article 2A, Part 1 or Part 2 of Article 3, Article 4, or Article 5 of this chapter.

(ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply to any local sales and use tax levied or imposed at any time.

(D) Any qualified job training organization which is granted an exemption under this paragraph shall provide an annual report to the department which contains, but is not limited to, the following:

(i) The number of individuals trained in the program;

(ii) The number of individuals employed by the organization after receiving such training; and

(iii) The number of individuals employed in full-time positions outside the organization after such training.

Such data shall be compiled by the department and presented to the House Committee on Ways and Means for consideration prior to any renewal or extension of the exemption provided by this paragraph.

(E) The commissioner shall promulgate any rules and regulations necessary to implement and administer this paragraph."

SECTION 4.

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

The following substitute, offered by Representative Powell of the 171st, was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to change provisions relating to the amount payable at redemption; to provide for the distribution of certain proceeds of the alternative ad valorem tax on motor vehicles; to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for a limited period of time an exemption from state sales and use tax only with respect to certain sales to a qualified job training organization; to provide for procedures, conditions, and limitations; to provide for a sunset date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising Code Section 48-4-40, relating to persons entitled to redeem land sold under tax execution, as follows:

"48-4-40.

Whenever any real property is sold under or by virtue of an execution issued for the collection of state, county, municipal, or school taxes or for special assessments, the defendant in fi. fa. or any person having any right, title, or interest in or lien upon such property may redeem the property from the sale by the payment of ~~the redemption price or~~ the amount required for redemption, as fixed and provided in Code Section 48-4-42:

(1) At any time within 12 months from the date of the sale; and

(2) At any time after the sale until the right to redeem is foreclosed by the giving of the notice provided for in Code Section 48-4-45."

SECTION 2.

Said title is further amended by revising Code Section 48-4-42, relating to the amount payable for redemption, as follows:

"48-4-42.

(a) The amount required to be paid for redemption of property from any sale for taxes as provided in this chapter~~, or the redemption price,~~ shall with respect to any sale made after July 1, 2002, be the amount paid for the property at the tax sale, as shown by the recitals in the tax deed, plus ~~any~~:

(1) Any taxes paid on the property by the purchaser after the sale for taxes~~, plus any~~;

(2) Any special assessments on the property~~, plus a~~; and

(3) A premium of 20 percent of the amount for the first year or fraction of a year which has elapsed between the date of the sale and the date on which the redemption payment is made and 10 percent for each year or fraction of a year thereafter.

(b) If redemption is not made until more than 30 days after the notice provided for in Code Section 48-4-45 has been given, there shall be added to the ~~redemption price~~ sums set forth in subsection (a) of this Code section the sheriff's cost in connection with serving the notice and the cost of publication of the notice, if any.

(c) With respect to any sale made after July 1, 2016, there shall be added to the sums set forth in subsections (a) and (b) of this Code section any sums:

(1) Paid from the date of the tax sale to the date of redemption to a property owners' association, as defined in Code Section 44-3-221, in accordance with Code Section 44-3-232;

(2) Paid to a condominium association, that is an association, as defined in Code Section 44-3-71, in accordance with Code Section 44-3-109; or

(3) Paid to a homeowners' association established by covenants restricting land to certain uses related to planned residential subdivisions.

(d) All of the amounts required to be paid by this Code section shall be paid in lawful money of the United States to the purchaser at the tax sale or to the purchaser's successors."

SECTION 3.

Said title is further amended in Code Section 48-5C-1, relating to definitions, exemption from taxation, allocation and disbursement of proceeds collected by tag agents, fair market value of vehicle appealable, and report, by revising subparagraph (c)(3)(A) as follows:

"(A) The tag agent of the county shall within 20 days following the end of each calendar month allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, ~~and~~ the board of education of any independent school district located in such county, the water and sewerage authority for which the county has levied an ad valorem tax in accordance with a local constitutional amendment, and in a county in which a sales and use tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008, the governing body of the transportation authority created by the Metropolitan Atlanta Rapid Transit Authority Act of 1965, Ga. L. 1965, p. 2243, as amended, and the amendment to the Constitution set out at Ga. L. 1964, p. 1008, an amount of those proceeds necessary to offset any reduction in (i) ad valorem tax on motor vehicles collected under Chapter 5 of this title in the taxing jurisdiction of each governing authority, ~~and~~ school district, and water and sewerage authority from the amount of ad valorem taxes on motor vehicles collected under Chapter 5 of this title in each such governing authority, ~~and~~ school district, and water and sewerage authority during the same calendar month of 2012 and (ii) with respect to the transportation authority, the monthly average portion of the sales and use tax levied for purposes of a metropolitan area system of public transportation applicable to any motor vehicle titled in a county which levied such tax in 2012. Such amount of tax may be determined by the commissioner for counties which levied such tax in 2012, and any counties which subsequently levy a tax pursuant to a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008, the governing body of the transportation authority created by the Metropolitan Atlanta Rapid Transit Authority

Act of 1965, Ga. L. 1965, p. 2243, as amended, and the amendment to the Constitution set out at Ga. L. 1964, p. 1008, the Commissioner may determine what amount of sales and use tax would have been collected in 2012, had such tax been levied. This reduction shall be calculated, with respect to (i) above, by subtracting the amount of ad valorem tax on motor vehicles collected under Chapter 5 of this title in each such taxing jurisdiction from the amount of ad valorem tax on motor vehicles collected under Chapter 5 of this title in that taxing jurisdiction in the same calendar month of 2012. In the event that the local title ad valorem tax fee proceeds are insufficient to fully offset such reduction in ad valorem taxes on motor vehicles or the portion of the sales and use tax described in (ii) above, the tag agent shall allocate a proportionate amount of the proceeds to each governing authority, ~~and to~~ the board of education of each such school district, the water and sewerage authority, and the transportation authority, and any remaining shortfall shall be paid from the following month's local title ad valorem tax fee proceeds. In the event that a shortfall remains, the tag agent shall continue to first allocate local title ad valorem tax fee proceeds to offset such shortfalls until the shortfall has been fully repaid; and"

SECTION 4.

Said title is further amended in Code Section 48-8-3, relating to exemptions from sales and use taxes, by revising paragraph (1), by deleting "or" at the end of paragraph (95), by replacing the period with "; or" at the end of paragraph (96), and by adding a new paragraph to read as follows:

"(1) Sales to the United States government, this state, any county or municipality of this state, fire districts which have elected governing bodies and are supported by, in whole or in part, ad valorem taxes, or any bona fide department of such governments when paid for directly to the seller by warrant on appropriated government funds;"

"(97)(A) For the period beginning July 1, 2017, and ending June 30, 2020, sales of tangible personal property and services to a qualified job training organization when such organization obtains an exemption determination letter from the commissioner.

(B) For the purposes of this paragraph, the term 'qualified job training organization' means an organization which:

(i) Is located in this state;

(ii) Is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code;

(iii) Specializes in the retail sale of donated items;

(iv) Provides job training and employment services to individuals with workplace disadvantages and disabilities, including, but not limited to, reentry citizens who shall be persons released from incarceration, persons with disabilities, and veterans; and

(v) Uses a majority of its revenues for job training and placement programs.

(C)(i) For the purposes of this paragraph, the term 'local sales and use tax' means any sales tax, use tax, or local sales and use tax which is levied and imposed in an

area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or by or pursuant to Article 2, Article 2A, Part 1 or Part 2 of Article 3, Article 4, or Article 5 of this chapter.

(ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply to any local sales and use tax levied or imposed at any time.

(D) Any qualified job training organization which is granted an exemption under this paragraph shall provide an annual report to the department which contains, but is not limited to, the following:

(i) The number of individuals trained in the program;

(ii) The number of individuals employed by the organization after receiving such training; and

(iii) The number of individuals employed in full-time positions outside the organization after such training.

Such data shall be compiled by the department and presented to the House Committee on Ways and Means and the Senate Finance Committee for consideration prior to any renewal or extension of the exemption provided by this paragraph.

(E) The commissioner shall promulgate any rules and regulations necessary to implement and administer this paragraph."

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, by substitute.

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

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

Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E 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	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Knight	Y Reeves	Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Gardner	Y Mabra	Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 3.

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 199. By Senators Jeffares of the 17th, Mullis of the 53rd, Jones of the 25th, Dugan of the 30th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a definition; to prohibit certain activities within close proximity to polling places; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a definition; to revise the qualifying times for municipal elections; to provide for the reopening of qualifications in municipal

elections under certain conditions; to prohibit certain activities within close proximity to polling places; to amend Code Section 45-2-1 of the Official Code of Georgia Annotated, relating to persons ineligible to hold office, vacation of office, and validity of acts performed while in office, so as to authorize counties and municipalities to provide by local law for district durational residency requirements; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended in Code Section 21-2-2, relating to definitions, by adding a new paragraph to read as follows:

"(3.1) 'Campaign material' means any newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter referring to:

(A) A candidate whose name appears on the ballot in a primary or election;

(B) A referendum which appears on the ballot in a primary or election; or

(C) A political party or body which has a nominee or nominees on the ballot in a primary or election.

Campaign material shall not include any written or printed matter that is used exclusively for the personal and private reference of an individual elector during the course of voting."

SECTION 2.

Said chapter is further amended in Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit and qualifying petition for exemption from qualifying fee; and military service, by revising paragraph (3) of subsection (c) as follows:

"(3)(A) Each candidate for a nonpartisan municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's nonpartisan qualifying period. Each municipal superintendent shall designate the days of such qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the ~~last~~ third Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal nonpartisan qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election~~; and~~.

(B) In any case in which no individual has filed a notice of candidacy and paid the prescribed qualifying fee to fill a particular office in a nonpartisan municipal election, the governing authority of the municipality shall be authorized to reopen qualifying for candidates at 9:00 A.M. on the Monday next following the close of

the preceding qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately following such Monday, notwithstanding the fact that such days may be legal holidays; and"

SECTION 3.

Said chapter is further amended by revising paragraph (3) of subsection (d) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit and qualifying petition for exemption from qualifying fee; and military service, as follows:

"(3) Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall commence no earlier than 8:30 A.M. on the ~~last~~ third Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election; and".

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-414, relating to restrictions on campaign activities and public opinion polling within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates from entering certain polling places, and penalty, as follows:

"(a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or display any campaign ~~literature, newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter of any kind~~ material, nor shall any person solicit signatures for any petition or conduct any exit poll or public opinion poll with voters on any day in which ballots are being cast:

(1) Within 150 feet of the outer edge of any building within which a polling place is established;

(2) Within any polling place; or

(3) Within 25 feet of any voter standing in line to vote at any polling place.

These restrictions shall not apply to conduct occurring in private offices or areas which cannot be seen or heard by such electors."

SECTION 5.

Code Section 45-2-1 of the Official Code of Georgia Annotated, relating to persons ineligible to hold office, vacation of office, and validity of acts performed while in office, is amended by revising paragraph (1) as follows:

"(1) Persons who are not citizens of this state and persons under the age of 21 years; provided, however, that upon passage of appropriate local ordinances, citizens of this

state who are otherwise qualified and who have attained 18 years of age shall be eligible to hold any county or municipal office, except such offices of a judicial nature. The residency requirement for a candidate for any county office, except offices of a judicial nature, shall be 12 months residency within the county. The residency requirement for a candidate for any municipal office, except offices of a judicial nature, shall be 12 months residency within the municipality; provided, however, that municipalities may by charter provide for lesser residency requirements for candidates for municipal office, except offices of a judicial nature. Notwithstanding anything in this paragraph to the contrary, the General Assembly may provide by local law for a period of district residency for candidates for any county or municipal governing authority or board of education who are elected from districts not to exceed 12 months residency within the district from which each such candidate seeks election. Any local law previously enacted by the General Assembly providing for a period of district residency for candidates for county or municipal office which does not exceed 12 months shall be granted full force and effect;"

SECTION 6.

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

SECTION 7.

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

The 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 Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Harden Harrell
Y Hatchett
Y Hawkins
Y Henson 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 Metze
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix Oliver
N Pak
Y Parrish
Y Parsons
Y Peake Petrea
Y Pezold
Y Pirkle
Y Powell, A
Y Powell, J
Y Price
Y Prince
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
N 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 Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	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	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 2.

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

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

Mr. Speaker:

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

HB 51. By Representatives Benton of the 31st, Stephens of the 164th and Werkheiser of the 157th:

A BILL to be entitled an Act to amend Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to redemption of property sold for taxes, so as to change provisions relating to the amount payable at redemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1115. By Representatives Henson of the 86th, Drenner of the 85th, Oliver of the 82nd, Taylor of the 79th, Holcomb of the 81st and others:

A BILL to be entitled an Act to amend an Act to make provisions for the Magistrate Court of DeKalb County, approved March 28, 1985 (Ga. L. 1985, p. 4819), as amended, so as to allow for service of a citation for or accusation

of a violation of an ordinance concerning the condition of real property by leaving a copy at the premises where the violation is allegedly to have occurred, mailing a copy to the owner of the premises, and filing with the clerk of the magistrate court; to limit sanctions for violations when such form of service is used; to provide for related matters; to provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

SB 319. By Senators Jackson of the 2nd, Kirk of the 13th, Unterman of the 45th, Henson of the 41st and Orrock of the 36th:

A BILL to be entitled an Act to amend Code Section 43-10A-3 of the Official Code of Georgia Annotated, relating to definitions relative to professional counselors, social workers, and others, so as to revise the definition of "professional counseling"; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide that professional counseling includes diagnosing emotional and mental problems and conditions; to clarify that persons licensed as professional counselors, social workers, and marriage and family therapists are not authorized to conduct psychological testing; to provide for legislative findings and intent; to provide for a curriculum of continuing education relating to diagnosing; to provide for the establishment of rules and regulations regarding testing conducted by licensed professional counselors; to clarify that psychological testing is part of the practice of psychology; to provide that certain licensed persons are able to perform certain tests other than psychological testing; to revise definitions; to amend Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to the general provisions governing and regulating mental health, so as to conform a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that the mental health and wellness needs of Georgia's citizens require the availability of trained mental health professionals who can accurately diagnose, treat, prescribe, and appropriately assess the mental and emotional illnesses, disorders, and conditions from which they suffer and the vocational, educational, interpersonal, and intrapersonal needs essential to living and learning how to live productive and useful lives. It is the intent of the General Assembly to assure geographical and financial access for all of Georgia's citizens to excellent mental health services to the extent that Georgia's resources and regulations permit. To these ends, Georgia regulates its licensed psychiatrists, psychologists, professional counselors, marriage and family therapists, and clinical social workers who provide graduate level professional services to Georgia's private and public mental health services and to its public mental health, educational, and vocational support systems. The General Assembly seeks in such regulatory process to protect the public and assure it receives high quality and appropriate services and to define the scopes of practice and diagnostic authority for each of these professional groups consistent with the graduate level training and supervision, or its equivalent, that the members of each profession have sought and successfully completed. The General Assembly has empowered and authorized the Georgia Composite Medical Board, the State Board of Examiners of Psychologists, and the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists to fulfill these responsibilities and expects them to work together to assure a continuum of professional services that ensure appropriate diagnostic and assessment functions for each profession and the psychotherapeutic and counseling treatment services appropriate to each profession. The General Assembly recognizes that advances in medicine, science, education, training, and service delivery occur constantly in our modern history and therefore also expects the regulatory boards for each profession to assure that its licensees seek and successfully complete appropriate continuing education and training for the functions and services authorized to each profession.

SECTION 2.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended in Code Section 43-10A-3, relating to definitions relative to professional counselors, social workers, and others, by adding a new paragraph and by revising paragraph (10) to read as follows:

"<u>(4.1) 'Diagnose' means the use, administration, or application of any criteria contained within standard classification or diagnostic systems for mental disorders and that are related to the scope of practice as provided pursuant to this chapter. Diagnose shall not mean the diagnosis of any neuropsychological functioning or conditions.</u>"

"(10) 'Professional counseling' means that specialty which utilizes counseling techniques based on principles, methods, and procedures of counseling that assist people in identifying and resolving personal, social, vocational, intrapersonal<u>,</u> and

interpersonal concerns; utilizes counseling and psychotherapy to evaluate, diagnose, treat, and recommend a course of treatment for emotional and mental problems and conditions, whether cognitive, behavioral, or affective, provided that the counselor shall have training and experience working with people with mental illness, developmental disability, or substance abuse; administers and interprets educational and vocational assessment instruments and other tests which the professional counselor is qualified to employ by virtue of education, training, and experience; utilizes information, community resources, and goal setting for personal, social, or vocational development; utilizes individual and group techniques for facilitating problem solving, decision making, and behavior change; utilizes functional assessment and vocational planning and guidance for persons requesting assistance in adjustment to a disability or disabling condition; utilizes referral for persons who request counseling services; performs service planning; and utilizes and interprets counseling research."

SECTION 3.

Said title is further amended by designating the present provisions as subsection (a) and by adding a new subsection to Code Section 43-10A-16, relating to continuing education for professional counselors, to read as follows:

"(b) On or before January 1, 2017, the board shall develop a curriculum of continuing education relating to diagnosing by persons licensed under this chapter working with people with mental illness, developmental disabilities, or substance abuse. All persons licensed under this chapter who have not already completed as of January 1, 2017, sufficient training, experience, or classes related to diagnosing as part of their licensure requirements as required by the board shall complete such curriculum no later than January 1, 2018. As of the effective date of this subsection, persons licensed under this chapter with at least ten years of experience as a professional counselor working with people with mental illness, developmental disabilities, or substance abuse and in good standing with the board shall be exempt from the requirements of this subsection."

SECTION 4.

Said title is further amended by revising Code Section 43-10A-22, relating to restrictions on the scope of practice relative to professional counselors, social workers, and marriage and family therapists, as follows:

"43-10A-22.

(a) Nothing in this chapter shall be construed to authorize persons licensed under this chapter to practice nursing, occupational therapy, physical therapy, medicine, or psychology, as regulated under Chapters 26, 28, 33, 34, and 39, respectively, of this title nor shall anything in this chapter be construed to limit or regulate the practice of those licensed under ~~said~~ Chapters 26, 28, 33, 34, and 39 of this title, nor shall anything in this chapter be construed to authorize persons licensed under this chapter to perform psychological testing as defined in Code Section 43-39-1.

(b) On or before January 1, 2017, the board, in consultation with the State Board of Examiners of Psychologists, shall promulgate rules and regulations that define for its licensees testing and assessments authorized by this chapter and not prohibited by this Code section. The board shall retain its full authority to determine the education, experience, and training necessary and appropriate to any testing or assessments conducted by its licensees. The board and the State Board of Examiners of Psychologists shall notify each other in the event of any enforcement inquiry, penalty, or legal order relating to testing or assessments that are not within the scope of authority for licensees of either board and permit the other board to render any advice or comment relating to such action 30 days prior to any final action by the board."

SECTION 5.

Said title is further amended by revising Code Section 43-39-1, relating to definitions relative to psychologists, as follows:

"43-39-1.

As used in this chapter, the term:

(1) 'Board' means the State Board of Examiners of Psychologists.

(2) 'Mental abilities' means abilities that are psychological in nature and are related to the practice of psychology.

(3) 'Neuropsychological functioning' means the psychological manifestations of brain functioning. Neuropsychological functioning includes but is not limited to sensory motor functioning, attention, concentration, memory, language, abstraction, problem solving, visual-spatial ability, executive functioning, and personality.

~~(2)~~(4) 'Neuropsychology' means the subspecialty of psychology concerned with the relationship between the brain and behavior, including the diagnosis of brain pathology through the use of psychological tests and assessment techniques.

(5) 'Personality characteristics' means personality characteristics that are psychological in nature and related to the practice of psychology.

(6) 'Psychological testing' means the use of assessment instruments to both:

(A) Measure mental abilities, personality characteristics, or neuropsychological functioning; and

(B) Diagnose, evaluate, classify, or render opinions regarding mental and nervous disorders and illnesses, including, but not limited to, organic brain disorders, brain damage, and other neuropsychological conditions.

~~(3)~~(7) 'To practice psychology' or 'practice of psychology' means to render or offer to render to individuals, groups, organizations, or the public for a fee or any remuneration, monetary or otherwise, any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, ~~such as~~ including, but not limited to, diagnosing and treating mental and nervous disorders and illnesses~~,~~; rendering opinions concerning diagnoses of mental disorders, including, but not limited to, organic brain disorders and brain damage~~,~~; engaging in neuropsychology~~,~~; engaging in psychotherapy~~,~~; interviewing, administering, and interpreting tests of mental abilities, aptitudes, interests, and

personality characteristics, including, but not limited to, psychological testing, for such purposes as psychological classification or evaluation~~,~~ or for ~~education~~ educational or vocational placement, or for such purposes as psychological counseling, guidance, or readjustment. When engaged in the practice of psychology, licensed psychologists may describe or label any testing, assessment, or evaluation they conduct within the scope of practice described in this Code section as 'psychological' in nature; provided, however, that any such description or labeling shall not be construed to alter the meaning of psychological testing as defined in paragraph (6) of this Code section and in paragraph (9) of Code Section 43-39-7. Nothing in this paragraph shall be construed as permitting the administration or prescription of drugs or in any way infringing upon or restricting the practice of medicine as defined in the laws of this state."

SECTION 6.

Said title is further amended by revising Code Section 43-39-7, relating to the practice of psychology without a license, use of psychologist title, and exceptions, by striking the word "and" at the end of paragraph (7), by replacing the period at the end of paragraph (8) with "; and", and by adding a new paragraph to read as follows:

"(9) Nothing in this chapter shall be construed as prohibiting any person licensed under Chapter 10A of this title from providing services he or she is authorized to perform under Chapter 10A of this title, including, but not limited to, administering and interpreting educational and vocational tests; functional assessments; interest inventories; tests that evaluate marital and family functioning; mental health symptom screening and assessment instruments that evaluate emotional, mental, behavioral, and interpersonal problems or conditions including substance use, health, and disability; or any other assessments or tests which the person is qualified to employ by virtue of his or her education, training, or experience within the scope of practice of professional counselors. The Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists shall have sole authority to regulate assessment and testing performed by persons licensed under Chapter 10A of this title."

SECTION 7.

Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to the general provisions governing and regulating mental health, is amended by revising paragraph (17) as follows:

"(17) 'Psychologist' means any person ~~authorized under the laws of this state to practice as a licensed psychologist as set forth in paragraph (3) of Code Section 43-39-1~~ duly licensed to practice psychology in this state under Chapter 39 of Title 43."

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.

The following amendment was read and adopted:

Representative Dickson of the 6th offers the following amendment:

Amend the House Committee on Regulated Industries substitute to SB 319 (LC 33 6635ERS) by inserting on line 78 after "professional counselor" *the following:*
, clinical social worker, or marriage and family therapist

The Committee substitute, as amended, was adopted.

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

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

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M
N Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N 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	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	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	N Price	Y Taylor, T
N Brockway	N Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstration	Y Jordan	N Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	E Thomas, E
Y Buckner	Y England	N Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	N Turner
N Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Floyd	Knight	Y Reeves	N 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	Y Mabra	Rogers, T	N Wilkinson
N Casas	Y Gasaway	Y Marin	N Rutledge	N Willard
Y Chandler	N Gilligan	Y Martin	Y Rynders	Y Williams, A

Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	N Setzler	Y Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	N Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 145, nays 26.

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

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

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

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

Representative Weldon of the 3rd moved that the House insist on its position in substituting SB 64.

The motion prevailed.

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

Representative Weldon of the 3rd.

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 364. By Representatives Knight of the 130th, Harbin of the 122nd, Harrell of the 106th, Stephens of the 164th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of intangibles, so as to change certain provisions regarding the real estate transfer tax; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 937. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Williamson of the 115th 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 tax, so as to change the sunset provision for the exemption for projects of regional significance; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 547. By Representatives Fleming of the 121st, Powell of the 171st and Willard of the 51st:

A BILL to be entitled an Act to amend Chapter 3 of Title 53 of the Official Code of Georgia Annotated, relating to year's support, so as to change provisions relating to taxes and tax liens; to provide for a definition; 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 3 of Title 53 of the Official Code of Georgia Annotated, relating to year's support, so as to change provisions relating to taxes and tax liens; to provide for a definition; 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 3 of Title 53 of the Official Code of Georgia Annotated, relating to year's support, is amended by revising Code Section 53-3-4, relating to taxes and tax liens, as follows:

"53-3-4.

(a) As used in this Code section, the term 'homestead' shall have the same meaning as set forth in Code Section 48-5-40.

(b)(1) In solvent and insolvent estates, all taxes and liens for taxes accrued for years prior to the year of the decedent's death against the ~~real property~~ homestead set apart and against any equity of redemption applicable to the ~~real property~~ homestead set apart shall be divested as if the entire title were included in the year's support. Additionally, as elected in the petition, property taxes accrued in the year of the decedent's death or in the year in which the petition for year's support is filed or, if the petition is filed in the year of the decedent's death, in the year following the filing of the petition~~,~~ shall be divested if the ~~real property~~ homestead is set apart for year's support.

(2) In solvent and insolvent estates, if the homestead is not claimed, all taxes and liens for taxes accrued for years prior to the year of the decedent's death against the real property set apart and against any equity of redemption applicable to the real property set apart shall be divested as if the entire title were included in the year's support. Additionally, as elected in the petition, property taxes accrued in the year of the decedent's death or in the year in which the petition for year's support is filed or, if the petition is filed in the year of the decedent's death, in the year following the filing of the petition shall be divested if the real property is set apart for year's support."

SECTION 2.

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

Representative Fleming of the 121st moved that the House agree to the Senate substitute to HB 547.

On the motion, 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	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
Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	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	Jones, J.B.	Y Powell, J	Y Taylor, D
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	Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	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	Rutledge	Y Willard
Y Chandler	Y Gilligan	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	Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 166, nays 0.

The motion prevailed.

HB 792. By Representatives Brockway of the 102nd, Pak of the 108th, Quick of the 117th, Cooke of the 18th, Ballinger of the 23rd and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to authorize the carrying, possession, and use of electroshock weapons by persons who are students or who are employed at a public institution of postsecondary education; to provide for a definition; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to authorize the carrying, possession, and use of electroshock weapons while in or on any building or real property owned by or leased to a public institution of postsecondary education; to provide for a definition; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended in subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, by deleting "or" at the end of paragraph (17), by replacing the period with "; or" at the end of paragraph (18), and by adding a new paragraph to read as follows:

"(19) Any person who is 18 years of age or older or currently enrolled in classes on the campus in question and carrying, possessing, or having under such person's control an electroshock weapon while in or on any building or real property owned by or leased to such public technical school, vocational school, college or university or other public institution of postsecondary education; provided, however, that, if such person makes use of such electroshock weapon, such use shall be in defense of self or others. The exemption under this paragraph shall apply only to such person in regard to such electroshock weapon. As used in this paragraph, the term 'electroshock weapon' means any commercially available device that is powered by electrical charging units and designed exclusively to be capable of incapacitating a person by electrical charge, including, but not limited to, a stun gun or taser as defined in subsection (a) of Code Section 16-11-106."

SECTION 2.

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

Representative Brockway of the 102nd moved that the House agree to the Senate substitute to HB 792.

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	Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	N Howard	Y Peake	Y Stover
Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	N Jackson	Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
N Beverly	N Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Jones, J.B.	Y Powell, J	Y Taylor, D
Broadrick	Y Duncan	N Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstration	Y Jordan	Y Pruett	N Thomas, A.M.

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

On the motion, the ayes were 119, nays 50.

The motion prevailed.

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

Mr. Speaker:

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

HB 806. By Representatives Tanner of the 9th, Tankersley of the 160th, Epps of the 144th, Caldwell of the 131st and Rice of the 95th:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the expiration of certain licenses and identification cards issued by the Department of Driver Services; to provide for the suspension of a driver's license upon receipt of conviction reports from a court; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to require a driver who refused blood alcohol concentration testing as required by implied consent laws or an offender

convicted of DUI with a blood alcohol concentration of 0.15 grams or higher to install and maintain ignition interlock devices on his or her vehicle; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to uniform rules of the road, so as to provide for the probation of terms of imprisonment for DUI offenders in certain instances; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as condition of probation, so as to provide for the court issuance of a certificate of installation of ignition interlock devices; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 866. By Representatives Blackmon of the 146th, Smith of the 134th, Efstration of the 104th, Ramsey of the 72nd, Hawkins of the 27th and others:

A BILL to be entitled an Act to amend Chapter 50 of Title 33 of the Official Code of Georgia Annotated, relating to multiple employer self-insured health plans, so as to exempt multiple employer self-insured health plans from premium taxes; 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 50 of Title 33 of the Official Code of Georgia Annotated, relating to multiple employer self-insured health plans, so as to exempt multiple employer self-insured health plans from premium taxes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 50 of Title 33 of the Official Code of Georgia Annotated, relating to multiple employer self-insured health plans, is amended by revising Code Section 33-50-3, relating to application for license, payment of fees, and payment of premium taxes, as follows:

"33-50-3.

(a) Application for a license shall be made on forms prescribed by the Commissioner.

(b) Every multiple employer self-insured health plan shall pay to the Commissioner annual license fees, as established by rule or regulation of the Commissioner.

(c) ~~Every multiple employer self-insured health plan shall pay to the Commissioner the premium taxes on the plan's net retained premium after deducting premium paid by the plan to its excess insurer and any other applicable deductions provided for in Chapter 8 of this title. The applicable premium tax rate shall be the applicable rates for insurance companies provided for in Chapter 8 of this title~~ Every multiple employer self-insured health plan shall be exempt from the payment of premium taxes on the plan's net premium."

SECTION 2.

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

SECTION 3.

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

Representative Blackmon of the 146th moved that the House agree to the Senate substitute to HB 866.

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
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
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
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
Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
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 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.
E Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Wilkerson
Y Wilkinson
Y Willard

Y Chandler	Y Gilligan	Y Martin	Y Rynders	Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
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 motion, the ayes were 168, nays 0.

The motion prevailed.

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

Mr. Speaker:

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

HB 904. By Representatives Strickland of the 111th, Shaw of the 176th, Fleming of the 121st, Bryant of the 162nd and Kirby of the 114th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain contribution rates and credits; to change certain provisions relating to rate of employer contributions; to extend certain provisions relating to variations in the standard rate; to extend provisions relating to administrative assessments; to reduce the percentage of the administrative assessment to be assessed for a certain period; to provide exceptions; to change certain provisions relating to additional assessments for a new or newly covered employer; to extend the provision relating to automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 874. By Representatives Reeves of the 34th, Golick of the 40th, Efstration of the 104th, Strickland of the 111th, Ramsey of the 72nd and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 11 of Title 15, Title 16, Chapter 4 of Title 24, and Code Section 42-5-18 of the O.C.G.A., relating to access to hearings and records, crimes and offenses, relevant evidence and its limits, and items prohibited for possession by inmates, respectively, so as to improve the ability to prosecute street gang terrorism;

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 9 of Chapter 11 of Title 15, Title 16, Chapter 4 of Title 24, and Title 42 of the Official Code of Georgia Annotated, relating to access to hearings and records, crimes and offenses, relevant evidence and its limits, and penal institutions, respectively, so as to improve the ability to prosecute street gang terrorism; to provide for the admissibility of juvenile adjudications under certain circumstances; to clarify provisions relating to terroristic threats and acts; to provide for misdemeanor punishment of terroristic threats under certain circumstances; to correct a cross-reference; to increase penalties for unlawful activities connected with criminal street gang activity and provide for certain mandatory minimum terms of imprisonment; to change provisions relating to the admissibility of evidence of the existence of criminal street gangs; to provide for the admissibility of similar transaction evidence in prosecutions for criminal street gang activity; to increase penalties for providing items prohibited for possession by inmates and provide for mandatory minimum terms of imprisonment; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 9 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to access to hearings and records, is amended by revising Code Section 15-11-703, relating to the use of disposition and evidence, as follows:

"15-11-703.

Except as provided in subsection (d) of Code Section 24-6-609, the disposition of a child and evidence adduced in a hearing in the juvenile court ~~may~~ shall not be used against such child in any proceeding in any court other than as provided in Code Section 16-15-9 or 24-4-418 or for a proceeding for delinquency or a child in need of services, whether before or after reaching 18 years of age, except in the establishment of conditions of bail, plea negotiations, and sentencing in criminal offenses; and, in such excepted cases, such records of dispositions and evidence shall be available to prosecuting attorneys, superior or state court judges, and the accused and may be used in the same manner as adult records. Whenever such record of disposition is filed in a superior or state court or admitted into evidence in a superior or state court proceeding, it shall be filed under seal."

SECTION 2.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Code Section 16-11-37, relating to terroristic threats and acts and penalties, as follows:

"16-11-37.

(a) As used in this Code section, the term 'hazardous substance' shall have the same meaning as set forth in Code Section 12-8-92.

(b)(1) A person commits the offense of a terroristic threat when he or she threatens to ~~commit~~:

(A) Commit any crime of violence~~, to release~~;

(B) Release any hazardous substance~~, as such term is defined in Code Section 12-8-92, or to burn~~; or

(C) Burn or damage property ~~with~~.

(2) Such terroristic threat shall be made:

(A) With the purpose of terrorizing another ~~or~~;

(B) With the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation ~~or~~;

(C) With the purpose of otherwise causing serious public inconvenience; or ~~in~~

(D) In reckless disregard of the risk of causing ~~such~~ the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph.

(3) No person shall be convicted under this subsection on the uncorroborated testimony of the party to whom the threat is communicated.

~~(b)~~(c) A person commits the offense of a terroristic act when:

(1) He or she uses a burning or flaming cross or other burning or flaming symbol or flambeau with the intent to terrorize another or another's household;

(2) While not in the commission of a lawful act, he or she shoots at or throws an object at a conveyance which is being operated or which is occupied by passengers; or

(3) He or she releases any hazardous substance or any simulated hazardous substance under the guise of a hazardous substance ~~for~~:

(A) For the purpose of terrorizing another ~~or~~;

(B) For the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation ~~or~~;

(C) For the purpose of otherwise causing serious public inconvenience; or ~~in~~

(D) In reckless disregard of the risk of causing ~~such~~ the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph.

~~(c)~~(d)(1) A person convicted of the offense of a terroristic threat shall be punished as a misdemeanor; provided, however, that if the threat suggested the death of the threatened individual, the person convicted shall be guilty of a felony and shall be punished by a fine of not more than $1,000.00, ~~or by~~ imprisonment for not less than one nor more than five years, or both.

(2) A person convicted of the offense of a terroristic act shall be punished by a fine of not more than $5,000.00, ~~or by~~ imprisonment for not less than one nor more than ten years, or both; provided, however, that if any person suffers a serious physical injury

as a direct result of an act giving rise to a conviction under subsection (b) of this Code section, the person so convicted shall be punished by a fine of not more than $250,000.00, ~~or~~ imprisonment for not less than five nor more than 40 years, or both.

~~(d)~~(e) A person who commits or attempts to commit a ~~terroristic threat or act~~ violation of subsection (b) or (c) of this Code section shall, upon conviction thereof, be punished by a fine of not less than $50,000.00, imprisonment for not less than five nor more than 20 years, or both, when such act is done with the intent to retaliate against any person for or intimidate or threaten any person from:

(1) Attending a judicial or administrative proceeding as a witness, attorney, judge, clerk of court, deputy clerk of court, court reporter, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or party or producing any record, document, or other object in a judicial or official proceeding; or

(2) Providing to a law enforcement officer, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, prosecuting attorney, or judge any information relating to the commission or possible commission of an offense under the laws of this state or of the United States or a violation of conditions of bail, pretrial release, probation, or parole.

~~shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall be punished, for a terroristic threat, by imprisonment for not less than five nor more than ten years or by a fine of not less than $50,000.00, or both, and, for a terroristic act, by imprisonment for not less than five nor more than 20 years or by a fine of not less than $100,000.00, or both.~~"

SECTION 3.

Said title is further amended by revising Code Section 16-11-37.1, relating to dissemination of information relating to terroristic acts, as follows:

"16-11-37.1.

It shall be unlawful for any person knowingly to furnish or disseminate through a computer or computer network any picture, photograph, drawing, or similar visual representation or verbal description of any information designed to encourage, solicit, or otherwise promote terroristic acts as defined in Code Section 16-11-37. Any person convicted for violation of this Code section shall be guilty of a misdemeanor of a high and aggravated nature; provided, however, that if such act is in violation of paragraph (1) of subsection ~~(d)~~ (e) of Code Section 16-11-37, the person convicted shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than ten years or by a fine not to exceed $100,000.00 or both."

SECTION 4.

Said title is further amended by revising subsection (k) of Code Section 16-15-4, relating to the prohibition of participating in criminal gang activity, as follows:

"(k)(1) Any person who violates subsection (a), (b), or (c) of this Code section shall be guilty of a felony and upon conviction thereof, in addition to any other penalty imposed, ~~by law, be punished by~~ shall be sentenced to imprisonment for ~~not less than~~ five ~~nor~~ years but not more than ~~15~~ 20 years or ~~by~~ pay a fine of not less than $10,000.00 nor more than $15,000.00, or both.

(2) Any person who violates subsection (a) of this Code section through the commission of a violation of Code Section 42-5-18 shall be guilty of a felony and upon conviction thereof, in addition to any other penalty imposed, shall be sentenced to a mandatory minimum term of imprisonment of two years but not more than 20 years which shall be served consecutively to any other sentence imposed, and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court.

~~(2)~~(3) Any person who violates subsection (d) of this Code section ~~may~~ shall be guilty of a felony and upon conviction thereof, in addition to any other penalty ~~provided by law, be punished by~~ imposed, shall be sentenced to imprisonment ~~for an additional ten~~ for five years but not more than 20 years which shall be served consecutively to any other sentence imposed ~~on such person by law~~.

~~(3)~~(4) Any person who violates subsection (e), (f), (g), (h), (i), or (j) of this Code section shall be guilty of a felony and upon conviction thereof, in addition to any other penalty ~~provided by law, be punished by~~ imposed, shall be sentenced to imprisonment ~~for not less than three nor more than ten~~ for five years but not more than 20 years."

SECTION 5.

Said title is further amended by revising Code Section 16-15-9, relating to commission of offense admissible as evidence of existence of criminal street gang and criminal gang activity, as follows:

"16-15-9.

~~The commission~~ For the purpose of proving the existence of a criminal street gang and criminal gang activity, the commission, adjudication, or conviction of any offense enumerated in paragraph (1) of Code Section 16-15-3 by any member or associate of a criminal street gang shall be admissible in any trial or proceeding ~~for the purpose of proving the existence of the criminal street gang and criminal gang activity~~. Evidence offered under this Code section shall not be subject to the restrictions in paragraph (22) of Code Section 24-8-803."

SECTION 6.

Chapter 4 of Title 24 of the Official Code of Georgia Annotated, relating to relevant evidence and its limits, is amended by adding a new Code section to read as follows:

"24-4-418.

(a) In a criminal proceeding in which the accused is accused of conducting or participating in criminal gang activity in violation of Code Section 16-15-4, evidence of the accused's commission of criminal gang activity, as such term is defined in Code

Section 16-15-3, shall be admissible and may be considered for its bearing on any matter to which it is relevant.

(b) In a proceeding in which the prosecution intends to offer evidence under this Code section, the prosecutor shall disclose such evidence to the accused, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least ten days in advance of trial, unless the time is shortened or lengthened or pretrial notice is excused by the judge upon good cause shown.

(c) This Code section shall not be the exclusive means to admit or consider evidence described in this Code section."

SECTION 7.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising subsection (c) of Code Section 42-2-8, relating to additional duties of the commissioner of corrections, as follows:

"(c) The commissioner and any person designated and serving in the position of his or her chief of staff shall be authorized to issue a warrant for the arrest of an offender who has escaped from the custody of the department upon probable cause to believe the offender has violated Code Section 16-10-52, relating to escape from lawful confinement."

SECTION 8.

Said title is further amended by revising subsection (d) of Code Section 42-5-18, relating to

items prohibited for possession by inmates, as follows:

"(d)(1) An inmate ~~A person~~ who commits or attempts to commit a violation of subsection (c) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one nor more than five years; provided, however, if ~~a person~~ an inmate violates this Code section while being held pursuant to an arrest or conviction for a misdemeanor offense, the possession of a telecommunications device in violation of this Code section shall be treated as a misdemeanor.

(2) A person who commits or attempts to commit a violation of subsection (b) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be sentenced to a mandatory minimum term of imprisonment of two years but not more than ten years, and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court."

SECTION 9.

Section 7 of this Act shall become effective on July 1, 2016, and shall apply to offenses committed on or after such date. All other sections of this Act shall become effective upon approval by the Governor or upon becoming law without such approval.

SECTION 10.

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

Representative Reeves of the 34th moved that the House agree to the Senate substitute to HB 874.

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

On the motion, the ayes were 105, nays 67.

The motion prevailed.

HB 879. By Representatives Taylor of the 79th, Reeves of the 34th, Stephens of the 164th, Beskin of the 54th and Marin of the 96th:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary educational programs, so as to provide for the issuance of a seal of biliteracy for high school graduates who have achieved a high level of proficiency in speaking, reading, and writing one or more languages in addition to English; to provide for criteria; to provide for participation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 879 by adding a new section 2A between lines 43 and 44.
Said chapter is further amended by adding a new subsection to read as follows:

20-2-281.2
(a) State mandated tests pursuant to Code Section 20-2-281 shall be mandatory for school systems to administer but optional for students, notwithstanding any other provisions of law, under the following conditions:
(1) A parent or legal guardian submits a written request to school officials to excuse his or her child from any or all parts of the state mandated assessments administered pursuant to Code Section 20-2-281; and
(2) A licensed therapist's order or a physician's order has been issued to excuse a child from any or all parts of the state mandated assessments administered pursuant to Code Section 20-2-281 if the child is diagnosed with a life-threatening or serious health condition or has a disability.

The following amendment was read and adopted:

Representatives Taylor of the 79th and Rogers of the 10th offer the following amendment:

Amend the Senate amendment to HB 879 (HB 879/FA) by striking all language from beginning to end.

Representative Taylor of the 173rd moved that the House agree to the Senate amendment, as amended by the House, to HB 879.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	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	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	Dollar	Y Howard	Y Peake	N Stover
Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	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	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	N 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 motion, the ayes were 169, nays 5.

The motion prevailed.

HB 926. By Representatives Broadrick of the 4th, Stephens of the 164th, Harden of the 148th and Parrish of the 158th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for the regulation of certain facilities and entities involved in the wholesale, manufacture, and distribution of drugs; to provide definitions; to provide for licensure and registration; to provide for temporary pharmacy licenses for service members; to revise provisions relating to the compounding of drug products to conform with federal law; to establish requirements relating to drug supply chain security; to revise a provision relating to the return of outdated drugs; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for the licensure of outsourcing facilities and third-party logistics providers; to provide for definitions; to provide for temporary pharmacy licenses for service members; to require that compounding of drug products for use in a practitioner's office can only be conducted by outsourcing facilities to conform to federal law; to establish requirements relating to drug supply chain security; to revise a provision relating to the return of outdated drugs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended in Code Section 26-4-5, relating to definitions, by adding new paragraphs to read as follows:

"(1.05) 'Authorized' means, in the case of a wholesale distributor, having a valid license pursuant to this chapter or 21 U.S.C. 360eee-1(a)(6) and complying with the licensure reporting requirements under 21 U.S.C. 360eee-3(b)."

"(24.1) 'Outsourcing facility' means a facility that is engaged in the compounding of drugs and is registered with the federal Food and Drug Administration as an outsourcing facility pursuant to Section 503b of the federal act."

"(40.1) 'Third-party logistics provider' means an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer, wholesale distributor, or chain pharmacy but does not take title to a drug or have general responsibility to direct the sale or other disposition of the drug."

SECTION 2.

Said chapter is further amended in Code Section 26-4-28, relating to the powers, duties, and authority of the Georgia State Board of Pharmacy, by revising paragraph (13) of subsection (a) as follows:

"(13) The issuance and renewal of licenses or permits of all persons engaged in the manufacture and distribution of drugs, including but not limited to all types of drug manufacturers, wholesale distributors, reverse drug distributors, outsourcing facilities, and third-party logistics providers. The board shall be authorized to establish all licensing and permit requirements of such entities by rule and regulation;"

SECTION 3.

Said chapter is further amended by revising Code Section 26-4-43, relating to temporary pharmacy licenses, as follows:

"26-4-43.

(a) A temporary license may be issued by the executive director upon the approval of the president of the board if an applicant produces satisfactory evidence of fulfilling the requirements for licensure under this article, except the examination requirement, and evidence of an emergency situation justifying such temporary license. ~~All~~ Except as provided in subsection (b) of this Code section, temporary licenses shall expire at the end of the month ~~during which~~ following the ~~first~~ third board meeting ~~is~~ conducted ~~following~~ after the issuance of such license and may not be reissued or renewed.

(b) A temporary license may be issued to a service member, as defined in Code Section 26-4-44.2, for a period of six months. The board shall promulgate rules and regulations to effectuate this subsection.

(c) Notwithstanding subsection (a) of this Code section, applicants who have been accepted for a pharmacy resident position in this state may be issued a temporary license if they meet the examination requirement for licensure as specified by the board."

SECTION 4.

Said chapter is further amended by revising Code Section 26-4-86, relating to compounding and distribution of drug products, as follows:

"26-4-86.

(a) The board shall establish rules and regulations governing the compounding and distribution of drug products by pharmacists, practitioners, and pharmacies licensed or registered by this state. Such rules and regulations shall include provisions ensuring compliance with USP-NF standards.

(b)(1) All drug products compounded and labeled in accordance with board rules regarding pharmaceutical compounding shall be deemed to meet the labeling requirements of Chapter 13 of Title 16 and Chapters 3 and 4 of this title.

(2) All drug products compounded by a licensed outsourcing facility shall also be compounded in accordance with applicable current good manufacturing practices established by the federal Food and Drug Administration.

(c) In regards to pharmacists compounding nonpatient specific sterile drugs to be provided to practitioners to use in patient care or altering or repackaging such drugs for practitioners to use in patient care in the practitioner's office, such nonpatient specific sterile compounding shall only be conducted by an outsourcing facility and as allowed by applicable federal law and board rule for pharmaceutical compounding using USP-NF standards for sterile compounding. Such sterile drugs may be compounded only in quantities determined by board rule following consultation with the Georgia Composite Medical Board. No Schedule II, III, IV, or V controlled substance, as defined in Article 2 of Chapter 13 of Title 16, shall be eligible for such designation. Nothing in this subsection shall be construed to apply to pharmacies owned or operated by institutions

or to pharmacists or practitioners within or employed by an institution or affiliated entity; provided, however, that pharmacies owned or operated by institutions and pharmacists and practitioners within or employed by institutions or affiliated entities shall remain subject to other requirements, rules, and regulations established by the board and the federal Food and Drug Administration governing the compounding of medication.

(d)(1) Practitioners who may lawfully compound drugs for administering or dispensing to their own patients pursuant to Code Section 26-4-130 shall comply with all provisions of this Code section and board rules regarding pharmaceutical compounding.

(2) Nothing in this Code section shall be construed to prohibit or interfere with the ability of a practitioner to compound drugs for administering or dispensing to their own patients pursuant to Code Section 26-4-130."

SECTION 5.

Said chapter is further amended in Code Section 26-4-113, relating to wholesale distributors, licensing requirements, suspension or revocation of license, and reinstatement, by revising subsection (b) as follows:

"(b) Except where otherwise permitted by law, it shall be unlawful for ~~a~~ any type of manufacturer, wholesale distributor, ~~or a~~ reverse drug distributor, outsourcing facility, or third-party logistics provider to distribute or deliver drugs or devices to or receive drugs or devices from any person or firm in this state not licensed under this chapter; provided, however, that out-of-state firms that conduct intracompany transfers of drugs or devices to and have the same ownership as a licensed firm in this state shall not be required to be licensed in this state pursuant to this chapter; and provided, further, that out-of-state third-party logistics providers that are licensed by their resident state or by the federal Food and Drug Administration shall not be required to obtain a license pursuant to this chapter. Any person who distributes or delivers drugs or devices to or receives drugs or devices from a person or firm not licensed under this chapter shall be subject to a fine to be imposed by the board for each offense in addition to such other disciplinary action the board may take under this chapter. Each such violation shall also constitute a misdemeanor."

SECTION 6.

Said chapter is further amended by revising Code Section 26-4-115, relating to wholesale drug distributors, registration, fees, reports of excessive purchases, and penalty for violations, as follows:

"26-4-115.

(a) All persons, firms, or corporations, whether located in this state or in any other state, engaged in the business of selling or distributing drugs at wholesale in this state, in the business of supplying drugs to manufacturers, compounders, and processors in this state, or in the business of a reverse drug distributor shall biennially register with the board as a drug wholesaler, distributor, reverse drug distributor, ~~or~~ supplier,

outsourcing facility, or third-party logistics provider; provided, however, that out-of-state firms that conduct intracompany transfers of drugs to and have the same ownership as a licensed firm in this state shall not be required to register pursuant to this subsection; and provided, further, that out-of-state third-party logistics providers that are licensed by their resident state or by the federal Food and Drug Administration shall not be required to register pursuant to this subsection. The application for registration shall be made on a form to be prescribed and furnished by the board and shall show each place of business of the applicant for registration, together with such other information as may be required by the board. The application shall be accompanied by a fee in an amount established by the board for each place of business registered by the applicant. Such registration shall not be transferable and shall expire on the expiration date established by the executive director. Registration shall be renewed pursuant to the rules and regulations of the board, and a renewal fee prescribed by the board shall be required. If not renewed, the registration shall lapse and become null and void. Registrants shall be subject to such rules and regulations with respect to sanitation or equipment as the board may, from time to time, adopt for the protection of the public health and safety. Such registration may be suspended or revoked or the registrant may be reprimanded, fined, or placed on probation by the board if the registrant fails to comply with any law of this state, the United States, or any other state having to do with the control of pharmacists, pharmacies, wholesale distribution, ~~or~~ reverse drug distribution, or outsourcing facility distribution of controlled substances or dangerous drugs as defined in Chapter 13 of Title 16; if the registrant fails to comply with any rule or regulation promulgated by the board; or if any registration or license issued to the registrant under the federal act is suspended or revoked.

(b) Every drug wholesaler, distributor, ~~or~~ supplier, or outsourcing facility registered as provided in Chapter 13 of Title 16 or in subsection (a) of this Code section, except reverse drug distributors, shall:

(1) Submit reports, upon request from the Georgia Drugs and Narcotics Agency, to account for all transactions with licensed persons or firms located within this state; such reportable transactions shall include all dangerous drugs and controlled substances as defined in Chapter 13 of Title 16. Such reports shall be submitted to the Georgia Drugs and Narcotics Agency; ~~and~~

(2) Automatically submit reports of any excessive purchases of controlled substances by licensed persons or firms located within this state using the federal Drug Enforcement Administration guidelines to define ~~'excessive purchases'~~ excessive purchases as set forth under the provisions of 21 C.F.R. ~~Sec.~~ Section 1301. Such reports shall be submitted to the Georgia Drugs and Narcotics Agency~~.~~; and

(3)(A) Comply with the requirements of Section 360eee, et seq., of the federal act, relating to drug supply chain security.

(B) Each manufacturer of a drug subject to Section 360eee, et seq., of the federal act shall maintain at its corporate offices a current list of the authorized wholesale distributors of such drug.

(C) The board shall establish rules and regulations relating to drug supply chain security based on the requirements of Section 360eee, et seq., of the federal act which are not inconsistent with, more stringent than, or in addition to any requirements applicable under Section 353(e) or Section 360eee of the federal act or any regulations issued thereunder and which are not inconsistent with any waiver, exception, or exemption pursuant to Section 360eee, et seq., of the federal act or any restrictions specified in Section 360eee-1 of the federal act.

(c) The board shall be authorized to promulgate rules and regulations to facilitate compliance with this Code section. Such rules and regulations shall include a requirement that all wholesale drug distributors required to register pursuant to this Code section shall make adequate provision for the return of outdated drugs, both full and partial containers, for up to six months after the labeled expiration date for prompt full credit or replacement; provided, however, that such rules and regulations may also include a list of drugs exempted from the requirements of such provision that have been determined by the board as essential to health care treatment and having an expiration date of less than one year from the date such drug is manufactured.

(d) The provisions of subsection (b) of this Code section shall not apply to any wholesaler, manufacturer, distributor, or supplier ~~who~~ that only ships controlled substances directly to a licensed wholesaler within this state.

(e) Any person, firm, or corporation which violates any provision of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than five years or by a fine not to exceed $25,000.00, or both.

(f) Any practitioner who knowingly transfers any controlled substance or dangerous drug as such terms are defined in Chapter 13 of Title 16 by purchasing from or returning to a person, firm, or corporation which is not registered as required in subsection (a) of this Code section or as required in Chapter 13 of Title 16 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than three years or by a fine not to exceed $10,000.00, or both."

SECTION 7.

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

Representative Broadrick of the 4th moved that the House agree to the Senate substitute to HB 926.

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

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	N Coomer	N 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	Henson	Y Nimmer	Y Smyre

N Barr
Y Battles
Y Beasley-Teague
Y Belton
Y Bennett, K
Y Bennett, T
Bentley
Y Benton
Y Beskin
Y Beverly
N Blackmon
Broadrick
N Brockway
Y Bruce
E Bryant
Y Buckner
Y Burns
Y Caldwell, J
N Caldwell, M
N Cannon
N Cantrell
Y Carson
Y Carter, A
Y Carter, D
N Casas
Y Chandler
Y Cheokas
N Clark, D
N Clark, H
Y Clark, V
Y Coleman
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
N Dudgeon
N Dukes
N Dunahoo
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
Y Glanton
Y Golick
Y Gordon
N Gravley
Y Greene
Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
N Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
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
N Raffensperger
N Rakestraw
Y Ramsey
Y Randall
Y Reeves
N Rhodes
Y Rice
Y Rogers, C
Y Rogers, T
N Rutledge
Y Rynders
Y Scott
N Setzler
Y Sharper
Y Shaw
Y Sims
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
Taylor, T
N Teasley
Y Thomas, A.M.
E Thomas, E
Y Trammell
N Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Williams, C
Y Williams, E
N Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 133, nays 35.

The motion prevailed.

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

Mr. Speaker:

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

HB 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 adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

SB 258. By Senators Millar of the 40th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to creation of county boards of equalization, duties, review of assessments, and appeals, so as to provide that the assessed value of property for a taxable year shall not be increased beyond the initial assessment value established by the board of tax assessors during an appeal of such valuation for such taxable year by the taxpayer but may be reduced as a result of the appeal of the taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Cowsert of the 46th, Hill of the 4th, and Burke of the 11th.

Mr. Speaker:

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

HB 1004. By Representatives Jasperse of the 11th, Weldon of the 3rd, Powell of the 32nd, Maxwell of the 17th and Ballinger of the 23rd:

A BILL to be entitled an Act to amend Titles 15 and 44 of the O.C.G.A., relating to courts and property, respectively, so as to provide requirements for maps, plats, and plans to be filed for record; to provide for filing of electronic images of maps, plats, and plans; to provide for delivery of plats to the clerk of superior court; to change certain provisions relating to recordation and notations of plats; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to require a driver who refused blood alcohol concentration testing as required by implied consent laws or an offender convicted of DUI with a blood alcohol concentration of 0.15 grams or higher to install and maintain ignition interlock devices on his or her vehicle; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to uniform rules of the road, so as to provide for the probation of terms of imprisonment for DUI offenders in certain instances; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as condition of probation, so as to provide for the court issuance of a certificate of installation of ignition interlock devices; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Rice of the 95th moved that the House insist on its position in disagreeing to the Senate substitute to HB 205 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Rice of the 95th, Golick of the 40th and Hightower of the 68th.

HB 904. By Representatives Strickland of the 111th, Shaw of the 176th, Fleming of the 121st, Bryant of the 162nd and Kirby of the 114th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain contribution rates and credits; to change certain provisions relating to rate of employer contributions; to extend certain provisions relating to variations in the standard rate; to extend provisions relating to administrative assessments; to reduce the percentage of the administrative assessment to be assessed for a certain period; to provide exceptions; to change certain provisions relating to additional assessments for a new or newly covered employer; to extend the provision relating to automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Strickland of the 111th moved that the House insist on its position in disagreeing to the Senate amendment to HB 904 and that a Committee of Conference be

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

The motion prevailed.

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

Representatives Strickland of the 111th, Fleming of the 121st and Kelley of the 16th.

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 954. By Representatives Efstration of the 104th, Cooper of the 43rd, Abrams of the 89th, England of the 116th, Trammell of the 132nd and others:

A BILL to be entitled an Act to amend Title 29 of the O.C.G.A., relating to guardian and ward, so as to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to provide for a short title; to provide for definitions; to repeal conflicting laws; and for other purposes.

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

HB 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.

Representative Pirkle of the 155th moved that the House insist on its position in disagreeing to the Senate substitute to HB 876 and that a Committee of Conference be

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

The motion prevailed.

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

Representatives Pirkle of the 155th, Nimmer of the 178th and Quick of the 117th.

SB 258. By Senators Millar of the 40th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to creation of county boards of equalization, duties, review of assessments, and appeals, so as to provide that the assessed value of property for a taxable year shall not be increased beyond the initial assessment value established by the board of tax assessors during an appeal of such valuation for such taxable year by the taxpayer but may be reduced as a result of the appeal of the taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Duncan of the 26th moved that the House adhere to its position in insisting on its substitute to SB 258 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Duncan of the 26th, Powell of the 171st and England of the 116th.

The Speaker announced the House in recess until 3:40 o'clock, this afternoon.

The Speaker called the House to order.

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

Mr. Speaker:

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

HB 936. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Duncan of the 26th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from income taxes, so as to clarify certain terms in respect to the wages necessary to qualify for a jobs tax credit; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

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

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

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Jones of the 10th, Thompson of the 14th, and Hufstetler of the 52nd.

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

SB 199. By Senators Jeffares of the 17th, Mullis of the 53rd, Jones of the 25th, Dugan of the 30th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a definition; to prohibit certain activities within close proximity to polling places; 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 bill of the House:

HB 960. By Representatives Kelley of the 16th, Sims of the 123rd, Dempsey of the 13th, Harrell of the 106th, Houston of the 170th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 48 of the O.C.G.A., relating to state administration and collection of revenue, so as to provide for confidentiality of certain tax information; to provide for an interest rate on delinquent payments that adjusts to reflect changes in the prime rate; to adjust the penalties for nonpayment of ad valorem taxes to offset the reduction in interest rate; to make distribution of penalties equitable between taxing jurisdictions; to provide for additional procedures, conditions, and limitations; to provide for notice to political subdivisions upon the filing of certain tax refund requests; to provide for confidentiality of taxpayer information; to provide for automatic transfer to the Georgia Tax Tribunal in certain cases; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1935. By Representatives Lumsden of the 12th, Dempsey of the 13th and Coomer of the 14th:

A RESOLUTION commending Tim Burton, Model High School's 2016 STAR Teacher; and for other purposes.

HR 1936. By Representatives Lumsden of the 12th, Dempsey of the 13th and Coomer of the 14th:

A RESOLUTION commending Mr. Chris Parker, Coosa High School's 2016 STAR Teacher; and for other purposes.

HR 1937. By Representative Glanton of the 75th:

A RESOLUTION recognizing and honoring the Jonesboro High School Mock Trial Team; and for other purposes.

HR 1938. By Representatives Taylor of the 79th, Wilkinson of the 52nd and Willard of the 51st:

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

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

Representatives Allison of the 8th and Rogers of the 29th.

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 783. By Representatives Broadrick of the 4th, Harden of the 148th, Parrish of the 158th and Hawkins of the 27th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedules I and IV controlled substances; to change certain provisions relating to the definition of dangerous drug; to provide for restricted dangerous drugs; to provide for penalties for certain violations relating to restricted dangerous drugs and nonprescription injectable insulin; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

SB 199. By Senators Jeffares of the 17th, Mullis of the 53rd, Jones of the 25th, Dugan of the 30th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a definition; to prohibit certain activities within close proximity to polling places; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Gravley of the 67th moved that the House insist on its position in substituting SB 199.

The motion prevailed.

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

A BILL to be entitled an Act to amend Code Section 15-11-2, Title 19, and Chapter 10 of Title 31 of the O.C.G.A., relating to definitions for the Juvenile Code, domestic relations, and vital records, respectively, so as to repeal

voluntary acknowledgments of legitimation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Weldon of the 3rd moved that the House adhere to its position in insisting on its substitute to SB 64 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Weldon of the 3rd, Welch of the 110th and Atwood of the 179th.

HB 959. By Representatives Beskin of the 54th, Dudgeon of the 25th, Coleman of the 97th, Nix of the 69th, Clark of the 101st and others:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to update and clarify certain provisions relating to K-12 education; to revise a provision relating to conflicts of interest of local board of education members; to provide that students who earn certain grades in dual enrollment courses in core subjects are exempt from taking end-of-course assessments for such courses; to authorize the sharing of data for certain program evaluation purposes; to provide for an annual review of tuition for the Georgia Virtual School; to eliminate a restriction on the Office of Student Achievement's authority to establish a nonprofit corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to update and clarify certain provisions relating to K-12 education; to revise a provision relating to conflicts of interest of local board of education members; to expand provisions relating to awarding of high school diplomas based on certain dual credit coursework; to provide that students who earn high school diplomas based on postsecondary coursework meet the rigor requirements for HOPE scholarships; to provide that students who earn certain grades in dual enrollment courses in core subjects are exempt from taking end-of-course assessments for such courses; to authorize the sharing of data for certain program evaluation purposes; to provide for unique identifiers for students of military personnel;

to provide for college and career academies as charter schools or as schools within a strategic waivers school system or charter system; to revise a provision relating to the Office of Student Achievement's authority to establish a nonprofit corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Code Section 20-2-63, relating to prohibiting certain conflicts of interest of board members, by revising paragraph (6) of subsection (a) as follows:

"(6) No local board of education member shall be prohibited from:

(A) Making ~~making~~ an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the local board of education member or his or her immediate family member in return therefor;

(B) Discussing any nonconfidential matters with a constituent;

(C) Attending or conducting a town hall meeting; or

(D) Discussing any nonconfidential matter with representatives of the media."

SECTION 2.

Said title is further amended by revising Code Section 20-2-149.2, relating to awarding of high school diploma for completion of postsecondary programs, as follows:

"20-2-149.2.

(a) A local board of education may award a high school diploma to a student enrolled in coursework pursuant to Code Section ~~20-2-159.5~~ 20-2-161.3 who:

(1) Completes rigorous coursework at a postsecondary institution which meets the requirements in paragraph (7) of Code Section 20-3-519;

(2) Has completed at least the following state required ~~ninth and tenth grade level~~ high school courses: two English courses, two mathematics courses, two science courses, two social studies courses, and one health and physical education course; and any state required tests associated with any such courses unless exempt pursuant to paragraph (2) of subsection (f) of Code Section 20-2-281;

(3) Receives a score of admission acceptable on the readiness assessment required by the postsecondary institution; and

(4) Completes: (i) an associate degree program; (ii) a technical college diploma program and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field; or (iii) at least two technical college certificate of credit programs in one specific career pathway and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field as determined by the Technical College System of Georgia or for any industry and job

related skills requisite for a work force need identified by the State Board of the Technical College System of Georgia pursuant to paragraph (2) of subsection (b) of this Code section.

(b)(1) The State Board of the Technical College System of Georgia shall annually identify fields of study in which a critical need or shortage of trained personnel exists in the labor markets in this state and provide such information to the State Board of Education. The State Board of Education shall annually provide such information to local school systems for the purpose of emphasizing areas of critical ~~workforce~~ work force needs and shortages in the labor markets in our state to high school students to support their career pathway decisions.

(2) The State Board of the Technical College System of Georgia shall consult with Georgia industry associations, the Georgia Department of Labor, and other state recognized strategic work force industries and initiatives to determine the technical college certificate of credit programs that meet the requirements enumerated in division (iii) of paragraph (4) of subsection (a) of this Code section for industry and job related skills requisite for a work force need and ensure that such programs are instructionally rigorous, operate in accordance with industry standards, and provide quality training.

(c) The State Board of Education, in consultation with the State Board of the Technical College System of Georgia and the Board of Regents of the University System of Georgia, shall establish rules and regulations to implement the provisions of this Code section.

(d) A student who meets the requirements of subsection (a) of this Code section shall be deemed to have met all graduation requirements of the State Board of Education and shall not be subject to any assessments otherwise required for purposes of graduation."

SECTION 3.

Said title is further amended in Code Section 20-2-157, relating to the uniform reporting system for certain purposes and academic eligibility requirements to receive a HOPE scholarship, by adding a new subsection to read as follows:

"(h) A student who receives a diploma pursuant to Code Section 20-2-149.2 shall be deemed to have met all rigor requirements contained in subsection (e) or (f) of this Code section."

SECTION 4.

Said title is further amended by revising subsection (e) of Code Section 20-2-161.2, relating to work based learning programs, as follows:

"(e) A college and career academy established in accordance with Code Section 20-4-37 which participates in work based learning programs pursuant to this Code section ~~and its charter~~ shall be eligible for any funding or assistance available for the implementation of this Code section."

SECTION 5.

Said title is further amended in Code Section 20-2-161.3, relating to the "Move on When Ready Act," by revising paragraph (3) of subsection (f) as follows:

"(3) A participating eligible high school shall be required to award a high school diploma to any eligible high school student who is enrolled at or through an eligible postsecondary institution under the program as long as the credit earned at or through such postsecondary institution satisfies course requirements needed for the eligible high school student to complete high school graduation. The State Board of Education, in consultation with the State Board of the Technical College System of Georgia and the Board of Regents of the University System of Georgia, shall determine appropriate courses to meet these requirements. No later than July 1, 2015, the Department of Education shall communicate to high schools the subject area requirements or elective courses that may be satisfied with dual credit courses provided by eligible postsecondary institutions, which shall include completion of:

(A) At least the following state required ~~ninth and tenth grade level~~ high school courses or their equivalent: two English courses, two mathematics courses, two science courses, two social studies courses, and one health and physical education course; and any state required tests associated with any such courses unless exempt pursuant to paragraph (2) of subsection (f) of Code Section 20-2-281; and

(B) One of the following:

(i) An associate degree program;

(ii) A technical college diploma program and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field; or

(iii) At least two technical college certificate of credit programs in one specific career pathway and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field as determined by the Technical College System of Georgia or for any industry and job related skills requisite for a work force need identified by the State Board of the Technical College System of Georgia pursuant to paragraph (2) of subsection (b) of Code Section 20-2-149.2."

SECTION 6.

Said title is further amended by revising paragraph (3) of subsection (e) of Code Section 20-2-210, relating to annual performance evaluations, as follows:

"(3) The department may by agreement share individual data with the Office of Student Achievement for inclusion in the state-wide comprehensive educational information system created pursuant to Code Section 20-2-320 for the purposes of evaluating educational programs and of improving postsecondary educator preparation so long as the office agrees that it will not disclose personally identifiable information about any public school employee."

SECTION 7.

Said title is further amended by revising subsections (f) and (j) of Code Section 20-2-281, relating to student assessments, as follows:

"(f)(1) The State Board of Education shall adopt end-of-course assessments for students in grades nine through 12 for all core subjects to be determined by the state board. For those students with an Individualized Education Program, each such student's Individualized Education Program team shall identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

(2) A student shall be exempt from taking the end-of-course assessment for a core subject course if he or she:

(A) Earns a grade of A, B, or C in a dual credit course pursuant to Code Section 20-2-149.2 or 20-2-161.3;

(B) Earns a 3 or above on an advanced placement examination; or

(C) Earns a 4 or above on an international baccalaureate examination."

"(j) The State Board of Education shall adopt rules and regulations requiring the results of core subject end-of-course assessments to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given; provided, however, that this shall not apply to students who earn a grade of A, B, or C in a dual credit course pursuant to Code Section 20-2-149.2 or 20-2-161.3, a 3 or above on an advanced placement examination, or a 4 or above on an international baccalaureate examination in a core subject for which an end-of-course assessment is required pursuant to subsection (f) of this Code section."

SECTION 8.

Said title is further amended in Part 15 of Article 6 of Chapter 2, relating to miscellaneous provisions under the "Quality Basic Education Act," by adding a new Code section to read as follows:

"20-2-324.2.

(a) This Code section shall be known and may be cited as the 'Educating Children of Military Families Act.'

(b) The Department of Education is authorized to establish a unique identifier for each student:

(1) Whose parent or guardian is an active duty military service member in the armed forces of the United States; and

(2) Whose parent is a member of a reserve component of the armed forces of the United States or the National Guard

in a manner that will allow for disaggregation of data for each category."

SECTION 9.

Said title is further amended by revising paragraph (4) of Code Section 20-2-326, relating to definitions relative to the "Building Resourceful Individuals to Develop Georgia's Economy Act," as follows:

"(4) 'College and career academy' means a specialized ~~charter~~ school established ~~by~~ as a charter school or pursuant to a contract for a strategic waivers school system or charter system, which formalizes a partnership ~~which~~ that demonstrates a collaboration between business, industry, and community stakeholders to advance ~~workforce~~ work force development between one or more local boards of education, a private individual, a private organization, or a state or local public entity in cooperation with one or more postsecondary institutions ~~and approved by the State Board of Education in accordance with Article 31 of this chapter or the State Charter Schools Commission in accordance with Article 31A of this chapter~~."

SECTION 10.

Said title is further amended by revising Code Section 20-4-37, relating to the Office of College and Career Transitions, as follows:

"20-4-37.

(a)(1) It is the intent of the General Assembly to:

(A) Increase high school graduation rates, potential job opportunities, and educational opportunities that will prepare students for success in college and the workplace;

(B) Establish intergovernmental cooperation between postsecondary institutions and local boards of education and collaboration with business, industry, and community stakeholders to aid relevant education programs and in the development and support of new and existing college and career academies in Georgia;

(C) Assist in the development of academic and career ready curriculum;

(D) Establish and manage support grant opportunities and awards for new and existing college and career academies;

(E) Establish a process that allows for college and career academy certification; and

(F) Collect and analyze data to evaluate the effectiveness of dual credit and dual enrollment programs, secondary and postsecondary partnerships, and college and career academics.

(2) The General Assembly finds that to accomplish these goals~~,~~ an office should be established to coordinate the efforts of the various education agencies.

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

(1) 'Board' means the State Board of the Technical College System of Georgia.

(2) 'Certification' means a formal process established by the Office of College and Career Transitions, and approved by the board, in which college and career academies successfully demonstrate appropriate levels of student achievement, community sustainability, ~~workforce~~ work force development, and school level governance.

(3) 'Charter petitioner' means a local board of education, group of local boards of education, private individual, private organization, state or local public entity, or any group of these~~,~~ that submits a petition for a charter in cooperation with one or more postsecondary institutions which have petitioned to establish a college and career academy as a charter school pursuant to Article 31 or Article 31A of Chapter 2 of this title.

(4) 'Charter school' shall ~~have the same meaning as~~ mean the schools included in paragraph (3) of Code Section 20-2-2062 and ~~as~~ in paragraph ~~(2)~~ (5) of Code Section 20-2-2081.

(5) 'College and career academy' means a specialized ~~charter~~ school established ~~by~~ as a charter school or pursuant to a contract for a strategic waivers school system or charter system, which formalizes a partnership ~~which~~ that demonstrates a collaboration between business, industry, and community stakeholders to advance ~~workforce~~ work force development between one or more local boards of education, a private individual, a private organization, or a state or local public entity in cooperation with one or more postsecondary institutions ~~and approved by the State Board of Education in accordance with Article 31 of Chapter 2 of this title or the Georgia Charter Schools Commission in accordance with Article 31A of Chapter 2 of this title~~. A charter school, charter system, or strategic waivers school system contract establishing a college and career academy shall include provisions requiring that the college and career academy have a governing board reflective of the school community and the partnership with decision-making authority and requiring that governing board members complete initial and annual governance training, including, but not limited to, best practices on school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and rules and regulations.

(6) 'Office' means the Office of College and Career Transitions established pursuant to subsection (c) of this Code section.

(7) 'Postsecondary institution' means a local technical college, community college, university, or other postsecondary institution operating under the authority of the Technical College System of Georgia or the University System of Georgia or other not for profit postsecondary institution accredited by the Southern Association of Colleges and Schools.

(8) 'Start-up costs' means initial operating or capital costs, including, but not limited to, costs of improving real property.

(9) 'Supplemental funding' means funding for purposes other than start-up costs which are related to the establishment and operation of college and career academies.

(c) The Office of College and Career Transitions shall be established within the Technical College System of Georgia to coordinate the efforts by the State Board of Education, the University System of Georgia, the Technical College System of Georgia, and other not for profit postsecondary institutions accredited by the Southern Association of Colleges and Schools in the professional development, curriculum support, and development and establishment of college and career academies.

(d) The board shall be authorized to allocate funds, including state funds, federal funds, proceeds of general obligation debt, or any other available funds, for a particular purpose for college and career academies for start-up costs or for other purposes related to the establishment and operation of such academies by a grant consideration process.

(e) A charter petitioner for a college and career academy that has submitted for approval or that has drafted for submission for approval a charter petition for a college

and career academy or a local school system that is proposing a college and career academy as part of a contract to be a strategic waivers school system or charter system shall be authorized to submit to the board an application for start-up funds for ~~a~~ such college and career academy. The board shall approve applications for start-up funds for college and career academies that meet the criteria and requirements established pursuant to subsections (i) and (j) of this Code section. As part of such funding application process, the office shall consider charter applications for college and career academies in cooperation with the Office of Charter School Compliance and consider proposed college and career academies as part of contracts to be strategic waivers school systems or charter systems and make recommendations to the State Board of Education for the approval, denial, and renewal of college and career academy charter petitions or proposed college and career academies within strategic waivers school systems or charter systems and specify the reasons for such recommendations. The State Board of Education ~~should~~ shall consider such a recommendation from the office prior to approving or denying a charter petition for a college and career academy or a proposal for a college and career academy as part of a contract to be a strategic waivers school system or charter system. Funds shall not be released to an approved applicant unless the charter petition is approved by the State Board of Education pursuant to Article 31 of Chapter 2 of this title or the Georgia Charter Schools Commission in accordance with Article 31A of Chapter 2 of this title or unless the contract for a strategic waivers school system or charter system which is proposing a college and career academy has been approved.

(f) The board shall be authorized to disburse supplemental funding to existing or new college and career academies which demonstrate a need for such funding.

(g)(1) The office shall establish a certification process, in collaboration with the Department of Education, for approval by the board. The office shall be authorized to certify college and career academies. The State Board of Education shall accept certification by the office as one component of determining compliance with charter and strategic waivers school system or charter system contract requirements. The State Board of Education may request supplemental information from charter petitioners, strategic waivers school systems, or charter systems.

(2) Any certification process established pursuant to paragraph (1) of this subsection ~~must~~ shall require that the applicant demonstrates how the proposed college and career academy will increase student achievement, provide for dual credit and dual enrollment opportunities, increase work based learning opportunities, and address ~~workforce~~ work force development needs; articulates how the collaboration between business, industry, and community stakeholders will advance ~~workforce~~ work force development; demonstrates local governance and autonomy; and shows other benefits that meet the needs of the students and community.

(3) Certification by the office shall constitute a positive recommendation to the State Board of Education for renewal of a charter school or charter system pursuant to Code Section 20-2-2064.1 or an extension of a strategic waivers school system contract pursuant to Article 4 of Chapter 2 of this title.

(h) The office shall be responsible for collecting and analyzing appropriate data from and about college and career academies on matters consisting of but not limited to college and career academy effectiveness. Collecting and reporting of data shall be in coordination with the Office of Charter School Compliance.

(i) The board shall establish eligibility criteria, requirements, and procedures for the disbursement of funding to college and career academies pursuant to this Code section. Such criteria, requirements, and procedures shall consider the strength of the proposed cooperative arrangements between the local board of education, the group of local boards of education, a private individual, a private organization, or a state or local public entity and one or more postsecondary institutions and must include active support from and a partnership with local business and community leaders for the college and career academy. The board may establish a matching requirement for recipients of funds under this Code section.

(j) A college and career academy receiving funds pursuant to this Code section shall submit an annual report to the board regarding the performance of such academy and the expenditure of funds received pursuant to this Code section. The report shall include, but not be limited to, academic data, financial statements, an evaluation of the progress relative to relationships between and among the business, industry, and community stakeholders, and any other information requested by the board to demonstrate the yearly progress or effectiveness of the college and career academy.

(k) Representatives from business, industry, civic, and governmental agencies and educational organizations which are designated by the commissioner of the Technical College System of Georgia shall advise the board on matters pertaining to both the certification and governance of college and career academies."

SECTION 11.

Said title is further amended by revising subsection (b) of Code Section 20-14-26.1, relating to authority of the Office of Student Achievement to incorporate a nonprofit corporation as a public foundation, as follows:

"(b) Any nonprofit corporation created pursuant to this Code section shall be subject to the following provisions:

(1) In accordance with the Constitution of Georgia, no governmental functions or regulatory powers shall be conducted by any such nonprofit corporation;

(2) Upon dissolution of any such nonprofit corporation incorporated by the office, any assets shall revert to the office or to any successor to the office or, failing such succession, to the State of Georgia;

(3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and travel expenses. To avoid the appearance of undue influence on regulatory functions by donors, no donations to any such nonprofit corporation from private sources shall be used for direct employee costs of the office;

(4) Any such nonprofit corporation shall be subject to all laws relating to open meetings and the inspection of public records;

(5) The office shall not be liable for the action or omission to act of any such nonprofit corporation; and

(6) No debts, bonds, notes, or other obligations incurred by any such nonprofit corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall any act of any such nonprofit corporation constitute or result in the creation of an indebtedness of the state. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state nor to enforce the payment thereof against the state~~; and~~

(7) Any nonprofit corporation created pursuant to this Code section shall not ~~acquire or hold a fee simple interest in real property by any method, including but not limited to gift, purchase, condemnation, devise, court order, and exchange~~ purchase, condemn, or exchange real property but may receive and accept real property by gift, devise, or court order; provided, however, that the nonprofit corporation shall not hold, use, administer, or maintain any such real property received or accepted by gift, devise, or court order but shall liquidate such property within a reasonable time."

SECTION 12.

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

Representative Beskin of the 54th moved that the House agree to the Senate substitute to HB 959.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	E 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	E Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
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	Y Howard	Y Peake	Y Stover
Bentley	Y Douglas	Y Hugley	Y Petrea	E Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	E Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Broadrick	E Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	E Quick	Y Thomas, E
Y Buckner	Y England	E Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Fleming	Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Welch

Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	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	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	N Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	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	Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 159, nays 1.

The motion prevailed.

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"(o) The transfer of a part of the property subject to a covenant for a bona fide conservation use shall not constitute a breach of a covenant if:

(1) The part of the property so transferred is used for single-family residential purposes, starting within one year of the date of transfer and continuing for the remainder of the covenant period, and the residence is occupied within 24 months from the date of the start by a person who is related within the fourth degree of civil reckoning to an owner of the property subject to the covenant; and

(2) The part of the property so transferred, taken together with any other part of the property so transferred to the same relative during the covenant period, does not exceed a total of five acres;

and in any such case the property so transferred shall not be eligible for a covenant for bona fide conservation use, but shall, if otherwise qualified, be eligible for current use assessment as residential transitional property and the remainder of the property from which such transfer was made shall continue under the existing covenant until a terminating breach occurs or until the end of the specified covenant period."

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

SECTION 2.

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

Representative McCall of the 33rd moved that the House agree to the Senate substitute to HB 987.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Alexander	E Coomer	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	E Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Bentley	Y Douglas	Y Hugley	Y Petrea	E Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	E Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	N Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.

E Bryant	Y Ehrhart	Y Kaiser	E Quick	Y Thomas, E
Y Buckner	Y England	E 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
Y Caldwell, M	Fleming	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	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	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	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 motion, the ayes were 160, nays 2.

The motion prevailed.

Representative Ramsey of the 72nd assumed the chair.

HB 976. By Representatives Hitchens of the 161st, Willard of the 51st, Powell of the 32nd, Caldwell of the 131st, Tanner of the 9th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state records management, so as to provide for minimum retention periods for video recordings from law enforcement surveillance devices, law enforcement body-worn devices, or devices located on or inside of a law enforcement vehicle; to provide for a definition; to provide for exceptions; to provide for presumptions, civil liability, and fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend HB 976 (LC 41 0767S) by replacing* "$12.00" *with* "$10.00" *on line 56.*

Pursuant to Rule 133, Representative Stover of the 71st was excused from voting on HB 976.

Representative Hitchens of the 161st moved that the House agree to the Senate amendment to HB 976.

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

Y Abrams
Alexander
Y Allison
Y Atwood
Y Ballinger
Y Barr
Y Battles
Y Beasley-Teague
Y Belton
Y Bennett, K
Y Bennett, T
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
E 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
E Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y 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
E 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
Meadows
Y Metze
Y Mitchell
Y Morris
Y Mosby
E Nimmer
Y Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
E Pirkle
Y Powell, A
Y Powell, J
Y Price
Y Prince
Y Pruett
E Quick
Y Raffensperger
Y Rakestraw
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
Stover
E Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 163, nays 0.

The motion prevailed.

HB 364. By Representatives Knight of the 130th, Harbin of the 122nd, Harrell of the 106th, Stephens of the 164th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of intangibles, so as to change certain provisions regarding the real estate transfer tax; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to revise and change certain provisions regarding the approval of tax digests by the commissioner; to impose sanctions for including nontaxable properties on the tax digests; to provide for procedures, conditions, and limitations; to provide for refunds of taxes improperly collected; to amend Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, so as to provide for additional jurisdiction for the Georgia Tax Tribunal; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended in Code Section 48-5-342, relating to the review of county tax digests by the Commissioner of Revenue, by adding a new subsection to read as follows:

"(e)(1) The commissioner may, upon his or her own initiative or upon complaint by a taxpayer, examine the itemizations of properties appearing on the digest, and if in the judgment of the commissioner any properties are illegally appearing on the digest and should not be subject to taxation under this chapter, the commissioner shall strike such items from the digest and return the digest to the county for removal of such items and resubmission to the commissioner. The commissioner shall provide by rule and regulation procedures by which the county board of tax assessors may appeal such finding to the commissioner. If appealed by the board of tax assessors, the commissioner shall, after reviewing such appeal, issue a final order and include a finding as to the taxability of the digest items in dispute and shall finalize the digest in accordance therewith.

(2) If a property has been found by the commissioner to not be subject to taxation under this chapter and again appears on the digest at any time within five years of the initial determination of nontaxability and is again determined to be nontaxable, the commissioner shall strike such item from the digest and return the digest to the county for removal of such item and resubmission to the commissioner. The commissioner shall notify the Department of Community Affairs in writing of his or her finding and, upon receipt of such notice, the qualified local government status of such county shall be revoked for a period of three years following the receipt of such notice by the Department of Community Affairs unless reinstated earlier pursuant to this subsection. Upon such revocation, the governing authority of such county, without regard to any limitation of Code Section 48-5-295, shall be specifically authorized to

remove immediately every member of the board of tax assessors and reappoint new members who shall serve for the unexpired terms of the removed members. The county governing authority shall provide written notification of such removal and new appointment to the commissioner. Upon certification of the corrected digest, the commissioner shall notify in writing the Department of Community Affairs, and upon receipt thereof, the Department of Community Affairs shall immediately reinstate the qualified local government status of such county.

(3) If a property has been found by the commissioner to not be subject to taxation under this chapter and if such nontaxable property has appeared on a county digest in any year within the preceding five-year period, then the taxpayer shall be entitled to file a petition directly with the Georgia Tax Tribunal for a refund of all such taxes illegally collected or taxes paid, interest equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it plus 3 percent calculated from the date of payment of such taxes, and attorney's fees in an amount of not less than 15 percent nor more than 40 percent of the total of the illegally charged taxes and accrued interest. Such petition shall name the board of tax assessors and the tax receiver or tax commissioner of the county as the respondent in their official capacities and shall be served upon such board and tax receiver or tax commissioner. Service shall be accomplished by certified mail or statutory overnight delivery. The petition shall include a summary statement of facts and law upon which the petitioner relies in seeking the requested relief. The respondents shall file a response to the petitioner's statement of facts and law which constitutes their answer with the tribunal no later than 30 days after the service of the petition. The respondents shall serve a copy of their response on the petitioner's representative or, if the petitioner is not represented, on the petitioner and shall file a certificate of service with such response. If in any case a response has not been filed within the time required by this paragraph, the case shall automatically become in default unless the time for filing the response has been extended by agreement of the parties, for a period not to exceed 30 days, or by the judge of the tribunal. The default may be opened as a matter of right by the filing of a response within 15 days of the day of the default and payment of costs. At any time before the final judgment, the judge of the tribunal, in his or her discretion, may allow the default to be opened for providential cause that prevented the filing of the response, for excusable neglect, or when the tribunal judge, from all the facts, determines that a proper case has been made for the default to be opened on terms to be fixed by the tribunal judge. The tribunal judge shall proceed to hear and decide the matter and may grant appropriate relief under the law and facts presented."

SECTION 2.

Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, is amended in Code Section 50-13A-9, relating to petitions for relief, jurisdiction, and bonds, by adding a new subsection to read as follows:

"(e) The tribunal shall also have jurisdiction over refund petitions filed pursuant to Code Section 48-5-342."

SECTION 3.

This Act shall become effective on July 1, 2016.

SECTION 4.

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

Representative Knight of the 130th moved that the House agree to the Senate substitute to HB 364.

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

Y Abrams
Alexander
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
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
E 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
E Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y 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
E Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Meadows
Y Metze
Y Mitchell
Y Morris
Y Mosby
E Nimmer
Y Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
E Pirkle
Y Powell, A
Y Powell, J
Y Price
Y Prince
Pruett
E Quick
Y Raffensperger
Y Rakestraw
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
Y Stover
E Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Williams, E
Y Williamson
Yates
Ralston, Speaker

On the motion, the ayes were 163, nays 0.

The motion prevailed.

The Speaker assumed the Chair.

HB 51. By Representatives Benton of the 31st, Stephens of the 164th and Werkheiser of the 157th:

A BILL to be entitled an Act to amend Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to redemption of property sold for taxes, so as to change provisions relating to the amount payable at redemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to redemption of property sold for taxes, so as to change provisions relating to the amount payable at redemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to redemption of property sold for taxes, is amended by revising Code Section 48-4-40, relating to persons entitled to redeem land sold under tax execution, as follows:

"48-4-40.

Whenever any real property is sold under or by virtue of an execution issued for the collection of state, county, municipal, or school taxes or for special assessments, the defendant in fi. fa. or any person having any right, title, or interest in or lien upon such property may redeem the property from the sale by the payment of ~~the redemption price or~~ the amount required for redemption, as fixed and provided in Code Section 48-4-42:

(1) At any time within 12 months from the date of the sale; and

(2) At any time after the sale until the right to redeem is foreclosed by the giving of the notice provided for in Code Section 48-4-45."

SECTION 2.

Said article is further amended by revising Code Section 48-4-42, relating to the amount payable for redemption, as follows:

"48-4-42.

(a) The amount required to be paid for redemption of property from any sale for taxes as provided in this chapter~~, or the redemption price,~~ shall with respect to any sale made after July 1, 2002, be the amount paid for the property at the tax sale, as shown by the recitals in the tax deed, plus: ~~any~~

(1) Any taxes paid on the property by the purchaser after the sale for taxes~~, plus any~~;

(2) Any special assessments on the property~~, plus a~~; and

(3) A premium of 20 percent of the amount for the first year or fraction of a year which has elapsed between the date of the sale and the date on which the redemption payment is made and 10 percent for each year or fraction of a year thereafter.

(b) If redemption is not made until more than 30 days after the notice provided for in Code Section 48-4-45 has been given, there shall be added to the ~~redemption price~~ sums set forth in subsection (a) of this Code section the sheriff's cost in connection with serving the notice and the cost of publication of the notice, if any.

(c) With respect to any sale made after July 1, 2016, there shall be added to the sums set forth in subsections (a) and (b) of this Code section any sums:

(1) Paid from the date of the tax sale to the date of redemption to a property owners' association, as defined in Code Section 44-3-221, in accordance with Code Section 44-3-232;

(2) Paid to a condominium association, as defined in Code Section 44-3-71, in accordance with Code Section 44-3-109; or

(3) Paid to a homeowners' association established by covenants restricting land to certain uses related to planned residential subdivisions.

(d) All of the amounts required to be paid by this Code section shall be paid in lawful money of the United States to the purchaser at the tax sale or to the purchaser's successors."

SECTION 3.

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

Representative Benton of the 31st moved that the House agree to the Senate substitute to HB 51.

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

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

Y Battles
Y Beasley-Teague
Belton
Y Bennett, K
Y Bennett, T
Y Bentley
Y Benton
Y Beskin
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 Dempsey
Dickerson
Y Dickey
Y Dickson
Y Dollar
Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
E Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
E Kelley
Y Kendrick
Y Kidd
Y Kirby
Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Meadows
Y Oliver
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
N Pezold
E Pirkle
Y Powell, A
Y Powell, J
Y Price
Y Prince
Y Pruett
E 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 Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
E Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
N Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
N Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
E Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 157, nays 4.

The motion prevailed.

HB 54. By Representatives Waites of the 60th, Powell of the 32nd, Scott of the 76th, Jones of the 53rd and Fludd of the 64th:

A BILL to be entitled an Act to amend Subpart 7 of Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to grants to children of law enforcement officers, firefighters, and prison guards, so as to provide for undergraduate full tuition grants to children of law enforcement officers, firefighters, prison guards, and Highway Emergency Response Operators of the Department of Transportation who were killed in the line of duty who attend institutions of the University System of Georgia and who meet certain eligibility requirements; to provide a definition; to provide for voluntary donations through state income tax returns and drivers' licenses for funding; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend HB 54 (LC 40 1085S) by inserting* "paramedics," *after* "firefighters," *on line 5.*

By replacing line 19 with the following:
commissioner, offering the taxpayer the opportunity to make a charitable contribution to the Georgia Student

By inserting "paramedics," *after* "firefighters," *on lines 21 and 38.*

By replacing line 29 with the following:
Each taxpayer required to file a state income tax return who desires to make a charitable contribution to the

By replacing line 36 with the following:
identification cards, offer individuals the opportunity to make a voluntary charitable contribution of $1.00, $5.00, or $10.00 to

By replacing lines 41 and 42 with the following:
Transportation who were permanently disabled or killed in the line of duty. The form

By replacing line 44 with the following:
Each individual who desires to make a charitable contribution may designate such contribution on the

By replacing line 48 with the following:
charitable contribution program, and shall transmit the balance to the Georgia Student Finance

By replacing line 51 with the following:
for collecting charitable contributions pursuant to this subsection exceed the sum of such

Representative Waites of the 60th moved that the House agree to the Senate amendment to HB 54.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	E Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	E Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer

Battles
Y Beasley-Teague
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 Dempsey
Y Dickerson
Y Dickey
Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
E Duncan
Y Ealum
Y Efstration
Ehrhart
Y England
Y Epps
Y Evans
Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
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
E Kelley
Y Kendrick
Y Kidd
Y 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 Oliver
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
E Pirkle
Y Powell, A
Y Powell, J
Y Price
Y Prince
Y Pruett
E Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Rogers, C
Y Rogers, T
Y Rutledge
Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
E Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
E Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 163, nays 0.

The motion prevailed.

HB 1060. By Representatives Jasperse of the 11th, Meadows of the 5th, Powell of the 32nd, Ballinger of the 23rd, Hightower of the 68th and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the O.C.G.A., relating to carrying and possession of firearms; to amend Article 3 of Chapter 5 of Title 17 of the O.C.G.A., relating to disposition of property seized; to amend Code Section 35-3-34 of the O.C.G.A., relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System; to amend Chapter 1 of Title 51 of the O.C.G.A., relating to general provisions regarding torts; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to deceptive or unfair practices, so as to prohibit the discriminatory refusal to provide credit or financial services to those persons engaged in the lawful commerce of firearms or ammunition products; to provide for a short title; to provide definitions; to provide for civil causes of action; to provide for action by the Attorney General; to amend Code Section 15-9-123 of the Official Code of Georgia Annotated, relating to appeal, so as to provide that appeals regarding petitions for relief pursuant to Code Section 35-3-34 from probate courts as provided for under Article 6 of Chapter 9 of Title 15 shall be by de novo review to the superior courts; to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to permit certain new residents to carry a weapon in this state for a limited time without a weapons carry license; to provide for definitions; to provide an exception for a license holder carrying in a place of worship; to revise provisions relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school; to allow the judge of the probate court to provide for printed information on gun safety; to provide for the maintenance of gun safety information on the website of the Department of Natural Resources; to revise and clarify the determinations to be made and the procedures to be followed by law enforcement agencies and the judge of the probate court in the issuance of a weapons carry license; to provide for replacement weapons carry licenses for persons who have a legal name change or address change; to clarify that certain active and retired law enforcement officers shall be authorized to carry a handgun on or off duty anywhere within this state; to authorize certain retired law enforcement officers to carry a handgun anywhere within this state; to revise carrying by certain persons with a courthouse; to clarify the meaning of commercial service airport relative to the carrying of a weapon or long gun; to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, so as to allow for the preservation of a person's involuntary hospitalization information received by the Georgia Crime Information Center; to correct references; to provide for exceptions; to provide for a judicial procedure for purging a person's involuntary hospitalization information received by the Georgia Crime Information Center; to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, so as to provide for civil immunity of firearm instructors; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to deceptive or unfair practices, is amended by adding a new part to read as follows:

"Part 7

10-1-439.

This part shall be known and may be cited as the 'Georgia Firearms Industry Nondiscrimination Act.'

10-1-439.1.

As used in this part, the term:

(1) 'Financial services' means any service or product offered to the consumer or business market by a bank, trust company, credit union as defined by Code Section 7-1-4, any merchant acquirer limited purpose bank as defined in paragraph (7) of Code Section 7-9-2, or a federally chartered banking institution that accepts state deposits.

(2) 'Person' means one or more individuals, partnerships, associations, limited liability companies, corporations, unincorporated organizations, mutual companies, joint stock companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers, labor organizations, public bodies, and public corporations and the State of Georgia and all political subdivisions and agencies thereof. Such term shall include federally chartered banking institutions that accept state deposits.

(3) 'Trade association' means any corporation, unincorporated association, federation, business league, or professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual; that is an organization described in Section 501(c)(6) of Title 26 of the United States Code and exempt from tax under Section 501(a) of such title; and two or more members of which are manufacturers or sellers of a qualified product as defined by Section 7903(4) of Title 15 of the United States Code.

10-1-439.2.

Unless otherwise precluded by law, regulation, or membership eligibility, it shall be an unlawful discriminatory practice for any person to refuse to provide financial services of any kind to, to refrain from continuing to provide existing financial services to, to terminate existing financial services with, or to otherwise discriminate in the provision of financial services against a person or trade association solely because such person or trade association is engaged in the lawful commerce of firearms or ammunition products and is licensed pursuant to Chapter 44 of Title 18 of the United States Code or is a trade association.

10-1-439.3.
Whenever the Attorney General has reason to believe that any person is engaging, has engaged, or is about to engage in any act or practice declared unlawful by this part, the Attorney General shall, upon written request or by his or her own initiative, investigate and, upon finding a probable violation of this part, bring an action in the name of the state against such person:

(1) To obtain a declaratory judgment that the act or practice violates the provisions of this part;

(2) To enjoin any act or practice that violates the provisions of this part by issuance of a temporary restraining order or preliminary or permanent injunction, without bond, upon the giving of appropriate notice; and

(3) To recover civil penalties of up to $10,000.00 per violation of this part or any injunction, judgment, or consent order issued or entered into under the provisions of this chapter and reasonable expenses, investigative costs, and attorney's fees.

10-1-439.4.
The provisions of this part shall not apply to any bank, trust company, credit union, or merchant acquirer limited purpose bank that is chartered under the laws of this state or any other state to the extent that federal law precludes or preempts or has been determined to preclude or preempt the application of the provisions of this part to any federally chartered bank, trust company, credit union, or merchant acquirer limited purpose bank."

SECTION 2.

Code Section 15-9-123 of the Official Code of Georgia Annotated, relating to appeal, is amended by revising subsection (a) as follows:

"(a) Except as provided for in Code Section 35-3-34, either ~~Either~~ party to a civil case in the probate court shall have the right of appeal to the Supreme Court or the Court of Appeals, as provided by Chapter 6 of Title 5."

SECTION 3.

Said part is further amended by revising subsections (e) and (f) of Code Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, license requirement, exceptions for homes, motor vehicles, private property, and other locations and conditions, as follows:

"(e)(1) Any person licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a weapon in this state, but only while the licensee is not a resident of this state; provided, however, that such licensee shall carry the weapon in compliance with the laws of this state.

(2) Any person who is not a weapons carry license holder in this state and who is licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a

weapon in this state for 90 days after he or she becomes a resident of this state; provided, however, that such person shall carry the weapon in compliance with the laws of this state, shall as soon as practicable submit a weapons carry license application as provided for under Code Section 16-11-129, and shall remain licensed in such other state for the duration of time that he or she is a resident of this state but not a weapons carry license holder in this state.

(f)(1) Any person with a valid hunting or fishing license on his or her person, or any person not required by law to have a hunting or fishing license, who is engaged in legal hunting, fishing, or sport shooting when the person has the permission of the owner of the land on which the activities are being conducted may have or carry on his or her person a ~~handgun~~ weapon or long gun without a valid weapons carry license while hunting, fishing, or engaging in sport shooting.

(2) Any person with a valid hunting or fishing license on his or her person, or any person not required by law to have a hunting or fishing license, who is otherwise engaged in legal hunting, fishing, or sport shooting on recreational or wildlife management areas owned by this state may have or carry on his or her person a knife without a valid weapons carry license while engaging in such hunting, fishing, or sport shooting."

SECTION 4.

Said part is further amended by revising paragraph (2) of subsection (e) of Code Section 16-11-127, relating to carrying weapons in unauthorized locations, as follows:

"(2) Any license holder who violates subsection (b) of this Code section in a place of worship shall not be arrested but shall be fined not more than $100.00; provided, however, that a license holder shall not be in violation of subsection (b) or (c) of this Code section if such license holder immediately leaves such place of worship while carrying a weapon or long gun upon personal notification by such place of worship that he or she is carrying a weapon or long gun in a place of worship which does not permit the carrying of a weapon or long gun. Any person who is not a license holder who violates subsection (b) of this Code section in a place of worship shall be punished as for a misdemeanor."

SECTION 5.

Said part is further amended by revising paragraph (5) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, as follows:

"(5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:

(A) A peace officer as defined by Code Section 35-8-2;

(B) A law enforcement officer of the United States government;

(C) A prosecuting attorney of this state or of the United States;

(D) An employee of the Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is

authorized by the head of such department or correctional agency or facility to carry a firearm;

(E) An employee of the Department of Community Supervision who is authorized by the commissioner of community supervision to carry a firearm;

(F) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and

(G) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;

provided, however, that this Code section shall not apply to any extent to persons who are provided for under Code Section 16-11-130;"

SECTION 6.

Said part is further amended in Code Section 16-11-129, relating to weapons carry permit, temporary renewal permit, and terms, by adding a new subsection, by revising paragraph (4) of subsection (d) and paragraph (2) of subsection (e), and by adding a new paragraph to subsection (e) to read as follows:

"(a.1) **Gun safety information.**

(1) Upon receipt of an application for a weapons carry license or renewal license, the judge of the probate court may provide applicants printed information on gun safety that is produced by any person or organization that, in the discretion of the judge of the probate court, offers practical advice for gun safety. The source of such printed information shall be prominently displayed on such printed information.

(2) The Department of Natural Resources shall maintain on its principal, public website information, or a hyperlink to information, which provides resources for information on hunter education and classes and courses in this state that render instruction in gun safety. No person shall be required to take such classes or courses for purposes of this Code section where such information shall be provided solely for the convenience of the citizens of this state.

(3) Neither the judge of the probate court nor the Department of Natural Resources shall be liable to any person for personal injuries or damage to property arising from conformance to this Code section."

"(4) The law enforcement agency shall report to the judge of the probate court within 30 days, by telephone and in writing, of any findings relating to the applicant which may bear on his or her eligibility for a weapons carry license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application directly to the judge of the probate court within such time period. Not later than ten days after the judge of the probate court receives the report from the law enforcement agency concerning the suitability of the applicant for a license, the judge of the probate court shall issue such applicant a license or renewal license to carry any weapon unless facts establishing ineligibility have been reported or unless the judge determines such applicant has not met all the qualifications, is not of good moral

character, or has failed to comply with any of the requirements contained in this Code section. The judge of the probate court shall date stamp the report from the law enforcement agency to show the date on which the report was received by the judge of the probate court. The judge of the probate court shall not suspend the processing of the application or extend, delay, or avoid any time requirements provided for under this paragraph."

"(2) If a person is convicted of any crime or ~~involved in any matter~~ otherwise adjudicated in a matter which would make the maintenance of a weapons carry license by such person unlawful pursuant to subsection (b) of this Code section, the judge of the superior court or state court hearing such case or presiding over such matter shall inquire whether such person is the holder of a weapons carry license. If such person is the holder of a weapons carry license, then the judge of the superior court or state court shall inquire of such person the county of the probate court which issued such weapons carry license, or if such person has ever had his or her weapons carry license renewed, then of the county of the probate court which most recently issued such person a renewal license. The judge of the superior court or state court shall notify the judge of the probate court of such county of the matter which makes the maintenance of a weapons carry license by such person to be unlawful pursuant to subsection (b) of this Code section. The Council of Superior Court Judges of Georgia and The Council of State Court Judges of Georgia shall provide by rule for the procedures which judges of the superior court and the judges of the state courts, respectively, are to follow for the purposes of this paragraph."

"(4) Any person, upon petition to the judge of the probate court, who has a weapons carry license or renewal license with more than 90 days remaining before the expiration of such weapons carry license or renewal license and who has had a legal name change, including, but not limited to, on account of marriage or divorce, or an address change shall be issued a replacement weapons carry license for the same time period of the weapons carry license or renewal license being replaced. Upon issuance and receipt of such replacement weapons carry license, the license holder shall surrender the weapons carry license being replaced to the judge of the probate court and such judge shall take custody of and destroy the weapons carry license being replaced. The judge of the probate court shall provide for the updating of any records as necessary to account for the license holder's change of name or address. The judge of the probate court shall charge the fee specified in paragraph (13) of subsection (k) of Code Section 15-9-60 for services provided under this paragraph."

SECTION 7.

Said part is further amended in Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, by revising the introductory language of subsection (a), subsections (b) and (c), and by adding a new subsection to read as follows:

"(a) Except to the extent provided for in subsection (c.1) of this Code section, Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any of the

following persons if such persons are employed in the offices listed below or when authorized by federal or state law, regulations, or order:"

"(b) Except to the extent provided for in subsection (c.1) of this Code section, Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the time of their retirement from service with the Department of Community Supervision were community supervision officers, when specifically designated and authorized in writing by the commissioner of community supervision.

(c) Except to the extent provided for in subsection (c.1) of this Code section, Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:

(1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired sheriff or deputy sheriff is eligible to receive or is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriffs' Retirement Fund of Georgia provided under Chapter 16 of Title 47, or any other public retirement system established under the laws of this state for service as a law enforcement officer;

(2) Member of the Georgia State Patrol, ~~or~~ agent of the Georgia Bureau of Investigation, ~~or~~ retired member of the Georgia State Patrol, or retired agent of the Georgia Bureau of Investigation if such retired member or agent is receiving benefits under the Employees' Retirement System;

(3) Full-time law enforcement chief executive engaging in the management of a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and Training Council; or retired law enforcement chief executive ~~that~~ who formerly managed a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive ~~that~~ who was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired law enforcement chief executive is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; ~~or~~

(4) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and Training Council, or retired police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer ~~that~~ who was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired ~~employee~~ police officer is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; or

(5) Person who is a citizen of this state and:

(A) Has retired with at least ten years of aggregate service as a law enforcement officer with powers of arrest under the laws of any state of the United States or of the United States;

(B) Separated from service in good standing, as determined by criteria established by the Georgia Peace Officer Standards and Training Council, from employment with his or her most recent law enforcement agency; and

(C) Possesses on his or her person an identification card for retired law enforcement officers as issued by the Georgia Peace Officer Standards and Training Council; provided, however, that such person meets the standards for the issuance of such card as provided for by the council, including, but not limited to, maintenance of qualification in firearms training.

In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member of the Georgia State Patrol, retired member of the Georgia State Patrol, agent of the Georgia Bureau of Investigation, retired agent of the Georgia Bureau of Investigation, active or retired law enforcement chief executive, person who is a retired law enforcement officer as provided for in paragraph (5) of this subsection, or other law enforcement officer referred to in this subsection shall be authorized to carry a handgun on or off duty anywhere within ~~the~~ this state, including, but not limited to, in a courthouse except to the extent provided for in subsection (c.1) of this Code section, and the provisions of Code Sections 16-11-126 through 16-11-127.2 shall not apply to the carrying of such firearms.

(c.1)(1)(A) Pursuant to a comprehensive plan for the security of the county courthouse and any courthouse annex as provided for in subsection (a) of Code Section 15-16-10, the sheriff with jurisdiction over such county courthouse or courthouse annex may provide for facilities or the means for the holding of weapons carried by persons enumerated under this Code section, except as provided for in paragraph (2) of this subsection; provided, however, that ingress to such courthouse or courthouse annex is actively restricted or screened by the sheriff or his or her deputy sheriffs, and such facilities or means are located near the area which is restricted or screened by the sheriff or his or her deputy sheriffs.

(B) If the requirements of this paragraph are met, the persons enumerated under this Code section shall, except as provided for in paragraph (2) of this subsection, upon request of the sheriff, place their weapons in such holding with the sheriff or his or her deputy sheriffs pursuant to the comprehensive plan while such persons are within the restricted or screened area. Upon request of any person enumerated under this Code section, in preparation for his or her exit from the restricted or screened area, the sheriff or his or her deputy sheriffs shall immediately provide for the return of the person's weapons which are in holding.

(2) Notwithstanding a comprehensive plan for the security of the county courthouse and any courthouse annex as provided for in subsection (a) of Code Section 15-16-10, active law enforcement officers referred to in subsection (c) of this Code section shall be authorized in the performance of their duties to carry handguns in a level 3 holster

in any courthouse or courthouse annex if they are wearing the Class A uniform of their law enforcement agency or have the official badge issued to them by their law enforcement agency displayed and plainly visible on their person.

(3) As used in this subsection, the term 'weapon' shall have the same meaning as provided for in Code Section 16-11-125.1; provided, however, that such term shall additionally mean any firearm."

SECTION 8.

Said part is further amended by adding a new subsection to Code Section 16-11-130.2, relating to carrying a weapon or long gun at a commercial service airport, to read as follows:

"(a.1) As used in this Code section, the term:

(1) 'Commercial service airport' means an airport that receives scheduled passenger aircraft service from any major airline carrier.

(2) 'Major airline carrier' means an airline that has more than $1 billion in annual operating revenue during a fiscal year."

SECTION 9.

Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, is amended by revising paragraph (2) of subsection (e) as follows:

"(2)(A) The records of the Georgia Crime Information Center shall include information as to whether a person has been involuntarily hospitalized. Notwithstanding any other provisions of law and in order to carry out the provisions of this Code section and Code Section 16-11-172, the Georgia Crime Information Center shall be provided such information and no other mental health information from the involuntary hospitalization records of the probate courts concerning persons involuntarily hospitalized after March 22, 1995, in a manner agreed upon by ~~the Probate Judges Training Council~~ The Council of Probate Court Judges of Georgia and the Georgia Bureau of Investigation to preserve the confidentiality of patients' rights in all other respects. Further, notwithstanding any other provisions of law and in order to carry out the provisions of this Code section and Code Section 16-11-172, the center shall be provided information as to whether a person has been adjudicated mentally incompetent to stand trial or not guilty by reason of insanity at the time of the crime, has been involuntarily hospitalized, or both from the records of the clerks of the superior courts concerning persons involuntarily hospitalized after March 22, 1995, in a manner agreed upon by The Council of Superior Court Clerks of Georgia and the Georgia Bureau of Investigation to preserve the confidentiality of patients' rights in all other respects. ~~After five years have elapsed from the date that a person's involuntary hospitalization information has been received by the Georgia Crime Information Center, the center shall purge its records~~

~~of such information as soon as practicable and in any event purge such records within 30 days after the expiration of such five year period~~ Pursuant to this Code section, such person may petition the court in which such hospitalization proceedings occurred for relief. A copy of such petition for relief shall be served as notice upon the opposing civil party or the prosecuting attorney for the state, as the case may be, or their successors, who appeared in the underlying case. Within 60 days of the receipt of such petition for relief by the interested parties, such court shall hold a hearing on such petition for relief; provided, however, that such time may be extended for good cause as determined by the court. Such prosecuting attorney for the state may represent the interests of the state at such hearing.

(B) At the hearing provided for under subparagraph (A) of this paragraph, the court shall receive and consider evidence in a proceeding concerning:

(i) The circumstances which caused the person to be subject to such hospitalization;

(ii) The person's mental health and criminal history records, if any. The judge of such court shall require any such person to sign a waiver authorizing the superintendent or medical head of any mental hospital or treatment center to make to the judge and the parties a recommendation regarding whether such person is a threat to the safety of himself or herself or others;

(iii) The person's reputation, which shall be established through character witness statements, testimony, or other character evidence; and

(iv) Changes in the person's condition or circumstances since such hospitalization.

(C)(i) The court shall issue a written order of its decision on the petition for relief provided for under subparagraph (A) of this paragraph no later than 30 days after the hearing.

(ii) The court shall grant the petition for relief if such court finds by a preponderance of the evidence that the person will not likely act in a manner dangerous to himself or herself or public safety and that granting the relief is otherwise consistent with the standards for the issuance of a weapons carry license as provided for in subsection (b.1) of Code Section 16-11-129. A record shall be kept of the hearing; provided, however, that such record shall remain confidential and be disclosed only to a court or to the parties in the event of an appeal. Any appeal of the court's ruling on the petition shall be as provided for by laws governing the appeal of decisions from such court; provided, however, that any such appeal from a probate court as provided for under Article 6 of Chapter 9 of Title 15 shall be by de novo review to the superior court.

(iii) If the court grants such person's petition for relief, the clerk of such court shall report such order to the Georgia Crime Information Center immediately, but in no case later than ten business days after the date of such order, and the center shall purge such record that is the subject of the order as soon as practicable but not later than 30 days after receipt of such order.

(D) A person may petition for relief under this paragraph not more than once every two years. In the case of a person who has been hospitalized, such person shall not

petition for relief prior to being discharged from such hospitalization. A first petition for relief may be made only after 12 months from the date on which a person's involuntary hospitalization commenced.

(E) Information received by the prosecuting attorney for the state pursuant to this paragraph shall not be used against the petitioner in any other case or context unless such information is usable in such other case or context by other rules of evidence or discovery."

SECTION 10.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, is amended by adding a new Code section to read as follows:

"51-1-55.

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

(1) 'Dangerous weapon' shall have the same meaning as provided for under Code Section 16-11-121.

(2) 'Firearm' means any handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge and which is not a dangerous weapon.

(b) Any instructor who lawfully instructs, educates, or trains a person in the safe, proper, or technical use of a firearm shall be immune from civil liability for any injuries caused by the failure of such person to use such firearm properly or lawfully."

SECTION 11.

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

Representative Jasperse of the 11th moved that the House agree to the Senate substitute to HB 1060.

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	E Coomer	Harrell	N Mitchell	Y Smith, L
Y Allison	Cooper	Y Hatchett	Y Morris	N Smith, M
Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	N Henson	E Nimmer	N Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
Beasley-Teague	N Dickerson	N Holcomb	Y 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	N Howard	Y Peake	Y Stover
N Bentley	N Douglas	N Hugley	Y Petrea	E Strickland
Y Benton	N Drenner	N Jackson	Y Pezold	Y Tankersley
Beskin	Y Dudgeon	Y Jasperse	E 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	E Duncan	N Jones, L	Y Price	Y Taylor, T

Y Brockway	Y Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstration	N Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	E Quick	N Thomas, E
N Buckner	Y England	E Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	N Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	N Evans	Y Kidd	Y Ramsey	N Waites
Y Caldwell, M	Fleming	Y Kirby	N Randall	Y Watson
N Cannon	N Floyd	Y Knight	Y Reeves	Welch
Y Cantrell	N Fludd	Y LaRiccia	Y Rhodes	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	N Mabra	Y Rogers, T	N Wilkinson
Y Casas	Y Gasaway	N Marin	Y Rutledge	N Willard
Y Chandler	Y Gilligan	Y Martin	Rynders	N Williams, A
Y Cheokas	N Glanton	Y Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	N Mayo	Y Setzler	N Williams, E
Y Clark, H	N Gordon	Y McCall	N Sharper	E Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 101, nays 60.

The motion prevailed.

HB 1070. By Representatives Dempsey of the 13th, Houston of the 170th, Willard of the 51st, Thomas of the 39th, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, so as to permit the department to use certain information in the department's records concerning the adopted child's biological parents; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

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 permit the department to use certain information in the department's records concerning the adopted child's biological parents; to provide for the creation, authorization, procedure, revocation, recision, and termination of a power of attorney from a parent, guardian, or legal custodian of a child to a kinship caregiver for the temporary delegation of certain power and authority for the care and custody of a child; to provide a short title; to provide for and correct a definition; to provide for procedure; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended in Code Section 19-8-23, relating to where records of adoption are kept, examination by parties and attorneys, and use of information by agency and department, by adding a new subsection to read as follows:

"(b.1) The department may, in its sole discretion, make use of any information contained in the records of the department concerning an adopted child and the adopted child's biological parents in connection with the placement of another child in the home of the adoptive parents of the child or in connection with the investigation of a report of child abuse or neglect made concerning the adopted child's biological parents."

SECTION 2.

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

Representative Dempsey of the 13th moved that the House agree to the Senate substitute to HB 1070.

On the motion, 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	E Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
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	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	E 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	E 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	E Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon

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

On the motion, the ayes were 170, nays 0.

The motion prevailed.

HB 1030. By Representatives Watson of the 172nd, Houston of the 170th, England of the 116th, Corbett of the 174th and LaRiccia of the 169th:

A BILL to be entitled an Act to amend Chapter 4 of Title 2 of the Official Code of Georgia Annotated, relating to the Georgia Seed Development Commission, so as to change certain provisions relating to the Georgia Seed Development Commission and its membership; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 2 of the Official Code of Georgia Annotated, relating to the Georgia Seed Development Commission, so as to change certain provisions relating to the Georgia Seed Development Commission and its membership; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 2 of the Official Code of Georgia Annotated, relating to the Georgia Seed Development Commission, is amended by revising Code Section 2-4-3, relating to the Georgia Seed Development Commission and its composition, officers, bylaws, quorum, compensation, records, audits, and bonds, as follows:

"2-4-3.

(a) As used in this Code section, the term 'licensee' means the designee of a holder of a license authorizing the production, conditioning, propagation, or marketing of crops, seed, turfgrass, or horticultural plants developed by the College of Agricultural and

Environmental Sciences of the University of Georgia, where such license grants rights to intellectual property owned by the University of Georgia or a formally designated cooperative organization thereof.

~~(a)~~(b) The commission shall be composed of the following 11 members:

(1) Two members to be appointed by the Governor, each of whom shall be a ~~farmer who grows crops or turf~~ licensee or shall be otherwise involved in the production, conditioning, or marketing of crops, seed, turfgrass, or horticultural plants;

(2) One member who shall be a ~~farmer who grows crops or turf~~ licensee or shall be otherwise involved in the production, conditioning, or marketing of crops, seed, turfgrass, or horticultural plants, to be appointed by the Lieutenant Governor;

(3) One member who shall be a ~~farmer who grows crops or turf~~ licensee or shall be otherwise involved in the production, conditioning, or marketing of crops, seed, turfgrass, or horticultural plants, to be appointed by the Speaker of the House of Representatives;

(4) The Commissioner of Agriculture;

(5) Two representatives of the crop, seed ~~or turf industries~~, turfgrass, or horticultural plant industry or of farm related organizations, one of whom shall be appointed by the Senate Agriculture and Consumer Affairs Committee, and one of whom shall be appointed by the House Committee on Agriculture and Consumer Affairs. Such representatives shall be licensees or shall otherwise have knowledge of the production, conditioning, or marketing of crops, seed, turfgrass, or horticultural plants. Each committee shall make its appointment with a quorum present and a majority of those present concurring;

(6) One member who shall be a ~~farmer who grows crops or turf~~ licensee or shall be otherwise involved in the production, conditioning, or marketing of crops, seed, turfgrass, or horticultural plants, to be appointed by the Commissioner of Agriculture;

(7) The dean of the College of Agricultural and Environmental Sciences of the University of Georgia;

~~(8) A seed breeder employed by the College of Agricultural and Environmental Sciences of the University of Georgia, to be appointed by the dean of the College of Agricultural and Environmental Sciences of the University of Georgia; and~~

~~(9)~~(8) The associate dean for research of the College of Agricultural and Environmental Sciences of the University of Georgia, as a nonvoting member; and

(9) An additional nonvoting member who is a crop, seed, turfgrass, or horticultural plant breeder employed by the College of Agricultural and Environmental Sciences of the University of Georgia, appointed by the dean of the College of Agricultural and Environmental Sciences of the University of Georgia, after consultation with the commission.

~~(b)~~(c) The members of the commission shall enter upon their duties without further act or formality. The commission shall organize each even-numbered year at the meeting next following July 1 of such year, at which time the commission shall elect one of its members as chairperson and another as vice chairperson. It shall also elect a secretary and a treasurer, who need not be members. The offices of secretary and treasurer may

be combined in one person. The commission may make such bylaws for its government as it deems necessary but is under no duty to do so.

~~(c) Six~~ (d) Five voting members of the commission shall constitute a quorum necessary for the transaction of business, and a majority vote of those present at any meeting at which there is a quorum shall be sufficient to do and perform any action permitted the commission by this chapter. No vacancy on the commission shall impair the right of a quorum to transact any and all business of the commission.

~~(d)~~(e) The members shall not receive compensation for their services but shall be reimbursed for actual expenses incurred in the performance of their duties.

~~(e)~~(f) Members of the commission shall be accountable as trustees. They shall cause adequate books and records of all transactions of the commission, including records of income and disbursements of every nature, to be kept. The books and records shall be inspected and audited by the state auditor at least once in each year. The commission may require that an employee, an officer, member of the commission, or any person doing business with the commission post a bond, in an amount to be determined by the commission, for the faithful performance of the duties imposed upon such employee, officer, member of the commission, or person doing business with the commission. The principal of such bond of an officer, employee, or member of the commission shall be paid by the commission."

SECTION 2.

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

Representative Watson of the 172nd moved that the House agree to the Senate substitute to HB 1030.

On the motion, 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	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	E Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
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	Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	E 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	E 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	E Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	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	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	E Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

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

The motion prevailed.

The Speaker announced the House in recess until 5:00 o'clock, this afternoon.

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 substitute, by the requisite constitutional majority, the following bill of the House:

HB 212. By Representatives Weldon of the 3rd, Cooper of the 43rd, Hawkins of the 27th, Broadrick of the 4th and Spencer of the 180th:

A BILL to be entitled an Act to amend Code Section 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, so as to revise a provision relating to the health care professionals who must be on-site at a pain management clinic in order for the clinic to provide medical treatment or services; to repeal conflicting laws; and for other purposes.

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

HB 904. By Representatives Strickland of the 111th, Shaw of the 176th, Fleming of the 121st, Bryant of the 162nd and Kirby of the 114th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain contribution rates and credits; to change certain provisions relating to rate of employer contributions; to extend certain provisions relating to variations in the standard rate; to extend provisions relating to administrative assessments; to reduce the percentage of the administrative assessment to be assessed for a certain period; to provide exceptions; to change certain provisions relating to additional assessments for a new or newly covered employer; to extend the provision relating to automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Martin of the 9th, Kirk of the 13th, and McKoon of the 29th.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

SB 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 Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 16 and Code Section 31-2A-18, relating to crimes and offenses and the establishment of the Low THC Oil Patient Registry, respectively, so as to change provisions relating to the regulation of low THC oil; to revise and provide for definitions; to expand conditions for which low THC oil may be recommended for treatment; to clarify provisions of existing law; to provide for other lawful activities; to change reporting requirements; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for a different criteria for driving under the

influence of marijuana; to provide for a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "Haleigh's Hope Act - Part II."

SECTION 2.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Code Section 16-12-190, relating to a definition, as follows:

"16-12-190.

As used in this article, the term 'low THC oil' means an oil that contains an amount of cannabidiol and not more than 5 percent by weight of tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant material exhibiting the external morphological features of the plant of the genus Cannabis ~~and an amount of cannabidiol equal to or greater than the amount of tetrahydrocannabinol~~."

SECTION 3.

Said title is further amended in Code Section 16-12-191, relating to possession, manufacture, distribution, or sale of low THC oil, by revising paragraph (1) of subsection (a) and subsection (b) and by revising subsection (e) as follows:

"(a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any person to possess or have under his or her control 20 fluid ounces or less of low THC oil if:

(A) Such person is registered with the Department of Public Health as set forth in Code Section 31-2A-18~~;~~

~~(B) Such person~~ and has in his or her possession a registration card issued by the Department of Public Health; and

~~(C)~~(B) Such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol or tetrahydrocannabinolic acid therein."

"(b)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any person to possess or have under his or her control 20 fluid ounces or less of low THC oil if:

(A) Such person is involved in a ~~clinical~~ research program being conducted by the Board of Regents of the University System of Georgia or any authorized clinical trial or research study protocol in this state or is an authorized agent pursuant to Chapter 51 of Title 31 as:

(i) A ~~program~~ participant;

(ii) A parent, guardian, or legal custodian of a ~~program~~ participant;

(iii) ~~An~~ A designated employee of the board of regents ~~designated to participate in the research program~~;

(iv) ~~A program~~ An agent;

(v) A ~~program~~ collaborator and their designated employees;

(vi) A ~~program~~ supplier and their designated employees;

(vii) A ~~program~~ physician;

(viii) A ~~program~~ clinical researcher;

(ix) ~~Program pharmacy~~ Pharmacy personnel; or

(x) Other ~~program~~ medical personnel;

(B) Such person has in his or her possession a permit issued as provided in Code Section 31-51-7; and

(C) Such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol or tetrahydrocannabinolic acid therein."

"(e) Subsections (c) and (d) of this Code section shall not apply to a person ~~involved in a research program being conducted by the Board of Regents of the University System of Georgia or its authorized agent pursuant to Chapter 51 of Title 31 as an employee of the board of regents designated to participate in such program, a program agent, a program collaborator and their designated employees, a program supplier and their designated employees, a physician, clinical researcher, pharmacy personnel, or other medical personnel~~ identified in subparagraph (b)(1)(A) of this Code section, provided that such person has in his or her possession a permit issued as provided in Code Section ~~31-5-7~~ 31-51-7 and such possession, sale, manufacturing, distribution, or dispensing is solely for the purposes set forth in Chapter 51 of Title 31."

SECTION 4.

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

"16-12-192.

Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for a manufacturer of low THC oil to ship low THC oil to a person registered with the Department of Public Health under Code Section 31-2A-18."

SECTION 5.

Said title is further amended by revising paragraph (16) of Code Section 16-13-21, relating to the definitions for the regulation of controlled substances, as follows:

"(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include ~~samples~~ tetrahydrocannabinol as described in subparagraph (P) of paragraph (3) of Code Section 16-13-25 and shall not include the completely defoliated mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination."

SECTION 6.

Said title is further amended by revising subparagraph (P) of paragraph (3) of Code Section 16-13-25, relating to Schedule I controlled substances, as follows:

"(P) ~~Tetrahydrocannabinols which shall include, but are not limited to:~~

~~(i) All synthetic or naturally produced samples containing more than 15 percent by weight of tetrahydrocannabinols; and~~

~~(ii) All synthetic or naturally produced tetrahydrocannabinol samples which do~~ Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant material exhibiting the external morphological features of the plant ~~cannabis~~ of the genus Cannabis;"

SECTION 7.

Code Section 31-2A-18, relating to the establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards, quarterly reports, and waiver forms, is amended by revising paragraph (3) of subsection (a) and subsections (c) and (e) as follows:

"(3) 'Condition' means:

(A) Cancer, when such ~~diagnosis is end stage or the treatment~~ disease produces related wasting illness, recalcitrant nausea, and vomiting;

(B) Amyotrophic lateral sclerosis~~, when such diagnosis is severe or end stage~~;

(C) Seizure disorders related to diagnosis of epilepsy or trauma related head injuries;

(D) Multiple sclerosis~~, when such diagnosis is severe or end stage~~;

(E) Crohn's disease, ulcerative colitis, or irritable bowel syndrome;

(F) Mitochondrial disease;

(G) Parkinson's disease~~, when such diagnosis is severe or end stage~~; ~~or~~

(H) Sickle cell disease~~, when such diagnosis is severe or end stage~~;

(I) Autism spectrum disorder;

(J) Epidermolysis bullosa;

(K) Human immunodeficiency virus or acquired immune deficiency syndrome;

(L) Peripheral neuropathy;

(M) Tourette's syndrome;

(N) Terminal illness, with a probable life expectancy of less than two years, if the illness or its treatment produces one or more of the following:

(i) Severe pain;

(ii) Nausea or severe vomiting; or

(iii) Cachexia or severe wasting; or

(O) Post-traumatic stress disorder."

"(c) The purpose of the registry is to provide a registration of individuals and caregivers who have been issued registration cards. The department shall establish procedures and promulgate rules and regulations for the establishment and operation of the registration process and dispensing of registry cards to individuals and caregivers.

~~Only individuals residing in this state for at least one year or a child born in this state less than one year old shall be eligible for registration under this Code section. Nothing in this Code section shall apply to any Georgia residents living temporarily in another state for the purpose of securing THC oil for treatment of any condition under this Code section.~~"

"(e) The board shall require physicians to issue ~~quarterly reports~~ an annual report to the board. Such ~~reports~~ report shall require physicians to provide information, including, but not limited to, dosages recommended for a particular condition, clinical responses, compliance, responses to treatment, side effects, and drug interactions."

SECTION 8.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by revising subsections (a) and (b) of Code Section 40-5-75, relating to suspension of driver's licenses by operation of law, as follows:

"(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), or (7) of subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the department a restoration fee of $210.00 or $200.00 when such reinstatement is processed by mail;

(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. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender shall pay a permit fee of $25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student; or

(iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner.

Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department. At the end of five years from the date on which the license was suspended, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of $410.00 or $400.00 when such reinstatement is processed by mail.

(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)<u>, or (7)</u> of subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on

the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur."

SECTION 9.

Said title is further amended in subsection (a) of Code Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, by deleting "or" at the end of paragraph (5), by revising paragraph (6), and by adding a new paragraph to read as follows:

"(6) Subject to the provisions of subsection (b) of this Code section, there is any amount of ~~marijuana or~~ a controlled substance, as defined in Code Section 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of ~~each or both~~ a controlled substance without regard to whether or not any alcohol is present in the person's breath or blood; or

(7) The concentration of delta 9-tetrahydrocannabinol is two nanograms per milliliter or more as shown by analysis of the person's blood, without regard to whether or not any alcohol is present in the person's breath or blood, at any time within three hours after such driving or being in actual physical control from delta 9-tetrahydrocannabinol ingested before such driving or being in actual physical control ended."

SECTION 10.

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

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

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	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	N Deffenbaugh	Hightower	Y Nix	Y Spencer
Y Battles	Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	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	N 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	E Duncan	Y Jones, L	N Price	Y Taylor, T
Y Brockway	Y Ealum	Jones, S	Y Prince	E Teasley

Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	N Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	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	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	Gilligan	Y Martin	Rynders	Y Williams, A
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	N Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 7.

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

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

Representative Rice of the 95th.

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

HR 1052. By Representative Cheokas of the 138th:

A RESOLUTION honoring the life of Mr. Thomas William Poole and dedicating a bridge in his memory; and for other purposes.

The following Senate substitute was read:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Corporal Matthew Britten Phillips played a vital role in leadership and demonstrated a deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Corporal Phillips was born on April 13, 1981, the beloved son of Michael and Freida Phillips, and attended West Hall High School in Gainesville, Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces, valiantly and courageously protecting his fellow Americans with the 173rd Airborne Brigade; and

WHEREAS, Corporal Phillips made the ultimate sacrifice during the Battle of Wannat when his unit was ambushed by the Taliban; and

WHEREAS, Corporal Phillips embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating an intersection in his memory.

PART II

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Sergeant David Paul "Bubba" Land on March 26, 2003; and

WHEREAS, Sergeant Land began his career in law enforcement in 1990 as an Atlanta police officer and later went on to join the Stone Mountain Police Department where he worked until 1997 when he was hired by the Forsyth County Sheriff's Office; and

WHEREAS, this dedicated law enforcement officer's life was cut short from injuries he received in a motorcycle crash en route to a call for service, just two days after he was promoted to the rank of sergeant; and

WHEREAS, Sergeant Land exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all of his duties.

PART III

WHEREAS, Ambassador David Adelman is widely recognized by the citizens of this state for the vital role that he plays in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Ambassador Adelman earned a bachelor's degree from the University of Georgia, where he later served as a professor for the Honors Program, a master's degree from Georgia State University, and a law degree from Emory University; and

WHEREAS, Ambassador Adelman served as an assistant attorney general in Georgia for three years and worked as a partner at the law firm Sutherland, Asbill, and Brennan LLP; and

WHEREAS, he diligently and conscientiously devoted his time, talents, and energy to his constituents as a member of the Georgia State Senate for eight years, where he served as Minority Whip and chairman of the Senate Urban Affairs Committee; and

WHEREAS, he served as the 15th United States Ambassador to Singapore, and his tenure was characterized by an increase in the robust business relationship between the United States and Southeast Asia; and

WHEREAS, Ambassador Adelman led eight trade missions to India, Indonesia, Malaysia, Myanmar, and Vietnam, and his trade mission to Naypyidaw in 2012 was the first American business delegation to the capital of Myanmar; and

WHEREAS, he was instrumental in implementing President Barack Obama's "pivot to Asia" initiative, which is a strategic rebalancing of military and soft powered assets toward the region, and during Ambassador Adelman's tenure, the United States agreed to deploy naval vessels to Singapore for the first time; and

WHEREAS, Ambassador Adelman launched the United States-Singapore Strategic Partnership Dialogue and established a Third Country Training Program to address health, educational, and environmental issues in Southeast Asia; and

WHEREAS, he has been recognized with numerous honors and awards, including the United States Navy Distinguished Public Service Award, which is the highest honor given to non-Navy personnel, and the United States State Department Superior Honor Award for his diplomatic leadership; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a bridge in his honor.

PART IV

WHEREAS, located at the intersection of State Routes 306 and 369, Hammond's Crossing has long been a hub for the local economy in north Forsyth County; and

WHEREAS, located in the middle of the 400 North Opportunity Zone, the area was home to the first general store built around 1897 which was owned and operated by William Henry Hammond; and

WHEREAS, the Hammond family continues to conduct business at this intersection, operating Hammond's Fishing Center; and

WHEREAS, this philanthropic family also gives back to the community through their establishment of the Thomas Hammond High School Fishing Club Fund, which provides scholarships to new fishing clubs; and

WHEREAS, the intersection of State Routes 306 and 369 has been a magnet for growth for north Forsyth County since the late 1880s and it is abundantly fitting and proper that this intersection be dedicated to honor this rich history and tradition.

PART V

WHEREAS, the name of the area of Coal Mountain in Forsyth County dates as far back as the 1870 federal census; and

WHEREAS, located just north of Cumming, the area is home to Coal Mountain Baptist Church and Coal Mountain Elementary School, whose mascot is the Coal Mountain Miner; and

WHEREAS, over the years, Coal Mountain has been home to a general merchandise store, Wofford Hatchery, Martin's Store, Coal Mountain Building Supply, Thomas Lumber Company, and the office of Dr. William Bottoms; and

WHEREAS, the Coal Mountain crossroads of Highways 9 and 369 have been a point of trade for well over 200 years and it is abundantly fitting and proper that this intersection be dedicated to honor this rich history and tradition.

PART VI

WHEREAS, on January 31, 2011, the State of Georgia lost one of its most distinguished citizens with the passing of Mr. Spencer Pass; and

WHEREAS, Mr. Pass was a member of the Department of Transportation's Highway Emergency Response Operators program and worked diligently to minimize disruptions in Metro Atlanta traffic, provide service patrol, and assist stranded motorists; and

WHEREAS, Mr. Pass was fatally injured in the line of duty while rendering aid to a motorist on Interstate 85; and

WHEREAS, he was a dedicated husband, loving father, and devoted son whose presence and love continue to be missed by all who had the great fortune of knowing him; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART VII

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Detective Robert Shane Wilson on November 14, 2011; and

WHEREAS, he was a beloved son of J. D. Wilson and Gail Hanson; and

WHEREAS, Detective Wilson, badge number 1143, had served with the Doraville Police Department for four years; and

WHEREAS, he was responding to a SWAT call of a home invasion in Doraville when his vehicle was struck head-on by a drunk driver on I-20 in DeKalb County, succumbing to his injuries at the scene of the crash; and

WHEREAS, Detective Wilson was united in love and marriage to Katy Wilson and was blessed with a remarkable son, Liam Wilson; and

WHEREAS, a compassionate and generous man, Detective Wilson will long be remembered for his love of family and friendship, and this loyal son, husband, father, and friend will be missed by all who had the great fortune of knowing him; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART VIII

WHEREAS, Paul Dyer was born on June 28, 1912, in White County and moved with his family to Towns County in 1939, where he was a Master Mason and a valued member of the Towns County Lions Club, Order of the Eastern Star, and Towns County Board of Education; and

WHEREAS, Paul was known for his contributions to education as well as his faithfulness to his neighbors during times of illness and mourning, always extending a helping hand to those in need; and

WHEREAS, Paul served as District Supervisor for Towns County in the Blue Ridge Mountain Soil and Water Conservation District; and

WHEREAS, in 1974, Paul and his wife were chosen by the Farmers Home Administration as Farm Family of the Year in Towns and Union counties for their outstanding family contribution to agriculture and the rural community; and

WHEREAS, Paul served as president of the Hiawassee River Watershed Association and operated a 400 acre commercial trout farm along the mountain slopes and river near Cynth Creek Bridge, which was responsible for hatching approximately 600,000 trout eggs annually and 250,000 pounds of trout available for the market; and

WHEREAS, Paul and James Dyer were major contributors to Towns County and the surrounding areas of northeast Georgia; and

WHEREAS, Paul's six children continue to call Towns County home and are active and contributing members of the community; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished family be recognized appropriately by dedicating a bridge in their honor.

PART IX

WHEREAS, Reverend Kenneth H. Coomer, Jr., has demonstrated his commitment to teaching the Gospel, witnessing Christ through word and deed, and addressing the physical, psychological, intellectual, and spiritual needs of others; and

WHEREAS, Reverend Coomer is senior pastor of Adairsville Church of God, where his leadership and spiritual guidance have been instrumental in improving and encouraging positive relations between people of diverse races and religions in the community and beyond; and

WHEREAS, after Adairsville was struck by an EF3 tornado on January 30, 2013, which resulted in loss of life and property valued in excess of $75 million, Reverend Coomer and Adairsville Church of God coordinated with other local churches and charities to provide shelter, food, clothing, financial assistance, and spiritual and emotional care and support to victims of the tornado within hours of the disaster; and

WHEREAS, Reverend Coomer and Adairsville Church of God coordinated and directed the mobilization of thousands of individual volunteers for the recovery efforts that followed the tornado; and

WHEREAS, Reverend Coomer and Adairsville Church of God procured the charitable use of more than a dozen pieces of heavy equipment from individuals and corporations to assist in the clean-up efforts; and

WHEREAS, Reverend Coomer and Adairsville Church of God, through their hard work and dedication to the Adairsville community, have saved city, county, and state taxpayers millions of dollars in clean-up, recovery, and reconstruction costs; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Marine Corps; and

WHEREAS, it is abundantly fitting and proper that this enduring example of God's message be recognized by dedicating a road in his honor.

PART X

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Lance Corporal Skip Wells demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Marine Corps, valiantly and courageously protecting his fellow Americans, and was killed during a voluntary assignment at the U.S. Naval Reserve on Amnicola Highway in Chattanooga, Tennessee; and

WHEREAS, a man of deep and abiding faith, Lance Corporal Wells was an active member of First Baptist Church in Woodstock, Georgia; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, Lance Corporal Wells was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, a compassionate and generous man, Lance Corporal Wells will long be remembered for his love of family and friendship, and this loyal son, grandson, and friend will be missed by all who had the great fortune of knowing him; and

WHEREAS, Lance Corporal Wells embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a highway in his memory.

PART XI

WHEREAS, Mr. James Slaton "Jay" Shaw was widely recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Shaw attended Abraham Baldwin Agriculture College before establishing The Jay Shaw Company, a real estate and insurance agency focused on providing financial support and involvement for communities in and around his hometown of Lakeland, Georgia; and

WHEREAS, he diligently and conscientiously devoted his time, talents, and energy to his constituents as a member of the House of Representatives for 17 years as a representative for House District 176 and chairman of the community health subcommittee for the House Committee on Appropriations; and

WHEREAS, Mr. Shaw served as mayor of Lakeland for ten years, a position in which his leadership and diplomacy were instrumental in advancing the city's position in the region and preserving Banks Lake as a historic landmark; and

WHEREAS, he served on the State Transportation Board from 2010 to 2015 and led the board as chairman in 2013; and

WHEREAS, during his time serving this state, Mr. Shaw focused on advancing healthcare in rural areas, improving Georgia's transportation system, and promoting balance and positive reform; and

WHEREAS, a man of deep and abiding faith, Mr. Shaw was a trustee and board member of Unity United Methodist Church; and

WHEREAS, his legacy lives on through his wife of 45 years, Libby Shaw; his devoted sons and daughters-in-law, Jason, Sam, Katy, and Christa; and his adoring grandchildren, Jenna, Brady, Anne Harvey, and Slaton; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a road in his honor.

PART XII

WHEREAS, Mr. J. Mark Burkhalter is a distinguished member of the Johns Creek community and a native son of the State of Georgia, born in Atlanta and raised in unincorporated Fulton County, now known as the City of Johns Creek; and

WHEREAS, he attended Warsaw Elementary School and later purchased the school property in order to preserve history and to give homage to his former school teacher, Mrs. Annette Medlock; and

WHEREAS, he graduated from Milton High School and earned two bachelor's degrees from the University of Georgia, where he served as president of the International Relations Club and as chair of the university's Model United Nations Delegation, leading the organization to two national titles; and

WHEREAS, following graduation, he served on the legislative staff of Congressman Newt Gingrich, representing Georgia's Sixth Congressional District at the United States Capitol, and then returned to Georgia where he began a successful career in real estate development as principal of Burkhalter Realty and Akin Properties; and

WHEREAS, he was elected to the Georgia House of Representatives in 1992 at the age of 31, where he served continuously for 18 years representing the citizens of District 41, one of the largest state House districts of its time, and then District 50, encompassing the boundaries of the City of Johns Creek; and

WHEREAS, he was the first Republican to author Georgia's budget since Reconstruction; and

WHEREAS, he served as Administration Floor Leader, Speaker Pro Tempore, and Speaker of the House of Representatives under Governor Sonny Perdue, making him one of the few Georgians in history to rise to that high office; and

WHEREAS, during his tenure as Speaker Pro Tempore, he sponsored significant and historic legislation, including HB 1321 creating the City of Johns Creek, thereby creating a paradigm shift in how the region functions, and thus changing the face of the greater Atlanta metropolitan area in perpetuity; and

WHEREAS, upon his resignation from the Georgia General Assembly in 2010, he then joined the international law firm, Dentons, as Senior Advisor in Public Policy and Regulation practice; and

WHEREAS, he is noted for countless community activities, affiliations, and accolades that have benefited the citizens of Johns Creek and the State of Georgia to immeasurable result; and

WHEREAS, he is highly respected amongst his peers as a tireless proponent for his community and the State of Georgia and known as a brilliant strategist in politics and business; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a road in his honor.

PART XIII

WHEREAS, Mr. Thomas William Poole was born on December 24, 1991, in Ellaville, Georgia, the beloved son of Donnie and Deborah Poole; and

WHEREAS, a lifetime resident of Schley County, Mr. Poole grew up in his family's home on Poole Road which stands as the oldest occupied home in the county; and

WHEREAS, he worked as a heating and air technician and was a faithful member of Ellaville Baptist Church; and

WHEREAS, Mr. Poole's life was tragically cut short on June 2, 2013, when he was involved in a fatal vehicle crash; and

WHEREAS, Mr. Poole was known to be a kind and generous man by all who had the fortune of encountering him; and

WHEREAS, throughout his life, he continuously demonstrated a deep concern and compassion for others, going above and beyond to ensure the happiness, safety, and care for both friends and strangers; and

WHEREAS, an avid outdoorsman, Mr. Poole was passionate about hunting and fishing and spent countless hours during his youth at Buck Creek near his family home; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XIV

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Mr. Richard John Chambers, Sr., served as a guardian of this nation's freedom and liberty with the United States Air Force; and

WHEREAS, Mr. Chambers was a career educator in Banks and Jackson counties, where his work uplifted the lives of countless students; and

WHEREAS, he was an avid supporter of community sustainment and county beautification and devoted countless hours of his time, talent, and energy to organizations such as the Banks County Historical Society, Commerce Lions Club, and Habitat for Humanity; and

WHEREAS, a community leader, Mr. Chambers played a large role in maintaining the historical integrity of Banks County through the compilation and publishing of the *History of Banks County*; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XV

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Dr. Delores Felder on September 18, 2014; and

WHEREAS, Dr. Felder was born on April 11, 1949, in Marshallville, Georgia, a beloved daughter of Arthur Felder II and Carrie Lou Murph Felder; and

WHEREAS, a woman of deep and abiding faith, she was an active member of Saint James Christian Methodist Episcopal Church and active in several community organizations; and

WHEREAS, she received her Bachelor of Science and master's degrees from Fort Valley State College and later received her doctoral degree from Nova Southern University in Fort Lauderdale, Florida; and

WHEREAS, Dr. Felder taught in the Macon County School System from 1971 until 1981, where she served as Assistant Administrator with the Macon County Board of Education and as principal of the new Macon County Elementary School and the D.F. Douglass Alternative Center before retiring in 2003; and

WHEREAS, her love for her city and others led her to be elected to the city council, where her long service included the position of Mayor Pro Tem; and

WHEREAS, she gave inspiration to many through her high ideals, morals, and deep concern for her fellow citizens, and the devotion, patience, and understanding she demonstrated to her family and friends were admired by others; and

WHEREAS, she was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example she made of her life, she made this world a better place in which to live; and

WHEREAS, a compassionate and generous woman, Dr. Felder will long be remembered for her love of family and friendship, and this loyal sister, aunt, educator, and friend will be missed by all who had the great fortune of knowing her; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in her memory.

PART XVI

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. William Lee Brown on September 18, 2014; and

WHEREAS, Mr. Brown was born on May 27, 1940; and

WHEREAS, Mr. Brown was united in love and marriage to Debra Cross Brown and was blessed with five remarkable children, Howard, Kathryn Elizabeth, Kimberly Michele, Mary Margaret, and Rachel Suzanne, and 11 wonderful grandchildren, William DeWitt, Kaitlin Elizabeth, Sarah Elizabeth, Julia Caroline, William Higdon, Mary Rachel, Joseph Mason, William Peyton, Isabelle Grace, Gabrielle Rose, and Houston Randolph; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, a compassionate and generous man, Mr. Brown will long be remembered for his love of family and friendship, and this loyal gentleman and friend will be missed by all who had the great fortune of knowing him; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XVII

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Mr. Solomon T. "Sol" Dover on February 14, 1999; and

WHEREAS, a native of Bartow County, Mr. Dover acquired his family's farm located on Georgia Highway 113 in 1939, and later gifted portions of his land to the county for additions to the highway; and

WHEREAS, Mr. Dover was united in love and marriage to Ruby Lee Pell Dover, a union which brought them nine children, all of whom were raised on the family farm and five of whom continue to maintain homes on the farm to date; and

WHEREAS, a man of deep and abiding faith, Mr. Dover served as treasurer and Sunday school superintendent for Raccoon Creek Church and was instrumental in helping the church accomplish numerous building additions; and

WHEREAS, Mr. Dover was a hard-working, passionate leader of his community, where he donated his time to serve as trustee for the Stilesboro School; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be recognized by dedicating a bridge in his honor.

PART XVIII

WHEREAS, Mr. Louie Morris was known for his leadership and love of Hart County, Georgia, during the early 1900s; and

WHEREAS, an avid journalist, Mr. Morris was owner and editor of the *Hartwell Sun* and served as president of the Georgia Press Association and co-chairman of the Georgia Press Institute; and

WHEREAS, his guidance and civic leadership were instrumental to Hart County during his time as a member of the Hartwell City Council; and

WHEREAS, Mr. Morris served on the staff of Georgia Governors Richard Russell, Jr., and Ellis Arnall; and

WHEREAS, he began a radio station in Hartwell, *WKLY*, and was president of the Hartwell Railway Company; and

WHEREAS, Mr. Morris contributed unceasing efforts toward the construction of what is now known as the Hartwell Dam, a project that was unrealized at the time of his death on May 10, 1955; and

WHEREAS, on October 11, 1940, the Highway Departments of South Carolina and Georgia, in cooperation with the United States Bureau of Public Roads, erected a monument dedicating the bridge over the Savannah River in honor of his unyielding commitment; and

WHEREAS, the stone monument dedicating the Louie Morris Bridge was relocated in 1958 after the river flooded the bridge and caused damage that necessitated the building of a new bridge; and

WHEREAS, an official Georgia dedication sign does not exist at what is known as the Louie Morris Bridge, and it is abundantly fitting and proper that this body recognizes this remarkable and distinguished Georgian by erecting an official Georgia bridge dedication marker.

PART XIX

WHEREAS, Robert and Ardena Beasley had unimpeachable reputations for integrity, intelligence, fairness, and kindness, and by the example they made of their lives, they made this world a better place in which to live; and

WHEREAS, a couple with deep and abiding faith, the Beasleys were active members of Christian Fellowship Community Church; and

WHEREAS, they were united in love and marriage and blessed with eight remarkable children, Norvie L. Beasley, Sr.; Barbara J. Tinsley; Charles E. Beasley; Robert L. Beasley, Jr.; Beverly D. Rollins; Carl P. Beasley; Roberta Ann Beasley; and Representative Sharon Beasley-Teague; and

WHEREAS, the Beasleys were active community leaders, volunteering their time, talents, and energy to organizations such as SCLC in Atlanta, Christian Ministers Alliance, and the Richard James Teague Memorial Foundation for Sickle Cell Research; and

WHEREAS, they gave inspiration to many through their high ideals, morals, and deep concern for their fellow citizens, and the devotion, patience, and understanding they demonstrated to their family and friends were admired by others; and

WHEREAS, it is abundantly fitting and proper that the members of this body honor the lives of these distinguished Georgians by dedicating a bridge in their memory.

PART XX

WHEREAS, Mr. William Penn "Mr. Bill" Walker, Sr., was widely recognized for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Walker took up residence near the intersection of State Route 125 and State Route 122 at the meeting point of Lowndes, Berrien, and Lanier counties in 1954; and

WHEREAS, he diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state, as evidenced dramatically by his superlative service with the Atlanta Police Department for nearly 20 years; and

WHEREAS, Mrs. Ruby Herndon Walker was by Mr. Walker's side, working and supporting him in all his endeavors; and

WHEREAS, unofficially known by local peace officers as "Walker's Crossing," the intersection at their home and well-known lounge was a long-time meeting place for police officers to exchange prisoners to transport them across county lines; and

WHEREAS, Mr. Walker was known by the county sheriff departments of Lowndes, Berrien, and Lanier counties as a person who would assist them with any of their needs; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished couple be recognized appropriately by dedicating an intersection in their memory.

PART XXI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, United States military veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they have served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding

accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XXII

WHEREAS, Mr. Joel Jackson Parrish was born in Lowndes County on September 11, 1834, the beloved eldest son of Robert N. and Nancy McCranie Parrish, and passed away in Cook County on October 14, 1922; and

WHEREAS, he served as a guardian of this nation's freedom and liberty as 3rd Sergeant in Company "G" of the 29th Georgia Infantry, as 2nd Lieutenant of Company "D," and as First Lieutenant of Company "K"; and

WHEREAS, Mr. Parrish was elected Clerk of the Superior Court of Berrien County, served as County Surveyor for Berrien County, and was Justice of the Peace in the 1145th District; and

WHEREAS, he was responsible for the naming of the town of Adel and also served as the town's first postmaster; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XXIII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, current and former members of the United States military have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, the Purple Heart is awarded to members of the armed forces who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action; and

WHEREAS, these brave men and women serve as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that Purple Heart recipients are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, these individuals embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XXIV

WHEREAS, Mr. Martin Luther King, Sr., the beloved son of James and Delia Linsey King, was born Michael King in 1899 in a sharecropper's cabin in Stockbridge, Georgia; and

WHEREAS, affectionately known as "Daddy King," Mr. King was the father of Nobel Peace Prize recipient Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Mr. King attended the Stockbridge Rosenwald School and was licensed as a preacher at the age of 15, preaching his first sermon at Floyd Chapel Baptist Church; and

WHEREAS, in 1934, Mr. Martin changed his name and that of his son to Martin Luther and encouraged his son to become active in the Civil Rights Movement; and

WHEREAS, Mr. King was a major influence on his son's decision to enter the ministry and the guidance he provided to Martin Luther King, Jr., as a child and young adult had an everlasting impact on the man he became; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XXV

WHEREAS, it is abundantly fitting that Confederate General James Longstreet be recognized appropriately by dedicating a bridge in his memory.

PART XXVI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Mr. Mack Fitzgerald served as a guardian of this nation's freedom and liberty with the United States Air Force, valiantly and courageously protecting his fellow Americans during World War II; and

WHEREAS, Mr. Fitzgerald received training as a flight engineer and gunner aboard a B-24 Liberator; and

WHEREAS, he was a member of "Operation Tidal Wave," with the mission of flying at low altitudes over Ploiesti, Romania, in order to destroy the enemy force's oil refineries; and

WHEREAS, after training for the low-level bombing mission in the Sahara Desert, Mr. Fitzgerald's bomber was one of 178 aircraft in what would become known as "Black Sunday," marking the worst single-day loss in the war; and

WHEREAS, during the mission, Mr. Fitzgerald's aircraft was hit by enemy fire and lost two engines, forcing an emergency landing in an open field; and

WHEREAS, he was a prisoner of war for 13 months along with over 100 other Americans; and

WHEREAS, he retired from the military after 25 years of dedicated and selfless service and was recognized with numerous medals, including the Purple Heart, Distinguished Flying Cross, Air Medal, and the POW Medal; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating an intersection in his honor.

PART XXVII

WHEREAS, Reverend Joe E. Edwards has demonstrated his commitment to teaching the Gospel, witnessing Christ through word and deed, and addressing the physical, psychological, intellectual, and spiritual needs of others; and

WHEREAS, Reverend Edwards is a person of vision and action and is known throughout the Church of God denomination as a powerful preacher, sensitive to the Holy Spirit in bringing anointed messages from God; and

WHEREAS, educated at Lee College and the Church of God School of Theology, Reverend Edwards was called by the Lord 24 years ago to lead the congregation of Cartersville Church of God at Liberty Square; and

WHEREAS, under the esteemed leadership of Reverend Edwards, the Cartersville Church of God at Liberty Square has enriched the community with its worship center, educational facilities, Family Life Center, Harvest House, Excel Christian Academy, and the Cartersville Child Care Center; and

WHEREAS, Reverend Edwards has been recognized as a gifted writer, an effective and spiritually anointed speaker whose Gospel messages communicate effectively and with simplicity to persons from all walks of life, and a writer of spiritual publications throughout the United States; and

WHEREAS, he has served as a member of the Church of God Executive Council, chairman of the general study commission, state youth boards, evangelism boards, state overseer of the Church of God in Northern Ohio, and numerous other conferences, councils, and meetings as an active and honored member whose spiritual guidance is sought; and

WHEREAS, Reverend Edwards is united in love and marriage to his wife, Becky, and has been blessed with five children and several grandchildren; and

WHEREAS, the ministry of Reverend Edwards has enriched his denomination in visionary leadership, in discipleship, in outreach, in Bible teaching, in faith-building fellowship, and by encouraging active community service; and

WHEREAS, it is abundantly fitting and proper that this enduring example of God's message of peace and love be recognized with an intersection dedicated in his honor.

PART XXVIII

WHEREAS, Mr. Samuel L. Cummings has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Cummings was born in Midville, Georgia, one of 13 beloved children of the late Lawton and Mary Cummings; and

WHEREAS, educated in the Burke County School System, Mr. Cummings attended Swansboro Junior College and the University of Georgia before he became the first African American certified elected official in Burke County; and

WHEREAS, he has diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service as a city councilmember and mayor for the City of Midville; and

WHEREAS, Mr. Cummings' leadership and guidance have been instrumental to numerous organizations, including the Optimism Club of Midville, board of directors for Family and Children Services of Burke County, and Midville Development Authority; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in his honor.

PART XXIX

WHEREAS, Colonel William Lee Robinson served as a guardian of this nation's freedom and liberty with the United States military, valiantly and courageously serving a tour in Vietnam and continuing his service for 31 years in the Army Reserve; and

WHEREAS, a leader in Bibb County, Colonel Robinson was widely recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he was elected to the Georgia Senate in 1974, adeptly and ably representing the people of Bibb and Monroe counties for eight years; and

WHEREAS, Colonel Robinson attended Mercer Law School while also obtaining his master's degree in business administration; and

WHEREAS, he was elected as mayor of Macon in 1997 and served as a circuit public defender for Macon-Bibb and surrounding counties after his service as mayor; and

WHEREAS, a civic leader, Colonel Robinson was active with the Middle Georgia Cancer Society, Alzheimer's Association, Cherry Blossom Festival, Macon Jaycees, Rotary Club, and Keep Macon-Bibb Beautiful; and

WHEREAS, a man of deep and abiding faith, Colonel Robinson was a founding member of Ingleside Baptist Church, where he served as deacon, overseer, and Sunday school teacher and was an avid participant and leader of mission trips in many areas of the world; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XXX

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Mr. Steven Charles Brack on October 11, 2004; and

WHEREAS, Mr. Brack served with the Allentown Volunteer Fire Department and was a member of the Allentown City Council; and

WHEREAS, his life was tragically cut short when he was involved in a vehicle crash while responding to a call on Interstate 16; and

WHEREAS, Mr. Brack gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

PART XXXI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, a native of Mitchell County, Georgia, Mr. Harvey J. Morey was one of 12 beloved children of Robert H. Morey and Ruth Alligood Morey; and

WHEREAS, he demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces, valiantly and courageously defending his fellow citizens during World War II; and

WHEREAS, Mr. Morey trained at Fort Gordon and in Scotland and England, was a member of the 2nd battalion, 29th Infantry Division, 116th Infantry Regiment, and experienced combat in France; and

WHEREAS, he was killed in action on Martinville Ridge outside of St. Lo, France, on July 15, 1944; and

WHEREAS, Mr. Morey's bravery and sacrifice were recognized with a Purple Heart, Combat Infantryman Badge, American Campaign Medal, and World War II Victory Medal; and

WHEREAS, Mr. Morey embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this

remarkable and distinguished American be recognized appropriately by dedicating a road in his memory.

PART XXXII

WHEREAS, Mayor Eva Cohn Galambos is remembered by the citizens of this state for the vital role she played in leadership and her deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, born in Berlin, Germany, Mayor Galambos graduated *summa cum laude* with a bachelor's degree in business administration from the University of Georgia, earned a master's degree in labor and industrial relations also from the University of Georgia, and obtained a doctorate in economics from Georgia State University; and

WHEREAS, her first professional job was as an associate editor for the *Atlanta Journal of Labor* and she went on to work with the Georgia State Merit System and the International Association of Machinists and taught at Clark College and Georgia State University; and

WHEREAS, she was elected to serve as the first mayor of Sandy Springs after the city's incorporation in 2005, a position she maintained until 2014; and

WHEREAS, prior to Mayor Galambos' service as mayor she served as president for the Committee for Sandy Springs, co-founder and secretary of Sandy Springs Revitalization, founder of Sandy Springs Clean and Beautiful, chairperson of services committee for the Sandy Springs Council of Neighborhoods, chairperson of the Fulton County Housing Authority, and founder of the Sandy Springs Civic Roundtable; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating an interchange in her memory.

PART XXXIII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the passing of Sergeant First Class Ray F. Lents on December 16, 1993; and

WHEREAS, a native of Murray County, Georgia, Sergeant First Class Lents joined the Georgia State Patrol in 1963 and was assigned to Post 27 in Blue Ridge upon graduating from the 25th trooper school in Atlanta in 1964; and

WHEREAS, he was promoted to corporal in 1968 and sergeant in 1971 and served as commander of Post 27 from 1971 until his retirement in 1993, diligently protecting and serving the citizens of Fannin, Gilmer, Union, and Towns counties; and

WHEREAS, this dedicated law enforcement officer served as a guardian of this nation's freedom and liberty with the United States Armed Forces and was a member of Lebanon Baptist Church and Blue Ridge Masonic Lodge Number 67 F&AM; and

WHEREAS, he was united in love and marriage to Jo Ann Galloway Lents and blessed with three remarkable children, Jeff, Tim, and Mandy; and

WHEREAS, Sergeant First Class Lents exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, and it is abundantly fitting and proper that an intersection be dedicated in his memory.

PART XXXIV

WHEREAS, Mayor Barbara Stephens is remembered by the citizens of this state for the vital role she played in leadership and her deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a graduate of Young Harris College, Mayor Stephens dedicated 30 years to inspiring and educating this state's future leaders as a teacher at East Fannin Elementary School; and

WHEREAS, Mayor Stephens was elected the first female mayor of Morganton and diligently and conscientiously served the citizens of Morganton for 13 and one-half years when she was elected to serve as the city's mayor after there was a threat of disbanding the city charter while she was a member of the city council; and

WHEREAS, her leadership and foresight were instrumental in obtaining a grant for $5.6 million to replace the city's water lines, build a new 200,000 gallon water tank, establish a new well, expand the water system, and increase the number of fire hydrants from 11 to 111; and

WHEREAS, during her term as mayor, Fire Station 11 was opened, allowing life-saving services to be provided to the people of Morganton faster and more efficiently; and

WHEREAS, a woman of deep and abiding faith, Mayor Stephens taught Sunday school for many years at Temple Baptist Church; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a road in her memory.

PART XXXV

WHEREAS, Mr. Roy L. Chapman is remembered by the citizens of this state for the vital role he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a native of McCaysville, Mr. Chapman was the son of a pioneer family of Fannin County, Enoch Washington and Josephine Watson Chapman; and

WHEREAS, he served as ordinary and probate judge for Fannin County for 28 years, and during his career on the bench, he earned a reputation as a clear thinker and hard worker, as a man whose strong convictions were supported by meticulous research and careful consideration, and as an equitable, impartial leader whose decisions were governed by the rules of honesty and fair play; and

WHEREAS, Mr. Chapman was an honest and dedicated public servant who strived for excellence in all his endeavors and whose primary concern was the fair and impartial administration of justice; and

WHEREAS, a community leader and activist, Mr. Chapman was active in the Republican Party of Fannin County and was a charter member of the McCay Masonic Lodge Number 423 F&AM; and

WHEREAS, he was united in marriage to Mrs. Eva Mae Pierce Chapman and was blessed with three remarkable children, Dr. Roy Lee Chapman, Mrs. Claudette Loudermilk, and Mrs. Gilita Carter; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating an intersection in his memory.

PART XXXVI

WHEREAS, Mr. William Douglas "Billy" Dilworth was known throughout his community and this state for his journalistic integrity, professionalism, and dedication to entertaining and informing his audience; and

WHEREAS, a native of the Red Hill community of Franklin County, Mr. Dilworth made a name for himself in media, working for years in the newspaper, radio, and television industries; and

WHEREAS, he earned a bachelor's degree from the University of Georgia, where he wrote for the *Red & Black* student newspaper; and

WHEREAS, Mr. Dilworth wrote news and features for the *Athens Daily News* and worked as a writer for the *Anderson Independent* in South Carolina and the *Atlanta Times*; and

WHEREAS, in 1985, he became the host of *The Billy Dilworth Show* which aired on WNEG-TV for more than 20 years and entertained with a mixture of music and interviews; and

WHEREAS, *The Billy Dilworth Show* was the longest running live television broadcast in the country; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a road in his memory.

PART XXXVII

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that the intersection of SR 53 and McEver Road in Hall County is dedicated as the Corporal Matthew Britten Phillips Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 20 and Market Place Boulevard in Forsyth County is dedicated as the Sergeant David Paul "Bubba" Land Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 42/Briarcliff Road over the south fork of Peachtree Creek in DeKalb County is dedicated as the Ambassador David Adelman Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 306 and State Route 369 in Forsyth County is dedicated as Hammond's Crossing.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 9 and Highway 369 in Forsyth County is dedicated as the Coal Mountain Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Interstate 85 over Cleveland Avenue in Fulton County is dedicated as the Spencer Pass Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Interstate 20 over Snapfinger Creek in DeKalb County is dedicated as the Robert Shane Wilson Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Highway 17/State Route 75 over Cynth Creek in Towns County is dedicated as the Dyer Bridge.

BE IT FURTHER RESOLVED AND ENACTED that State Route 140 in Bartow County is dedicated as the Reverend Kenneth H. Coomer, Jr., Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Interstate 575 from Bells Ferry Road to the Cherokee County line in Cobb County is dedicated as the Lance Corporal Skip Wells Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. Highway 22/State Route 31 from the intersection of State Route 11 and State Route 31 in Lakeland to the intersection of State Route 7 and State Route 31 in Valdosta in Lowndes County is dedicated as the James Slaton "Jay" Shaw Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 141/Medlock Bridge Road from the southern limit of Johns Creek at the Chattahoochee River to the intersection with State Route 120/Abbotts Bridge Road in Fulton County is dedicated as the Mark Burkhalter Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. Highway 19 North over Buck Creek in Schley County is dedicated as the Thomas William Poole Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on US 441/SR 15 over Interstate 85 in Banks County is dedicated as the Richard Chambers Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 127 over the Flint River Overflow, three miles west of Marshallville in Macon County, is dedicated as the Dr. Delores Felder Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 26 over the Flint River Overflow in Macon County is dedicated as the William Brown Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge over Raccoon Creek on Georgia Highway 133 west of Cartersville in Bartow County is dedicated as the Solomon T. "Sol" Dover Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 29 over the Savannah River in Hart County is dedicated as the Louie Morris Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Highway 92 North over the Chattahoochee River in Fulton County is dedicated as the Robert and Ardena Beasley Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 125/Bemiss Road/Valdosta Ray City Highway and State Route 122 at the meeting point of Lowndes, Berrien, and Lanier counties is dedicated as Walker's Crossing in memory of Mr. William "Mr. Bill" and Ruby Herndon Walker.

BE IT FURTHER RESOLVED AND ENACTED that this body hereby joins in honoring United States military veterans and dedicates the portion of State Route 125 from the intersection of CR 354/Alapaha Lenox Road to the intersection at West Marion Avenue

and Tifton Road at State Route 122 in Berrien County as the Veterans Memorial Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 37/76 over Bear Creek in Cook County is dedicated as the Joel Jackson Parrish Bridge.

BE IT FURTHER RESOLVED AND ENACTED that State Route 520 from Chattahoochee County through Dougherty County, including Stewart, Webster, Terrell, and Lee counties, is dedicated as the Purple Heart Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge over the Norfolk Southern rail lines/North and South Berry Streets on State Route 42 in Henry County is dedicated as the Martin Luther King, Sr., Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Highway 129 over Lake Lanier is dedicated as the Longstreet Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 257 and the Highway 441 Bypass in Laurens County is dedicated as the TSGT Mack Fitzgerald Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 20/Canton Highway and Roving Road/Smith Cline Road in Bartow County is dedicated as the Reverend Joe E. Edwards Intersection.

BE IT FURTHER RESOLVED AND ENACTED that State Route 305 from its intersection with State Route 56 to the intersection of Old Wadley Road near the border of the city of Midville in Burke County is dedicated as the Samuel L. Cummings Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Riverside Drive over Interstate 75 in Bibb County is dedicated as the Mayor Lee Robinson Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Highway 112 over Interstate 16 in Wilkinson County is dedicated as the Steven Charles Brack Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 93 from State Route 112 in the community of Lester to State Route 300 in Baconton in Mitchell County is dedicated as the Harvey J. Morey Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the interchange at Georgia 400 and U.S. 19 in Sandy Springs is dedicated as the Mayor Eva Cohn Galambos Memorial Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 515/U.S. 75 and the Orvin Lance Connector is dedicated as the Sergeant First Class Ray F. Lents Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 60 where the road diverges from Old U.S. 76 and proceeds west toward Blue Ridge to the intersection of State Route 60/Old U.S. 76/Morganton Highway and Thomas Street in Fannin County is dedicated as the Barbara Stephens Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 5/Blue Ridge Drive and Tennessee Avenue in Fannin County is dedicated as the Roy L. Chapman Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 59 from the intersection with State Route 17 to Highway 164/Bold Springs Road in Franklin County is dedicated as the Billy Dilworth Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 280 over the Oconee River in Montgomery county is dedicated as the Veterans Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 15 from Womack Lane to the Johnson county line is dedicated as the Jimmy B. Lord Highway.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to make appropriate copies of this resolution available for distribution to the Department of Transportation; to the family of Corporal Matthew Britten Phillips; Sergeant David Paul "Bubba" Land; Mr. Spencer Pass; Detective Robert Shane Wilson; Lance Corporal Skip Wells; Mr. James Slaton "Jay" Shaw; Mr. Thomas William Poole; Mr. Richard John Chambers, Sr.; Dr. Delores Felder; Mr. William Lee Brown; Mr. Solomon T. "Sol" Dover; Mr. Louie Morris; Robert and Ardena Beasley; Mr. and Mrs. William Penn Walker, Sr.; Mr. Joel Jackson Parrish; Mr. Martin Luther King, Sr.; Colonel William Lee Robinson; Mr. Steven Charles Brack; Mr. Harvey J. Morey; Mayor Eva Cohn Galambos; Sergeant First Class Ray F. Lents; Mayor Barbara Stephens; Mr. Roy L. Chapman; and Mr. William Douglas "Billy" Dilworth; and to Ambassador David

Adelman; the Dyer family; Reverend Kenneth H. Coomer, Jr.; Mr. J. Mark Burkhalter; Mr. Mack Fitzgerald; Reverend Joe E. Edwards; and Mr. Samuel L. Cummings.

Representative Cheokas of the 138th moved that the House agree to the Senate substitute to HR 1052.

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
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
Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Dudgeon
Dukes
Y Dunahoo
E Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
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
E 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
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
E Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 167, nays 0.

The motion prevailed.

HB 555. By Representatives Chandler of the 105th, Taylor of the 173rd, Cantrell of the 22nd, Setzler of the 35th, Clark of the 101st and others:

A BILL to be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for the reporting of certain statistics regarding juveniles seeking abortions without parental notice; to amend Article 5 of Chapter 12 of Title 16 of the O.C.G.A., relating to abortion, so as to make reporting requirements applicable to all abortions performed; to amend Chapter 9A of Title 31 of the O.C.G.A., relating to the "Woman's Right to Know Act," so as to make reporting requirements applicable to all abortions performed; to amend Part 1 of Article 1 of Chapter 18 of Title 45 of the O.C.G.A., relating to State Employees' Health Insurance Plan, so as to clarify that elective abortions are not covered under the state health insurance plan; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for the reporting of certain statistics regarding juveniles seeking abortions without parental notice; to amend Code Section 31-9A-6 of the Official Code of Georgia Annotated, relating to abortion reporting requirements, so as to change certain provisions relating to forms; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-11-64, relating to collection of information by juvenile court clerks, by designating the existing text as subsection (a) and adding a new subsection to read as follows:

"(b) Each clerk of the juvenile court shall report to the Administrative Office of the Courts the total number of petitions or motions filed under subsection (b) of Code Section 15-11-682 for the previous calendar year and, of that number, the number in which the court appointed a guardian ad litem, the number in which the court appointed counsel, the number in which the judge issued an order authorizing an abortion without notification, the number in which the judge denied such an order, and, of the last, the number of denials from which an appeal was filed, the number of appeals that resulted in denials being affirmed, and the number of appeals that resulted in reversals of such denials. Each clerk shall make such report by March 15 of each year for the previous calendar year. The individual reports made to the Administrative Office of the Courts shall be held confidential and not subject to disclosure under Article 4 of Chapter 18 of

Title 50, relating to open records. The Administrative Office of the Courts shall provide aggregated statistics only in accordance with subsection (g) of Code Section 16-12-141.1. Such individual reports shall be destroyed six months after submission to the Administrative Office of the Courts."

SECTION 1B.

Code Section 31-9A-6 of the Official Code of Georgia Annotated, relating to abortion reporting requirements, is amended by revising the introductory language of subsection (a) as follows:

"(a) The Department of Public Health shall prepare a reporting form for physicians ~~performing~~ who perform abortions ~~in a health facility licensed as an abortion facility by the Department of Community Health containing~~ which shall contain a reprint of this chapter and ~~listing~~ shall require the following information:"

SECTION 2.

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

The following amendment was read and adopted:

Representative Chandler of the 105th et al. offer the following amendment:

Amend the Senate substitute to HB 555 (HB 555/SCSFA/1) by deleting lines 3 through 5 and inserting in lieu thereof the following:

parental notice; to provide for related matters; to repeal conflicting laws; and for other purposes.

By deleting lines 27 through 34.

Representative Chandler of the 105th moved that the House agree to the Senate substitute, as amended by the House, to HB 555.

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	Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
N Bennett, T	Y Dollar	N Howard	Y Peake	Y Stover
Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	N Jackson	Y Pezold	Y Tankersley

Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
N Beverly	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	E Duncan	N Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	N Jones, S	N Prince	E Teasley
N Bruce	Y Efstration	N Jordan	Y 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	Y Kidd	Y Ramsey	N Waites
Y Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
N Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	N Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	N Mabra	Rogers, T	N Wilkinson
Y Casas	Y Gasaway	N Marin	Y Rutledge	Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	N Williams, A
Y Cheokas	N Glanton	Y Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	N Mayo	Y Setzler	N Williams, E
Y Clark, H	N Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 114, nays 55.

The motion prevailed.

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

Mr. Speaker:

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

SB 199. By Senators Jeffares of the 17th, Mullis of the 53rd, Jones of the 25th, Dugan of the 30th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a definition; to prohibit certain activities within close proximity to polling places; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Burke of the 11th, Jeffares of the 17th, and Dugan of the 30th.

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

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 Senate has agreed to the House amendment to the Senate substitute as amended to the following bill of the House:

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.

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

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 Senate adheres to its substitute and has appointed a Committee of Conference on 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 President has appointed as a Committee of Conference on the part of the Senate the following Senators: Wilkinson of the 50th, Harper of the 7th, and Kirk of the 13th.

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

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

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to require a driver who refused blood alcohol concentration testing as required by implied consent laws or an offender convicted of DUI with a blood alcohol concentration of 0.15 grams or higher to install and maintain ignition interlock devices on his or her vehicle; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to uniform rules of the road, so as to provide for the probation of terms of imprisonment for DUI offenders in certain instances; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as condition of probation, so as to provide for the court issuance of a certificate of installation of ignition interlock devices; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Stone of the 23rd, Kennedy of the 18th, and Bethel of the 54th.

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 270. By Senators Martin of the 9th, Hill of the 32nd, Harper of the 7th, Unterman of the 45th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to authorize persons who are qualified retired law enforcement officers to carry a handgun anywhere within this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 199. By Senators Jeffares of the 17th, Mullis of the 53rd, Jones of the 25th, Dugan of the 30th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a definition; to prohibit certain activities within close proximity to polling places; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Gravley of the 67th moved that the House adhere to its position in insisting on its substitute to SB 199 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Gravley of the 67th, Fleming of the 121st and Rynders of the 152nd.

HB 949. By Representatives Powell of the 32nd, Tarvin of the 2nd, Jasperse of the 11th, Lumsden of the 12th and Epps of the 144th:

A BILL to be entitled an Act to amend Article 3 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to illegal use of financial transaction cards, and 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, so as to revise a definition; to

revise provisions of law relating to government purchasing cards and government credit cards; to provide for the issuance of government purchasing cards and government credit cards; to provide for the conditions for such issuance; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to illegal use of financial transaction cards, and 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, so as to revise and provide for definitions; to revise provisions of law relating to government purchasing cards and government credit cards; to provide for the issuance of government purchasing cards and government credit cards; to provide for the conditions for such issuance; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to illegal use of financial transaction cards, is amended by revising paragraph (5.2) of Code Section 16-9-30, relating to definitions, as follows:

"(5.2) 'Government' means:

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

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

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

(D) Every city, county, regional, or other authority established pursuant to the laws of this state<u>; and</u>

<u>(E) Every locally elected clerk of superior court, judge of the probate court, sheriff, tax receiver, tax collector, or tax commissioner</u>."

SECTION 2.

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 36-80-24, relating to limitation on elected

official's use of government issued purchasing or credit cards and policy development, as follows:

"36-80-24.

(a) As used in this Code section, the term 'constitutional officer' means the locally elected clerk of superior court, judge of the probate court, sheriff, tax receiver, tax collector, or tax commissioner.

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

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

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

~~(b)~~(c) Documents related to such purchases incurred by such elected officials or constitutional officers shall be available for public inspection.

~~(c)~~(d) No such county, municipal corporation, local school system, or consolidated government shall issue government purchasing cards or government credit cards to elected officials on or after January 1, 2016, until the governing authority of such county, municipal corporation, local school system, or consolidated government, by public vote, has authorized such issuance and has promulgated specific policies regarding the use of such government purchasing cards or government credit cards ~~for elected officials~~. No constitutional officer shall issue government purchasing cards or government credit cards to himself, herself, or his or her employees on or after July 1, 2016, until he or she has promulgated specific policies regarding the use of such government purchasing cards or government credit cards that apply to himself or herself and his or her employees and such policies have been filed with the governing authority of the county. If an elected official of such county, municipal corporation, local school system, or consolidated government~~. Such~~ or constitutional officer promulgates specific policies regarding the use of such government purchasing cards or government credit cards, such, policies shall include the following:

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

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

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

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

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

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

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

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

SECTION 3.

This Act shall become effective on July 1, 2016.

SECTION 4.

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

Representative Powell of the 32nd moved that the House agree to the Senate substitute to HB 949.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Allison	Y Cooper	Y Hatchett	Y Morris	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	Pak	Y Stephens, R
Y Belton	E 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	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	E Duncan	Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	E Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard

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

On the motion, the ayes were 166, nays 0.

The motion prevailed.

HB 943. By Representatives Rogers of the 29th, Pak of the 108th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal and void contracts generally, so as to provide for additional limitations on indemnification and duty to defend clauses which are void and unenforceable in contracts for engineering or architectural services; to provide for exceptions; 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 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal and void contracts generally, so as to provide for additional limitations on indemnification and duty to defend clauses which are void and unenforceable in contracts for engineering or architectural services; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal and void contracts generally, is amended by revising Code Section 13-8-2, relating to contracts contravening public policy generally, as follows:

"13-8-2.

(a) A contract that is against the policy of the law cannot be enforced. Contracts deemed contrary to public policy include but are not limited to:

(1) Contracts tending to corrupt legislation or the judiciary;

(2) Contracts in general restraint of trade, as distinguished from contracts which restrict certain competitive activities, as provided in Article 4 of this chapter;

(3) Contracts to evade or oppose the revenue laws of another country;
(4) Wagering contracts; or
(5) Contracts of maintenance or champerty.

(b) A covenant, promise, agreement, or understanding in or in connection with or collateral to a contract or agreement relative to the construction, alteration, repair, or maintenance of a building structure, appurtenances, and appliances, including moving, demolition, and excavating connected therewith, purporting to require that one party to such contract or agreement shall indemnify, hold harmless, insure, or defend the other party to the contract or other named indemnitee, including its, his, or her officers, agents, or employees, against liability or claims for damages, losses, or expenses, including attorney fees, arising out of bodily injury to persons, death, or damage to property caused by or resulting from the sole negligence of the indemnitee, or its, his, or her officers, agents, or employees, is against public policy and void and unenforceable. This subsection shall not affect any obligation under workers' compensation or coverage or insurance specifically relating to workers' compensation, nor shall this subsection apply to any requirement that one party to the contract purchase a project specific insurance policy, including an owner's or contractor's protective insurance, builder's risk insurance, installation coverage, project management protective liability insurance, an owner controlled insurance policy, or a contractor controlled insurance policy.

(c) A covenant, promise, agreement, or understanding in or in connection with or collateral to a contract or agreement for engineering, architectural, or land surveying services purporting to require that one party to such contract or agreement shall indemnify, hold harmless, insure, or defend the other party to the contract or other named indemnitee, including its, his, or her officers, agents, or employees, against liability or claims for damages, losses, or expenses, including attorney fees, is against public policy and void and unenforceable, except for indemnification for damages, losses, or expenses to the extent caused by or resulting from the negligence, recklessness, or intentionally wrongful conduct of the indemnitor or other persons employed or utilized by the indemnitor in the performance of the contract. This subsection shall not affect any obligation under workers' compensation or coverage or insurance specifically relating to workers' compensation, nor shall this subsection apply to any requirement that one party to the contract purchase a project specific insurance policy or project specific policy endorsement."

SECTION 2.

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

Representative Rogers of the 29th moved that the House agree to the Senate substitute to HB 943.

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

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

On the motion, the ayes were 137, nays 30.

The motion prevailed.

The Speaker announced the House in recess until 7:15 o'clock, this evening.

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 substitute, by the requisite constitutional majority, the following bills of the House:

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

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

HB 1025. By Representatives Taylor of the 79th, Willard of the 51st, Drenner of the 85th, Henson of the 86th, Kendrick of the 93rd and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to violation of ordinances of counties and state authorities, so as to change provisions relating to service of accusations of or citations for violations of ordinances under certain circumstances; to provide for judgments when service is perfected under such circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1939. By Representatives Cooper of the 43rd and Dollar of the 45th:

A RESOLUTION recognizing Noise X; and for other purposes.

HR 1940. By Representative Broadrick of the 4th:

A RESOLUTION recognizing and commending Susan Carter Lynch on the occasion of her retirement; and for other purposes.

HR 1941. By Representatives Carson of the 46th and Parsons of the 44th:

A RESOLUTION commending and congratulating Brandon Michael Peavy; and for other purposes.

HR 1942. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION commending Dr. Tabatha Tierce, Floyd County School System's 2016 Teacher of the Year and Cave Spring Elementary School's 2016 Teacher of the Year; and for other purposes.

HR 1943. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Vargo Orthodontics, the Loving Hearts, Helping Hands: 2016 Heart of the Community Business Award recipient; and for other purposes.

HR 1944. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Luke Chaffin, the Loving Hearts, Helping Hands: 2016 Heart of the Community Young Heart award recipient; and for other purposes.

HR 1945. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Tonya Marie Davis, Loving Hearts, Helping Hands: 2016 Heart of the Community Award of Honor recipient; and for other purposes.

HR 1946. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2016 Heart of the Community Award of Honor recipient, Elaina Beeman; and for other purposes.

HR 1947. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Christa Jackson, Loving Hearts, Helping Hands: 2016 Heart of the Community Award of Honor recipient; and for other purposes.

HR 1948. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2016 Heart of the Community Board of Governors recipient, Dr. Sidney A. Bell; and for other purposes.

HR 1949. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2016 Heart of the Community Award of Honor recipient, Allison Watters; and for other purposes.

HR 1950. By Representatives Hightower of the 68th, Gravley of the 67th, Cooke of the 18th and Nix of the 69th:

A RESOLUTION recognizing and commending Reverend Phillip Steve Swafford on the occasion of his 20th pastoral anniversary; and for other purposes.

HR 1951. By Representatives Gravley of the 67th and Hightower of the 68th:

A RESOLUTION commending and congratulating Paul Zachos III; and for other purposes.

HR 1952. By Representatives Dickey of the 140th, Peake of the 141st and Holmes of the 129th:

A RESOLUTION honoring the Honorable Stephen B. Eller, Mayor of the City of Culloden, and recognizing March 24, 2016, as Steve Eller Day at the state capitol; and for other purposes.

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

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.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate for women veterans; to provide for definitions; to provide for the issuance of a special license plate to the spouse of an eligible person under certain circumstances; to provide for special license plates for the Omega Psi Phi Fraternity, Inc.; and Hampton University; to provide for special license plates for Zeta Phi Beta Sorority, Inc., to provide for a special license plate to support the law enforcement division of the Department of Natural Resources; to provide for a special license plate promoting marine habitat conservation; to provide for a special license plate for the Georgia Pet Foundation; to provide for related matters; to provide for an effective date; to require a two-thirds' majority vote for passage of certain provisions in accordance with constitutional requirements; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by revising Code Section 40-2-85.1, relating to special and distinctive license plates for veterans, as follows:

"40-2-85.1.

(a) For purposes of this Code section, the term:

(1) 'Military medal award' means the following medals, decorations, or other recognition of honor for military service awarded by a branch of the United States military:

(A) Medal of Honor;
(B) Bronze Star Medal;
(C) Silver Star Medal;
(D) Distinguished Service Cross;
(E) Navy Cross;
(F) Air Force Cross;
(G) Defense Distinguished Service Medal;
(H) Homeland Security Distinguished Service Medal;
(I) Distinguished Service Medal;
(J) Navy Distinguished Service Medal;
(K) Air Force Distinguished Service Medal;
(L) Coast Guard Distinguished Service Medal;
(M) Defense Superior Service Medal;

(N) Legion of Merit;
(O) Distinguished Flying Cross;
(P) Purple Heart; ~~and~~
(Q) Air Medal; and
(R) Soldier's Medal.

(2) 'Served during active military combat' means active duty service in World War I, World War II, the Korean War, the Vietnam War, Operation Desert Storm, the Global War on Terrorism as defined by Presidential Executive Order 13289, Section 2, the war in Afghanistan, or the war in Iraq, which includes either Operation Iraqi Freedom or Operation Enduring Freedom.

(3) 'Veteran' means a former member of the armed forces of the United States who is discharged from the armed forces under conditions other than dishonorable.

(4) 'Woman veteran' and 'women veterans' means former members of the armed forces of the United States who are female and discharged from the armed forces under conditions other than dishonorable.

(b)(1) Motor vehicle and trailer owners who are veterans ~~of the armed forces of the United States,~~ or women veterans, who have received a military medal award, or ~~persons~~ who served during active military combat shall be eligible to receive special and distinctive vehicle license plates for private passenger cars, motorcycles, trucks, or recreational vehicles used for personal transportation. Such license plates shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in Article 2 of this chapter.

(2)(A) Motor vehicle and trailer owners who are veterans or women veterans, who have received a military medal award, or who served during active military combat shall be issued upon application for and upon compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles a veteran's license plate, a woman veteran's license plate, a military medal award recipient license plate, or a commemorative service license plate for service during active military combat. One such license plate shall be issued without the requisite registration fee, manufacturing fee, or annual registration fee.

(B) Each member or former member of the armed forces of the United States listed in this subsection shall be entitled to no more than one such free license plate at a time; provided, however, that upon payment of a manufacturing fee of $25.00, a member shall be entitled to one additional such license plate. For each additional license plate for which a $25.00 manufacturing fee is required, there shall be an additional annual registration fee of $25.00, and such ~~which~~ fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34.

(c) The commissioner shall design a veteran's license plate, a woman veteran's license plate, a military medal award recipient license plate, and a license plate to commemorate service with the United States armed forces during active military combat. The commissioner shall promulgate such rules and regulations as may be necessary to enforce compliance with all state license laws relating to the use and

operation of private passenger cars, motorcycles, trucks, and trailers before issuing ~~these~~ such license plates in lieu of the regular Georgia license plates. The manufacturing fee for such special and distinctive license plates shall be $25.00. The commissioner is specifically authorized to promulgate all rules and regulations necessary to ensure compliance in instances where such vehicles have been transferred or sold. Except as provided in subsection (e) of this Code section, such plates shall be nontransferable.

(d) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of this chapter for private passenger cars, motorcycles, trucks, recreational vehicles, and trailers used for personal transportation. Such plates shall contain such words or symbols, in addition to the numbers and letters prescribed by law, so as to identify distinctively the owners ~~as~~ who are veterans ~~of the armed forces of the United States~~, who are recipients of a military medal award, or ~~persons~~ who served during active military combat and shall additionally identify distinctly the owner as a ~~veteran~~ current or former member of one of the following branches of the armed forces of the United States: Army, Navy, Marines, Air Force, or Coast Guard.

(e) The license plate issued pursuant to this Code section shall be transferred between vehicles as provided in Code Section 40-2-80. The spouse of a deceased veteran ~~of the armed forces of the United States~~ or of a deceased person who received a military medal award or who served during active military combat shall continue to be eligible to be issued a distinctive personalized license plate as provided in this Code section for any vehicle owned by such ~~veteran~~ person, ownership of which is transferred to the surviving spouse or for any other vehicle owned by such surviving spouse either at the time of the qualifying ~~veteran's~~ person's death or acquired thereafter, so long as such ~~person~~ surviving spouse does not remarry.

(e.1) The spouse of any person eligible to be issued a special license plate under this Code section shall also be eligible for such license plate, provided that no motor vehicle is registered in the name of the eligible person and all other requirements relating to registration and licensing relative to motor vehicles as prescribed in Article 2 of this chapter have been satisfied.

(f) Special license plates issued under this Code section, except as provided in subparagraph (b)(2)(A) of this Code section, shall be renewed annually with a revalidation decal as provided in Code Section 40-2-31 without payment of an additional $25.00 annual registration fee."

SECTION 2.

Said article is further amended in 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 with proceeds disbursed to the general fund and the agency, fund, or nonprofit corporation, by adding three new paragraphs to subsection (l), adding a new paragraph to subsection (m), and revising subsection (n) as follows:

"(52) A special license plate honoring the Omega Psi Phi Fraternity, Inc. The funds raised by the sale of this special license plate shall be disbursed to the Georgia State Omega Psi Phi Foundation.

(53) A special license plate honoring Hampton University. The funds raised by the sale of this special license plate shall be disbursed to the Hampton University Atlanta Chapter Alumni Association.

(54) A special license plate honoring Zeta Phi Beta Sorority, Inc. The funds raised by the sale of this special license plate shall be disbursed to the Zeta National Education Foundation, Inc."

(13) A special license plate to support the law enforcement division of the Department of Natural Resources in its protection of wildlife and natural and cultural resources of this state, enforcement of boating, litter, and waste laws, teaching of hunter and boater education classes, and provision of other public safety services to the citizens of this state. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Department of Natural Resources for use by the law enforcement division for the purposes provided for in this paragraph."

"(n)(1) The General Assembly recognizes that Code Section 12-3-600 mandates that the best interests of the state are served by providing for the conservation of nongame species of wildlife and has determined that the following special license plates supporting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated. The special license plates listed in this subsection shall be subject to a special license plate fee and a special license plate renewal fee. The revenue disbursement for the special license plates listed in this subsection shall be as follows:

(A) Special license plate fee – $25.00 of which $5.00 is to be deposited into the general fund, $1.00 is to be paid to the local county tag agent, and $19.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation; and

(B) Special license plate renewal fee – $25.00 of which $5.00 is to be deposited into the general fund and $20.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation.

(2) ~~Special license plates~~ A special license plate promoting the Nongame-Endangered Wildlife Program of the Department of Natural Resources. The funds raised by the sale of ~~these~~ this special license ~~plates~~ plate shall be disbursed to the Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund of the Department of Natural Resources for the purposes enumerated in subsection (b) of Code Section 12-3-602. Such license ~~plates~~ plate shall not include a space for a county name decal but shall instead bear the legend 'Give Wildlife a Chance' in lieu of the name of the county of issuance.

(3) A special license plate promoting conservation and enhancement of trout populations. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources to supplement trout restoration and management programs.

(4) A special license plate supporting the Bobwhite Quail Restoration Initiative. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources to conduct programs designed to enhance the bobwhite quail population in this state. Such programs may include the creation of habitat demonstration areas on state managed wildlife lands, education programs, technical assistance to private landowners in the creation and maintenance of bobwhite quail habitats on their lands, and projects to encourage public support for the license plate and the activities it funds. The Department of Natural Resources may enter into such contractual agreements as may be appropriate to further the objectives of the Bobwhite Quail Restoration Initiative, including entering into contractual agreements whereby private landowners, public agencies, or corporate entities create, preserve, or enhance habitat for bobwhite quail in return for the payment of incentives. Such license plate shall not include a space for a county decal but shall instead bear the legend 'Support Wildlife' in lieu of the name of the county of issuance.

(5) A special license plate promoting marine habitat conservation, restoration, and enhancement. The funds raised by the sale of this special license plate shall be disbursed to the Coastal Resources Division of the Department of Natural Resources to supplement marine habitat conservation, restoration, and enhancement projects undertaken to increase the abundance of marine fish and invertebrate species.

(6) A special license plate promoting a dog and cat reproductive sterilization program for a nonprofit corporation. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Pet Foundation to be used for dog and cat reproductive sterilization, including, but not limited to, grants to nonprofit corporations and vouchers for discounted veterinary sterilization services."

SECTION 3.

(a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, except as otherwise provided in subsection (b) of this section.

(b) In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia, Section 2 of this Act amending subsections (l), (m), and (n) of Code Section 40-2-86 of the Official Code of Georgia Annotated shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives.

SECTION 4.

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

The following amendment was read and adopted:

Representatives Powell of the 32nd and Atwood of the 179th offer the following amendment:

Amend the Senate substitute to HB 736 (HB 736/SCSFA/2) by inserting between lines 9 and 10 the following:

to amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to provide for automated traffic enforcement safety devices in school zones; to provide for definitions; to provide for the operation of automated traffic enforcement safety devices by agents or registered or certified peace officers; to provide for automated traffic enforcement safety device testing exceptions and procedures; to provide for automated traffic enforcement safety device use warning signs; to provide for further exceptions for when case may be made and conviction had for exceeding posted speed limit by less than ten miles per hour; to provide for an exception for the ratio of speeding fines to an agency budget; to provide for civil enforcement of violations recorded by automated traffic enforcement safety devices; to provide for rules, regulations, and terms of use for automated traffic enforcement safety devices;

By inserting between lines 183 and 184 the following:

Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, is amended by adding two new Code sections to read as follows:

"40-14-1.1.

As used in this article, the term:

(1) 'Agent' means a person or entity who is authorized by a law enforcement agency or governing body to administer the procedures contained herein and:

(A) Provides services to such law enforcement agency or governing body;

(B) Operates, maintains, leases, or licenses an automated traffic enforcement safety device; or

(C) Is authorized by such law enforcement agency or governing body to review and assemble the recorded images captured by the automated traffic enforcement safety device for review by a peace officer.

(2) 'Automated traffic enforcement safety device' means a speed detection device that:

(A) Is capable of producing photographically recorded still or video images, or both, of the rear of a motor vehicle or of the rear of a motor vehicle being towed by another vehicle, including an image of such vehicle's rear license plate;

(B) Is capable of monitoring the speed of a vehicle as photographically recorded pursuant to subparagraph (A) of this paragraph; and

(C) Indicates on each of the one or more photographically recorded still or video images produced the date, time, location, and speed of a photographically recorded vehicle traveling at a speed above the posted speed limit within a marked school zone.

(3) 'Owner' means the registrant of a motor vehicle, except that such term shall not include a motor vehicle rental company when a motor vehicle registered by such company is being operated by another person under a rental agreement with such company.

(4) 'Recorded images' means still or video images recorded by an automated traffic enforcement safety device.
(5) 'School zone' means any roadway within the area defined in an existing master state order or local ordinance as a school zone area.

40-14-1.2.
Nothing in this article shall be construed to mean that an agent is providing or participating in private investigative services or acting in such a manner as would render such agent subject to the provisions of Article 4 of Chapter 18 of Title 50."

SECTION 4.

Said article is further amended by revising subsection (c) of Code Section 40-14-2, relating to permit required for use of speed detection devices, use not authorized where officers paid on fee system, and operation by registered or certified peace officers, as follows:

"(c) A permit shall not be issued by the Department of Public Safety to an applicant under this Code section unless the applicant provides law enforcement services by certified peace officers 24 hours a day, seven days a week on call or on duty or allows only peace officers employed full time by the applicant to operate speed detection devices. Speed detection devices can only be operated by registered or certified peace officers of the county sheriff, county, municipality, college, or university to which the permit is applicable; provided, however, that an automated traffic enforcement safety device may be operated by an agent or registered or certified peace officers of the county sheriff, county, or municipality to which the permit is applicable. Persons operating the speed detection devices must be registered or certified by the Georgia Peace Officer Standards and Training Council as peace officers and certified by the Georgia Peace Officer Standards and Training Council as operators of speed detection devices; provided, however, that agents may operate automated traffic enforcement safety devices without such registrations or certifications."

SECTION 5.

Said article is further amended by revising Code Section 40-14-5, relating to testing and removal of inaccurate radar devices from service, as follows:

"40-14-5.
(a) Each state, county, municipal, or campus law enforcement officer using a radar device, except for an automated traffic enforcement safety device as provided for under Code Section 40-14-18, shall test the device for accuracy and record and maintain the results of the test at the beginning and end of each duty tour. Each such test shall be made in accordance with the manufacturer's recommended procedure. Any radar unit not meeting the manufacturer's minimum accuracy requirements shall be removed from service and thereafter shall not be used by the state, county, municipal, or campus law enforcement agency until it has been serviced, calibrated, and recertified by a technician with the qualifications specified in Code Section 40-14-4.

(b) Each county, municipal, or campus law enforcement officer using a radar device, except for an automated traffic enforcement safety device as provided for under Code Section 40-14-18, shall notify each person against whom the officer intends to make a case based on the use of the radar device that the person has a right to request the officer to test the radar device for accuracy. The notice shall be given prior to the time a citation and complaint or ticket is issued against the person and, if requested to make a test, the officer shall test the radar device for accuracy. In the event the radar device does not meet the minimum accuracy requirements, the citation and complaint or ticket shall not be issued against the person, and the radar device shall be removed from service and thereafter shall not be used by the county, municipal, or campus law enforcement agency until it has been serviced, calibrated, and recertified by a technician with the qualifications specified in Code Section 40-14-4.

(c)(1) The law enforcement agency, or agent on behalf of the law enforcement agency, operating an automated traffic enforcement safety device provided for under Code Section 40-14-18 shall maintain a log for the automated traffic enforcement safety device attesting to the performance of such device's self-test at least once every 30 days and the results of such self-test pertaining to the accuracy of the automated traffic enforcement safety device. Such log shall be admissible in any court proceeding for a violation issued pursuant to Code Section 40-14-18.

(2) The law enforcement agency, or agent on behalf of the law enforcement agency, operating an automated traffic enforcement safety device shall have performed an independent calibration test on the automated traffic enforcement safety device at least once every 12 months. The results of such calibration test shall be admissible in any court proceeding for a violation issued pursuant to Code Section 40-14-18."

SECTION 6.

Said article is further amended by adding a new subsection to Code Section 40-14-6, relating to the requirement for warning signs, to read as follows:

"(c) In addition to the signs required under subsections (a) and (b) of this Code section, each law enforcement agency using an automated traffic enforcement safety device as provided for in Code Section 40-14-18 shall erect signs warning of the use of a stationary speed detection device within the approaching school zone. Such signs shall be at least 24 by 30 inches in area, shall be visible plainly from every lane of traffic, shall be viewable in all traffic conditions, and shall not be placed in such a manner that the view of such sign is subject to being obstructed by any other vehicle on such highway. Such signs shall be placed within 500 feet prior to the warning sign announcing the reduction of the speed limit for the school speed zone."

SECTION 7.

Said article is further amended by revising Code Section 40-14-7, relating to the visibility of a vehicle from which a speed detection device is operated, as follows:

"40-14-7.

~~No~~ Except as provided for in Code Section 40-14-18, no stationary speed detection device shall be employed by county, municipal, college, or university law enforcement officers where the vehicle from which the device is operated is obstructed from the view of approaching motorists or is otherwise not visible for a distance of at least 500 feet."

SECTION 8.

Said article is further amended by revising subsection (b) of Code Section 40-14-8, relating to when case may be made and conviction had, as follows:

"(b) The limitations contained in subsection (a) of this Code section shall not apply in properly marked school zones one hour before, during, and one hour after the normal hours of school operation or programs for care and supervision of students before school, after school, or during vacation periods as provided for under Code Section 20-2-65, in properly marked historic districts, and in properly marked residential zones. For purposes of this chapter, thoroughfares with speed limits of 35 miles per hour or more shall not be considered residential districts. For purposes of this Code section, the term 'historic district' means a historic district as defined in paragraph (5) of Code Section 44-10-22 and which is listed on the Georgia Register of Historic Places or as defined by ordinance adopted pursuant to a local constitutional amendment."

SECTION 9.

Said article is further amended by revising subsection (d) of Code Section 40-14-11, relating to investigations by the commissioner of public safety, issuance of order suspending or revoking a permit, and ratio of speeding fines to agency's budget, as follows:

"(d) There shall be a rebuttable presumption that a law enforcement agency is employing speed detection devices for purposes other than the promotion of the public health, welfare, and safety if the fines levied based on the use of speed detection devices for speeding offenses are equal to or greater than 35 percent of a municipal or county law enforcement agency's budget. For purposes of this Code section, fines collected for citations issued for violations of Code Section 40-6-180 shall be included when calculating total speeding fine revenue for the agency; provided, however, that fines for speeding violations exceeding 20 miles per hour over the established speed limit and civil monetary penalties for speeding violations issued pursuant to Code Section 40-14-18 shall not be considered when calculating total speeding fine revenue for the agency."

SECTION 10.

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

"40-14-18.

(a) The speed limit within any school zone as provided for in Code Section 40-14-8 and marked pursuant to Code Section 40-14-6 may be enforced by using recorded

images for violations which occurred during the time periods relative to normal hours of school operation and programs of care and supervision of students as provided for in Code Section 40-14-8 when such violations are in excess of ten miles per hour over the speed limit.

(b) For the purpose of enforcement pursuant to this Code section:

(1) The driver of a motor vehicle shall be liable for a civil monetary penalty if such vehicle is found, as evidenced by recorded images, to have been operated in disregard or disobedience of the speed limit within any school zone and such disregard or disobedience was not otherwise authorized by law. The amount of such civil monetary penalty shall be $125.00, in addition to fees associated with the electronic processing of such civil monetary penalty which shall not exceed $25.00; provided, however, that for a period of 30 days after an automated traffic enforcement safety device is first introduced within a school system, other than an automated traffic enforcement safety device replacing a previously used automated traffic enforcement safety device, the driver of a motor vehicle shall not be liable for a civil monetary penalty but shall be issued a civil warning for disregard or disobedience of the speed limit within the school zone;

(2) A law enforcement agency authorized to enforce the speed limit of a school zone shall send by first class mail addressed to the owner of the motor vehicle postmarked within 30 days after obtaining the name and address of the owner of the motor vehicle but no later than 60 days after the date of the alleged violation:

(A) A citation for the alleged violation, which shall include the date and time of the violation, the location of the infraction, the maximum speed at which such motor vehicle was traveling in recorded images, the maximum speed applicable within such school zone, the civil warning or the amount of the civil monetary penalty imposed, and the date by which a civil monetary penalty shall be paid;

(B) An image taken from the recorded images showing the vehicle involved in the infraction;

(C) A website address where recorded images showing the vehicle involved in the infraction and a duplicate of the information provided for in this paragraph may be viewed;

(D) A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency authorized to enforce the speed limit of the school zone and stating that, based upon inspection of recorded images, the owner's motor vehicle was operated in disregard or disobedience of the speed limit in the marked school zone and that such disregard or disobedience was not otherwise authorized by law;

(E) A statement of the inference provided by paragraph (4) of this subsection and of the means specified therein by which such inference may be rebutted;

(F) Information advising the owner of the motor vehicle of the manner and time in which liability as alleged in the citation may be contested through an administrative hearing; and

(G) A warning that failure to pay the civil monetary penalty or to contest liability in a timely manner as provided for in subsection (d) of this Code section shall waive any right to contest liability;

(3) Proof that a motor vehicle was operated in disregard or disobedience of the speed limit of the marked school zone shall be evidenced by recorded images. A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency and stating that, based upon inspection of recorded images, a motor vehicle was operated in disregard or disobedience of the speed limit in the marked school zone and that such disregard or disobedience was not otherwise authorized by law shall be prima-facie evidence of the facts contained therein; and

(4) Liability under this Code section shall be determined based upon a preponderance of the evidence. Prima-facie evidence that the vehicle described in the citation issued pursuant to this Code section was operated in violation of the speed limit of the school zone, together with proof that the defendant was, at the time of such violation, the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

(A) Testifies under oath in open court or submits to the court a sworn notarized statement that he or she was not the operator of the vehicle at the time of the alleged violation and identifies the name of the operator of the vehicle at the time of the alleged violation; or

(B) Presents to the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation.

(c) A violation for which a civil warning or a civil monetary penalty is imposed pursuant to this Code section shall not be considered a moving traffic violation for the purpose of points assessment under Code Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this Code section shall not be deemed a conviction and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for any insurance purposes in the provision of motor vehicle insurance coverage.

(d) If a person issued and mailed a citation pursuant to subsection (b) of this Code section fails to pay the civil monetary penalty for the violation or has not filed a police report or notarized statement pursuant to paragraph (4) of subsection (b) of this Code section in no less than 30 nor more than 60 days after such mailing as determined and noticed by the law enforcement agency, the agent or law enforcement agency shall send to such person by first class mail a second notice of any unpaid civil monetary penalty, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed. The second notice shall include all information required in paragraph (2) of subsection (b) of this Code section and shall include a new date of return which shall be no less than 30 days after such mailing as determined and noticed by the law enforcement agency. If such person notified by second notice again fails to pay the civil monetary penalty or

file a police report or notarized statement pursuant to paragraph (4) of subsection (b) of this Code section by the new date of return, such person shall have waived the right to contest the violation and shall be liable for the civil monetary penalty provided for under this Code section, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed.

(e) Notices mailed by first class mail pursuant to this Code section shall be adequate notification of the fees and penalties imposed by this Code section. No other notice shall be required for the purposes of this Code section.

(f) Any court having jurisdiction over violations of the speed limit in the school zone shall have jurisdiction over cases arising under this Code section and shall be authorized to impose the civil monetary penalty. The provisions of law governing jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of penalties otherwise applicable to violations of the speed limit in the school zone shall apply to enforcement under this Code section, except as otherwise provided in this Code section; provided, however, that any appeal from superior or state court shall be by application in the same manner as that provided by Code Section 5-6-35.

(g) Recorded images made for purposes of this Code section shall not be a public record for purposes of Article 4 of Chapter 18 of Title 50.

(h) A civil warning or civil monetary penalty under this Code section on the owner of a motor vehicle shall not be imposed if the operator of the vehicle was arrested or issued a citation and notice to appear by a peace officer for the same violation."

SECTION 11.

By redesignating Section 4 as Section 12.

Representative Atwood of the 179th moved that the House agree to the Senate substitute, as amended by the House, to HB 736.

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

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

On the motion, the ayes were 134, nays 27.

The motion prevailed.

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.

The following Senate amendment was read:

The Senate moves to *amend the House amendment to HB 727 (AM 41 0218) by deleting all matter from said amendment from beginning to end and replacing with the following:*

Amend the Senate substitute to HB 727 (LC 41 0800S) by replacing line 11 with the following:
corporations toward distributors; to revise licensing fees and requirements; to expand enforcement and

By replacing "January 31," *with* "May 1," *on line 125.*

By replacing line 172 with the following:
(D) Any person, firm, corporation, association, or

By replacing lines 223 through 225 with the following:
or (d) of Code Section 25-10-5.1.

By replacing "45" *with* "30" *on lines 261, 263, 419, and 420.*

By replacing lines 318 and 319 with the following:
permanent consumer fireworks retail sales facility shall be ~~$5,000.00~~ $1,500.00 per location, payable to the Safety Fire Commissioner; provided, however, that the initial license fee shall be $5,000.00 for a distributor that is not licensed pursuant to this subsection prior to July 1, 2016. Upon ~~a~~ finding that a distributor has

By replacing lines 386 through 392 with the following:
(3) For at least one of the temporary consumer fireworks retail sales stands provided for under subparagraph (b)(6)(B) of Code Section 25-10-2, a ~~A~~ nonprofit group benefiting from the sale of consumer fireworks ~~pursuant to this Code section~~ from such temporary consumer fireworks retail sales stand shall directly participate in operating ~~the~~ such temporary consumer fireworks retail sales stand. It shall be unlawful for a nonprofit group or any agent or bona fide representative of a nonprofit group to knowingly lend the name of the nonprofit group or allow the identity of the nonprofit group to be used for the license under this subsection if such nonprofit group is not directly participating in operating, or benefiting from the operation of, such temporary consumer fireworks retail sales stand.

Representative Battles of the 15th moved that the House disagree to the Senate amendment to the House amendment to the Senate substitute to HB 727.

The motion prevailed.

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

Representative Wilkinson of the 52nd.

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

Mr. Speaker:

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

HB 690. By Representative Carter of the 175th:

A BILL to be entitled an Act to amend Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership of certain law enforcement officers in the Employees' Retirement System of Georgia, so as to provide that certain law enforcement officers may obtain creditable service in such retirement system under certain conditions; to define a certain term; to provide for the payment of the full actuarial value of obtaining such creditable service; to provide for application; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 759. By Representatives Willard of the 51st and Morris of the 156th:

A BILL to be entitled an Act to amend Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the regulation of the practice of law, so as to provide that certain activities by financial institutions shall not constitute the unauthorized practice of law; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 818. By Representatives Shaw of the 176th, Nimmer of the 178th, Fleming of the 121st, England of the 116th, Bryant of the 162nd and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 34 of the O.C.G.A., relating to workers' compensation, so as to change certain provisions relating to workers' compensation insurance, awards, benefits, and administration; to provide that administrative law judges are subject to the Georgia Code of Judicial Conduct; to change provisions related to an employer's duties to provide the State Board of Workers' Compensation with certain information; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 821. By Representatives Williams of the 168th, Frazier of the 126th, Smith of the 134th, Yates of the 73rd, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions applicable to professions and businesses, so as to require professional licensing boards and other boards to adopt rules and regulations implementing a process by which military spouses and transitioning service members may qualify for temporary licenses, licenses by endorsement, expedited licenses, or a combination thereof for each profession, business, or trade for which a license is issued; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 853. By Representatives Hawkins of the 27th, Cooper of the 43rd, Beverly of the 143rd, Weldon of the 3rd, Randall of the 142nd and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to the "Coverdell-Murphy Act," so as to update the current system of levels of certified stroke centers to reflect advances in stroke treatment and therapy; to authorize the Department of Public Health to establish additional levels; to provide for national certification; to provide for rules and regulations to implement the provisions of this Act; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 900. By Representatives Cooper of the 43rd, Weldon of the 3rd, Hawkins of the 27th, Parrish of the 158th, Harden of the 148th and others:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to electronic data base of prescription information, so as to authorize the retention of data base information for two years; to provide for delegates of prescribers and dispensers to access data base information under certain conditions; to revise language relating to subpoenas and search warrants; to provide for accessing data base information for purposes of investigation of potential abuse; to provide for the release of nonpatient specific data to the agency for instructional, drug abuse prevention, and research purposes; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 916. By Representatives Hightower of the 68th, Welch of the 110th, McCall of the 33rd, Knight of the 130th, Petrea of the 166th and others:

A BILL to be entitled an Act to amend Code Section 26-4-118 of the O.C.G.A., relating to "The Pharmacy Audit Bill of Rights;" so as to remove an exception relating to certain audits conducted by the Department of Community Health; to amend Article 7 of Chapter 4 of Title 49 of the

O.C.G.A., relating to medical assistance generally, so as to provide that clerical or other errors do not constitute a basis to recoup payments made by providers of medical assistance; to provide for a correction period; to amend Chapter 1 of Title 50 of the O.C.G.A., relating to general provisions regarding state government, so as to provide that clerical or other errors do not constitute a basis to recoup payments made by providers of medical assistance; to provide for a correction period; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 935. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Duncan of the 26th and others:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem tax, so as to add certain fulfillment centers to properties eligible for a freeport exemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1085. By Representatives Dempsey of the 13th, England of the 116th, Parrish of the 158th, Cooper of the 43rd, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to services for the aging, so as to transfer the oversight of such services to the Department of Community Health; to provide for the department to establish a community care unit within the Division of Medical Assistance; to delete certain provisions related to the implementation of a community care system; to provide for an annual community care plan to be incorporated into the State Plan for Medical Assistance; to change references to agency to department; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1108. By Representatives Shaw of the 176th, Corbett of the 174th and Spencer of the 180th:

A BILL to be entitled an Act to amend an Act to create the Waycross and Ware County Development Authority, approved March 7, 1955 (Ga. L. 1955, p. 2840), as amended, so as to provide for the composition, qualifications, appointment, filling of vacancies, terms and limits thereon, officers, and compensation; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

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

HB 1124. By Representative Pirkle of the 155th:

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

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

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

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.

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.

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.

HB 1149. By Representatives Williams of the 168th and Stephens of the 164th:

A BILL to be entitled an Act to amend an Act creating the Board of Education of Liberty County, approved February 10, 1986 (Ga. L. 1986, p. 3542), as amended, particularly by an Act approved May 5, 2005 (Ga. L. 2005, p. 3661), so as to provide for reimbursement of expenses for the chairperson and members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1152. By Representative Dukes of the 154th:

A BILL to be entitled an Act to amend an Act establishing the Board of Commissioners of Seminole County, approved August 16, 1920 (Ga. L. 1920, p. 610), as amended, particularly by an Act approved March 2, 1978 (Ga. L. 1978, p. 3076), 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.

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

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 Senate amendment was read:

The Senate moves to amend SB 307 (LC 39 1389S) by deleting lines 5 through 17 and inserting in lieu thereof the following:
requirements of the article; to provide for related matters; to repeal conflicting laws; and for other purposes.

By deleting lines 53 through 123.

Representative Coomer of the 14th moved that the House agree to the Senate amendment to the House substitute to SB 307.

On the motion, 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	Y Morris	Y Smith, M
N Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
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	E Strickland
Y Benton	E Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	N Tarvin
N Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	E 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
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	E Rynders	Y Williams, A
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 motion the ayes were 154, nays 11.

The motion prevailed.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, MARCH 24, 2016

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Modified Open Rule

HR 1093 Joint Study Committee on Mental Illness Initiative, Reform, Public Health, and Safety; create (Substitute)(SRules-Alexander-66th)

HR 1367 House Study Committee on the Pharmacy Benefits Managers Process; create (SRules-Taylor-173rd) (Substitute LC 34 4956S)

HR 1577 House Study Committee on Georgia Minority Participation in the Film and Television Production Industry; create (SRules-Thomas-56th)

HR 1605 House Study Committee on Regional Transit Solutions; create (SRules-Martin-49th)

SB 333 NonProfit Corporations; allow for a nonprofit corporation organized in foreign jurisdiction to change its jurisdiction of organization to this state (Judy-Fleming-121st) Kennedy-18th

SR 883 Incentives for Financial Technologies and the Payment Processing Industry; create joint study committee (SRules-Turner-21st) Beach-21st

Modified Structured Rule

SB 114 Advanced Practice Registered Nurses; number of advanced practice registered nurses a delegating physician enter a protocol agreement; provisions (Substitute)(H&HS-Cooper-43rd) Hufstetler-52nd

SB 314 Nurses; advanced nursing practices; revise certain provisions; provide for changes to roles and definitions (Substitute)(H&HS-Cooper-43rd) Unterman-45th

SB 355 "Student/Teacher Protection Act"; enact; end punitive testing consequences; related to federal, state, and locally mandated standardized assessments (Ed-Chandler-105th) Ligon, Jr.-3rd (AM 33 1667)

SB 374 "Quality Basic Education Act"; temporary exemption; financial reporting requirements for local school systems in federally authorized pilot program (Ed-Belton-112th) Tippins-37th

SB 385 Physicians; provide for certain requirements for advertisement or publication of representation of board certification by physicians (Substitute)(H&HS-Price-48th) Hill-32nd

SB 388 Bona Fide Coin Operated Amusement Machine; prohibit the removal of a sticker without authorization (Substitute)(RegI-Powell-32nd) Lucas-26th (Substitute LC 28 8099S)

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 388. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, so as to prohibit the removal of a sticker without authorization; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, so as to revise definitions; to provide for late fees for license renewals; to provide that licenses issued by the Georgia Lottery Corporation shall not be considered in granting or denying any other license or permit; to provide a fee for a duplicate sticker; to prohibit the removal of a sticker without authorization; to provide that noncash redemption earned by a player shall not be deemed revenue from Class B machines for certain purposes; to revise the penalties for improper placement of machines; to prohibit certain actions with regard to bona fide coin operated amusement machines; to provide that certain unfair methods of competition and unfair and deceptive acts shall be unlawful; to provide for the terms of certain agreements; to provide for service in cases of disputes between licensees and location owners or operators; to provide for default judgments in certain circumstances; to provide for delays in hearings for good cause; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"(3) 'Class A machine' means a bona fide coin operated amusement machine that is not a Class B machine, does not allow a successful player to carry over points won on one play to a subsequent play or plays, and:

(A) Provides no reward to a successful player;

(B) Rewards a successful player only with free replays or additional time to play;

(C) Rewards a successful player with noncash merchandise, prizes, toys, gift certificates, or novelties in compliance with the provisions of subsection (c) or paragraph (1) of subsection (d) of Code Section 16-12-35, and does not reward a successful player with any item prohibited as a reward in subsection (i) of Code Section 16-12-35 or any reward redeemable as an item prohibited as a reward in subsection (i) of Code Section 16-12-35;

(D) Rewards a successful player with points, tokens, tickets, or other evidence of winnings that may be exchanged only for items listed in subparagraph (C) of this paragraph; or

(E) Rewards a successful player with any combination of items listed in subparagraphs (B), (C), and (D) of this paragraph.

Notwithstanding the provisions of Code Section 16-12-35 or any other Code section to the contrary, the permitted noncash redemption award on a per play basis for a Class A machine shall not exceed the wholesale value of $20.00."

"(5.1) 'Gift certificate' or 'gift card' means an electronic payment device issued for a specific amount which:

(A) May or may not be increased in value or reloaded;

(B) Is provided or loaded on a prepaid basis for the future purchase or delivery of any merchandise or services from single or multiple, unaffiliated merchants or service providers;

(C) Is honored upon presentation but which cannot be exchanged for cash, change, or currency; and

(D) Is available for sale on the premises."

SECTION 2.

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

"(a.3) Notwithstanding the provisions of Code Section 16-12-35 or any other Code section to the contrary, a location owner or location operator shall be permitted to allow a player of a bona fide coin operated amusement machine to redeem winnings for a gift certificate or gift card, as defined in Code Section 50-27-70, and the awarding of such gift certificate or gift card shall be a lawful act of in-store redemption."

"(k) A renewal application filed on or after the due dates set forth in the rules promulgated by the board, but before the license expires, shall be accompanied by a nonrefundable late fee of $125.00 for Class A licenses and $1,000.00 for Class B licenses. A manufacturer, distributor, or master license or location license that has been expired for more than 90 days may not be renewed. In such a case, the manufacturer, distributor, master license, or location license owner shall obtain a new license, as applicable, by complying with the requirements and procedures for obtaining an original license."

SECTION 3.

Said article is further amended by revising Code Section 50-27-74, relating to right to notice and hearing, service of notice, and establishment of procedures, by adding a new subsection to read as follows:

"(d) At the time that a master licensee receives notice of a potential revocation of its master license as provided in this Code section, the master licensee shall be prohibited from assigning, selling, or otherwise transferring any of its contracts with location owners or location operators to any other master licensee or other person, and such prohibition shall remain in effect unless or until a final decision, not subject to further appeal, is rendered which does not result in the revocation of the master license. After a master license is revoked by final order and no other appeals are available, any

contracts between a master licensee and a location owner or location operator for the providing of bona fide coin operated amusement machines shall be null and void. Nothing in this subsection shall prevent a location owner or location operator from exercising any contractual right to place machines of another master licensee in such location."

SECTION 4.

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

"(d) The corporation may provide a duplicate permit sticker if a valid permit sticker has been lost, stolen, or destroyed. The fee for a duplicate permit sticker shall be ~~$50.00~~ $25.00 for each Class A machine and $125.00 for each Class B machine. If a permit sticker is lost, stolen, or destroyed, a sworn, written statement must be submitted explaining the circumstances by which the permit sticker was lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed permit before a replacement permit can be issued. A permit for which a duplicate permit sticker has been issued is void."

"(h) It shall be unlawful to remove or deface a sticker which is attached to a machine without authorization by the owner of the machine or the corporation. A violation of this subsection shall be a misdemeanor."

SECTION 5.

Said article is further amended by revising paragraph (3) of subsection (a) and paragraph (1) of subsection (b) of Code Section 50-27-84, relating to limitation on percent of monthly gross retail receipts derived from machines, monthly verified reports, issuance of fine or revocation or suspension of license for violations, and submission of electronic reports, as follows:

"(3) 'Gross retail receipts' means the total revenue derived by a business at any one business location from the sale of goods and services and the commission earned at any one business location on the sale of goods and services but shall not include revenue from the sale of goods or services for which the business will receive only a commission. The sale of goods or services for which the business will receive only a commission shall not include the sale of any item which the business has purchased for resale. Revenue ~~from~~ shall not include the sale of goods and services at wholesale ~~shall not be included~~."

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

SECTION 6.

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

"(b)(1) No bona fide coin operated amusement machine, its parts, or software or hardware shall be placed or leased in any location owner's or location operator's establishment except by a master licensee and only if the owner or agent of the location owner or location operator has entered into a written agreement with a master licensee for placement of the bona fide coin operated amusement machine. Beginning on July 1, 2013, no person with or applying for a location owner's or location operator's license shall have an interest in any person or immediate family member of a person with a master license, or doing business as a distributor, or manufacturer in this state. A location owner or location operator may sell a bona fide coin operated amusement machine to anyone except another location owner or location operator. Failure to adhere to this subsection shall result in a fine of ~~not less than~~ up to $50,000.00 and loss of the location owner's or location operator's license for a period of one to five years per incident and subject the location owner or location operator to the loss of any other state or local licenses held by the location owner or location operator. The corporation shall notify any state or federal agency that issues a license to such location owner or location operator of the breach of its duties under this article.

(2) A copy of the written agreement shall be on file in the master licensee's and the location owner's and location operator's place of business and available for inspection by individuals authorized by the corporation.

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

(B) Any agreement entered into or renewed after the effective date of this subparagraph shall be for at least one year.

(C) Any applicant for a new location license for a location where machines have been placed at any time in the immediately preceding nine months shall either:

(i) Not place machines in such location for nine months from the date of the granting of the location license; or

(ii) Formally accept an assignment of the written agreement between the master licensee and the immediately preceding location owner or location operator; provided, however, that the master licensee may refuse to assign the written agreement.

For the purposes of division (ii) of this subparagraph, the master licensee is the master licensee that, in the nine months preceding the application for a new location license, had the last written agreement with the immediately preceding location

owner or location operator or the master licensee that, in the nine months preceding the application for a new location license, had requested or commenced a hearing pursuant to Code Section 50-27-102, whichever had machines placed in the location first."

SECTION 7.

Said article is further amended by revising paragraphs (2) and (4) of subsection (d) of Code Section 50-27-102, relating to role of corporation, implementation and certification, separation of funds and accounting, and disputes, as follows:

"(2) The corporation shall have jurisdiction of all disputes between and among any licensees or former licensees whose licenses were issued pursuant to this article relating in any way to any agreement involving coin operated amusement machines, distribution of funds, tortious interference with contract, other claims against a subsequent master license holder or location owner, or any other claim involving coin operated amusement machines; provided, however, that this paragraph shall not apply to any agreement which expired on or before April 10, 2013. Except as provided in paragraph (1) of this subsection, the corporation shall refer any dispute certified by any master licensee against any other master licensee or any location owner or location operator or by any location owner or location operator against any master licensee to a hearing officer. For the purpose of service on licensees with respect to disputes, each licensee or former licensee shall register and keep current with the corporation the name of an agent and his or her address and an email address which shall be made available to any licensee on request. Service by registered mail, courier delivery, or overnight mail delivered to the agent's registered address and to the email address shall be adequate service on the licensee for a hearing on the dispute. All disputes subject to the provisions of this Code section certified by a master licensee, location owner, or location operator shall be decided by a hearing officer approved or appointed by the corporation. The corporation shall adopt rules and regulations governing the selection of hearing officers after consultation with the Bona Fide Coin Operated Amusement Machine Operator Advisory Board. Costs of the hearing officer's review, including any hearing set pursuant to this Code ~~Section~~ section, shall be shared equally between the parties in the dispute unless provided otherwise in the agreement or by the hearing officer; provided, however, that the corporation shall not be responsible for any of the costs associated with the dispute resolution mechanism set forth in this Code section. If any party fails to timely pay the costs of the hearing officer's review within ten days of service of notice of costs by the hearing officer, the hearing officer shall grant a default judgment on liability against the nonpaying party. The hearing officer shall then consider evidence related to damages or any other relief and shall render judgment based upon a preponderance of the evidence."

"(4) If requested by the master licensee or the location owner or location operator, the hearing officer shall conduct a hearing as to the dispute, but in no case unless extended by the hearing officer for good cause shall the hearing officer conduct a hearing more than 90 days after he or she has been appointed or selected to decide the

dispute. No Class B bona fide coin operated amusement machine that is subject to the dispute resolution mechanism required by this Code section shall be removed from the terminal by a master licensee, location owner, or location operator or otherwise prevented by a master licensee, location owner, or location operator from play by the public until a final decision is entered and all appellate rights have been exhausted, or until the master licensee and location owner or location operator agree to a resolution, whichever occurs first."

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.

The following substitute, offered by Representative Powell of the 32nd, was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, so as to provide a fee for a duplicate sticker; to prohibit the removal of a sticker without authorization; to provide that noncash redemption earned by a player shall not be deemed revenue from Class B machines for certain purposes; to revise the penalties for improper placement of machines; to prohibit certain actions with regard to bona fide coin operated amusement machines; to provide that certain unfair methods of competition and unfair and deceptive acts shall be unlawful; to provide for the terms of certain agreements; to provide for service in cases of disputes between licensees and location owners or operators; to provide for default judgments in certain circumstances; to provide for delays in hearings for good cause; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, is amended by revising Code Section 50-27-74, relating to right to notice and hearing, service of notice, and establishment of procedures, by adding a new subsection to read as follows:

"(d) At the time that a master licensee receives notice of a potential revocation of its master license as provided in this Code section, the master licensee shall be prohibited

from assigning, selling, or otherwise transferring any of its contracts with location owners or location operators to any other master licensee or other person, and such prohibition shall remain in effect unless or until a final decision, not subject to further appeal, is rendered which does not result in the revocation of the master license. After a master license is revoked by final order and no other appeals are available, any contracts between a master licensee and a location owner or location operator for the providing of bona fide coin operated amusement machines shall be null and void. Nothing in this subsection shall prevent a location owner or location operator from exercising any contractual right to place machines of another master licensee in such location."

SECTION 2.

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

"(d) The corporation may provide a duplicate permit sticker if a valid permit sticker has been lost, stolen, or destroyed. The fee for a duplicate permit sticker shall be ~~$50.00~~ $25.00 for each Class A machine and $125.00 for each Class B machine. If a permit sticker is lost, stolen, or destroyed, a sworn, written statement must be submitted explaining the circumstances by which the permit sticker was lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed permit before a replacement permit can be issued. A permit for which a duplicate permit sticker has been issued is void."

"(h) It shall be unlawful to remove or deface a sticker which is attached to a machine without authorization by the owner of the machine or the corporation. A violation of this subsection shall be a misdemeanor."

SECTION 3.

Said article is further amended by revising paragraph (3) of subsection (a) and paragraph (1) of subsection (b) of Code Section 50-27-84, relating to limitation on percent of monthly gross retail receipts derived from machines, monthly verified reports, issuance of fine or revocation or suspension of license for violations, and submission of electronic reports, as follows:

"(3) 'Gross retail receipts' means the total revenue derived by a business at any one business location from the sale of goods and services and the commission earned at any one business location on the sale of goods and services but shall not include revenue from the sale of goods or services for which the business will receive only a commission. The sale of goods or services for which the business will receive only a commission shall not include the sale of any item which the business has purchased for resale. Revenue ~~from~~ shall not include the sale of goods and services at wholesale ~~shall not be included~~."

"(b)(1) No location owner or location operator shall derive more than 50 percent of such location owner's or location operator's monthly gross retail receipts for the

business location in which the Class B machine or machines are situated from such Class B machines; provided, however, that revenues that are due to a master licensee or the corporation or noncash redemption that is earned by the player shall not be deemed revenue derived from Class B machines."

SECTION 4.

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

"(b)(1) No bona fide coin operated amusement machine, its parts, or software or hardware shall be placed or leased in any location owner's or location operator's establishment except by a master licensee and only if the owner or agent of the location owner or location operator has entered into a written agreement with a master licensee for placement of the bona fide coin operated amusement machine. Beginning on July 1, 2013, no person with or applying for a location owner's or location operator's license shall have an interest in any person or immediate family member of a person with a master license, or doing business as a distributor, or manufacturer in this state. A location owner or location operator may sell a bona fide coin operated amusement machine to anyone except another location owner or location operator. Failure to adhere to this subsection shall result in a fine of ~~not less than~~ up to $50,000.00 and loss of the location owner's or location operator's license for a period of one to five years per incident and subject the location owner or location operator to the loss of any other state or local licenses held by the location owner or location operator. The corporation shall notify any state or federal agency that issues a license to such location owner or location operator of the breach of its duties under this article.

(2) A copy of the written agreement shall be on file in the master licensee's and the location owner's and location operator's place of business and available for inspection by individuals authorized by the corporation.

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

(B) Any agreement entered into or renewed after the effective date of this subparagraph shall be for at least one year.

(C) Any applicant for a new location license for a location where machines have been placed at any time in the immediately preceding nine months shall either:

(i) Not place machines in such location for nine months from the date of the granting of the location license; or

(ii) Formally accept an assignment of the written agreement between the master licensee and the immediately preceding location owner or location operator;

provided, however, that the master licensee may refuse to assign the written agreement.

For the purposes of division (ii) of this subparagraph, the master licensee is the master licensee that, in the nine months preceding the application for a new location license, had the last written agreement with the immediately preceding location owner or location operator or the master licensee that, in the nine months preceding the application for a new location license, had requested or commenced a hearing pursuant to Code Section 50-27-102, whichever had machines placed in the location first."

SECTION 5.

Said article is further amended by revising paragraphs (2) and (4) of subsection (d) of Code Section 50-27-102, relating to role of corporation, implementation and certification, separation of funds and accounting, and disputes, as follows:

"(2) The corporation shall have jurisdiction of all disputes between and among any licensees or former licensees whose licenses were issued pursuant to this article relating in any way to any agreement involving coin operated amusement machines, distribution of funds, tortious interference with contract, other claims against a subsequent master license holder or location owner, or any other claim involving coin operated amusement machines; provided, however, that this paragraph shall not apply to any agreement which expired on or before April 10, 2013. Except as provided in paragraph (1) of this subsection, the corporation shall refer any dispute certified by any master licensee against any other master licensee or any location owner or location operator or by any location owner or location operator against any master licensee to a hearing officer. For the purpose of service on licensees with respect to disputes, each licensee or former licensee shall register and keep current with the corporation the name of an agent and his or her address and an email address which shall be made available to any licensee on request. Service by registered mail, courier delivery, or overnight mail delivered to the agent's registered address and to the email address shall be adequate service on the licensee for a hearing on the dispute. All disputes subject to the provisions of this Code section certified by a master licensee, location owner, or location operator shall be decided by a hearing officer approved or appointed by the corporation. The corporation shall adopt rules and regulations governing the selection of hearing officers after consultation with the Bona Fide Coin Operated Amusement Machine Operator Advisory Board. Costs of the hearing officer's review, including any hearing set pursuant to this Code ~~Section~~ section, shall be shared equally between the parties in the dispute unless provided otherwise in the agreement or by the hearing officer; provided, however, that the corporation shall not be responsible for any of the costs associated with the dispute resolution mechanism set forth in this Code section. If any party fails to timely pay the costs of the hearing officer's review within ten days of service of notice of costs by the hearing officer, the hearing officer shall grant a default judgment on liability against the nonpaying party.

The hearing officer shall then consider evidence related to damages or any other relief and shall render judgment based upon a preponderance of the evidence."

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

SECTION 6.

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

SECTION 7.

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

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

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	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	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
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	E Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	N Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
N Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	Y Jones, L	Y Price	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	N Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Kelley	Y Raffensperger	N 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	N Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	N Welch
N Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	E 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	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 15.

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

SB 385. By Senator Hill of the 32nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice relative to physicians, assistants, and others, so as to provide for certain requirements for advertisement or publication of representations of board certification by physicians; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice relative to physicians, assistants, and others, so as to provide for certain requirements for advertisement or publication of representations of board certification by physicians; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice relative to physicians, assistants, and others, is amended by adding a new Code section to read as follows:

"43-34-22.1.

(a) No physician shall advertise or hold himself or herself out to the public in any manner as being certified or board certified in any specialty or subspecialty by a public or private board, including, but not limited to, a multidisciplinary board, unless:

(1) The advertisement or publication states the full name of the certifying board; and

(2) Such certifying board either:

(A) Is a member board of the American Board of Medical Specialties, the American Board of Physician Specialties, or the American Osteopathic Association; or

(B) Requires successful completion of a postgraduate training program approved by the Accreditation Commission for Graduate Medical Education or the American Osteopathic Association that provides complete training in the specialty or subspecialty certified, followed by prerequisite certification by the American Board of Medical Specialties, the American Board of Physician Specialties, or the American Osteopathic Association board for that training field, and further successful completion of an examination in the specialty or subspecialty certified.

(b) The board may take any disciplinary action provided under subsection (b) of Code Section 43-34-8 upon a finding of any conduct in violation of this Code section."

SECTION 2.

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

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

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	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	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	E Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner

Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E 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	Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	E 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	Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Coleman	Y Greene	Meadows	Y Sims	Ralston, Speaker

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

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

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

Representative Fludd of the 64th.

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 bill of the House:

HB 614. By Representatives Stovall of the 74th, Brockway of the 102nd, Scott of the 76th, Benton of the 31st and Kaiser of the 59th:

A BILL to be entitled an Act to amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," so as to provide for a pilot program for the placement of video monitoring cameras in classrooms

providing special education services; to provide for program requirements; to provide for a program evaluation; to provide for funding; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

A BILL to be entitled an Act to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income, so as to revise the deduction from income for contributions to savings trust accounts established pursuant to Article 11 of Chapter 3 of Title 20; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

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.

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

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

HB 1153. By Representative Rhodes of the 120th:

A BILL to be entitled an Act to amend an Act to provide that certain officials of Greene County who have served at least 15 years in office may, upon leaving, continue to participate in the county health insurance program for

themselves and their dependents by paying the total cost of such participation, approved May 16, 2007 (Ga. L. 2007, p. 3664), as amended, particularly by an Act approved April 24, 2013 (Ga. L. 2013, p. 3654), so as to clarify the qualifications for participation in such health insurance program; to clarify who is covered under such provision; to provide limits on coverages offered; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

HB 882. By Representatives Taylor of the 173rd, Smith of the 134th, Atwood of the 179th, Meadows of the 5th, Brockway of the 102nd and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to authorization and general requirements for the transaction of insurance, so as to eliminate the foreign and alien insurer deposit requirement of securities eligible for the investment of capital funds in certain amounts at the discretion of the Commissioner; to provide for the elimination of newspaper publication by insurers of certain financial information and to provide proof of such publication to the Commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 895. By Representatives Mayo of the 84th, Dudgeon of the 25th, Evans of the 42nd and Casas of the 107th:

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 finance directors of charter schools to participate in initial and annual training in financially operating a charter school; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to provide a homestead exemption from Haralson County ad valorem taxes for county purposes in the amount of $4,000.00 of the assessed value of the homestead for residents of that county who are 65 years of age or older and whose income, together with the income

of the spouse of such resident who resides within such homestead and excluding certain retirement income, does not exceed $10,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The Speaker called the House to order for the purpose of receiving the Governor of Georgia, the Honorable Nathan Deal.

The Honorable Nathan Deal appeared upon the floor of the House and addressed the members.

The Speaker called the House to order.

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

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to compensation for occupational disease, so as to allow a firefighter to show certain evidence as to the ordinary disease of life of cancer; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to compensation for occupational disease, is amended by revising Code Section 34-9-280, relating to definitions, as follows:

"34-9-280.

As used in this article, the term:

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

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

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

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

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

(D)<u>(i)</u> That the disease is not an ordinary disease of life to which the general public is exposed; <u>or</u>

<u>(ii) If the disease is cancer, which is otherwise considered an ordinary disease of life, that such employee is a firefighter, as defined in Code Section 25-4-2 or 45-9-81, and by a preponderance of the evidence, which shall include medical evidence, shows that the cancer is attributable to the firefighter's performance of his or her duties as a firefighter; and</u>

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

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

SECTION 2.

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

Representative Gravley of the 67th moved that the House agree to the Senate substitute to HB 216.

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

On the motion, the ayes were 146, nays 20.

The motion prevailed.

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

Mr. Speaker:

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

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.

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

HB 197. By Representatives Jacobs of the 80th, Willard of the 51st, Fleming of the 121st, Evans of the 42nd, Welch of the 110th and others:

A BILL to be entitled an Act to amend Chapter 12 of Title 9, Title 11, and Chapter 2 of Title 18 of the O.C.G.A., relating to verdict and judgment, the commercial code, and debtor and creditor relations; to repeal the "Georgia Foreign Money Judgments Recognition Act" and enact the "Uniform Foreign-Country Money Judgments Recognition Act"; to amend Titles 7, 10, 40, and 52 of the O.C.G.A., relating to banking and finance, commerce and trade, motor vehicles and traffic, and waters of the state, ports, and watercraft; to amend Article 3 of Chapter 3 of Title 9 and Code Section 17-14-17 of the O.C.G.A., relating to limitations on recovery for deficiencies connected with improvements to realty and resulting injuries and fraudulent transfers; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

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

HB 883. By Representatives Taylor of the 173rd, Smith of the 134th, Atwood of the 179th, Meadows of the 5th, Brockway of the 102nd and others:

A BILL to be entitled an Act to amend Chapter 37 of Title 33 of the O.C.G.A., relating to insurers rehabilitation and liquidation, so as to change certain provisions relating to insurers rehabilitation and liquidation; to change provisions related to reciprocal states and domiciliary liquidators; to provide for the Commissioner to transfer title under his or her control to a domiciliary receiver; to modify certain provisions relating to the rights of nonresident claimants in proceedings against domiciliary insurers; to change certain provisions relating to the rights of resident claimants in proceedings in other states against nondomiciliary insurers; to remove the use of reciprocal in superiority of order of distribution in liquidation proceedings; 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 Resolution of the House was taken up for consideration and read the third time:

HR 1093. By Representatives Alexander of the 66th, Chandler of the 105th, Dempsey of the 13th, Tanner of the 9th, Gravley of the 67th and others:

A RESOLUTION creating the Joint Study Committee on Mental Illness Initiative, Reform, Public Health, and Safety; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the House Study Committee on Mental Illness Initiative, Reform, Public Health, and Safety; and for other purposes.

WHEREAS, mental illness affects the emotional and behavioral well-being of individuals and conditions and disorders can include depression, bipolar disorder, anxiety disorder, and schizophrenia; and

WHEREAS, one in five adults experiences mental illness in some form in any given year. Data indicate that at least 1.4 million adults in Georgia have some form of mental illness; and

WHEREAS, the National Alliance on Mental Illness reports that Georgia has close to 349,000 adults and about 111,000 children living with serious mental health conditions; and

WHEREAS, the Georgia Department of Corrections indicates that one in six prisoners has been diagnosed with a mental illness; and

WHEREAS, Mental Health America (MHA), formerly the National Mental Health Association, indicates the following:

(A) Georgia ranks twenty-ninth for adults with any mental illness with a total of 1,360,000;

(B) Georgia ranks near the bottom in spending among state mental health agencies, at a rate of $59.00 per capita in fiscal 2013;

(C) Georgia ranks thirty-seventh for uninsured adults (313,000) with any mental illness;

(D) Georgia ranks last in the availability of mental health professionals with 1 for every 1,440 people; and

WHEREAS, local counties are able to implement accountability courts through the Georgia Council on Criminal Justice Reform resulting in mental health courts; and

WHEREAS, in 2015, data compiled by the Georgia Sheriffs' Association indicate that in 73 of 159 counties, law enforcement officials traveled nearly 2 million miles and spent more than 12,000 hours transporting mental health patients. This impedes law enforcement's availability to respond elsewhere within communities they serve; and

WHEREAS, the closing of mental hospitals has added to the increase of mentally ill adults housed in the local and county jails. Coupled with the decrease in state psychiatric hospital beds, this has forced law enforcement to maintain and treat mentally ill adults in the jails, rather than specialized facilities; and

WHEREAS, research indicates that when mental illness is treated appropriately with medication and supervision, patients can lead productive lives; and

WHEREAS, a study of initiatives, reforms, public health, and safety concerning mentally ill individuals in this state needs to be undertaken, including, but not limited to, a consideration of efforts in treating and supporting mentally ill individuals, community based housing, residential mental health facilities, and examining county and municipality infrastructures inclusive of residential and congregate care housing options.

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

(1) **Creation of House study committee.** There is created the House Study Committee on Mental Illness Initiative, Reform, Public Health, and Safety.

(2) **Members and officers.** The committee shall be composed of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The Speaker shall designate one of the members as a chairperson of the committee.

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

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

(5) **Allowances, 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) 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 House of Representatives.

(6) **Report.**

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

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

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

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

(7) **Abolishment.** The committee shall stand abolished on December 1, 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	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M

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

On the adoption of the Resolution, by substitute, the ayes were 140, nays 18.

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

House of Representatives
Atlanta, Georgia 30334

Dusty Hightower

I wish to change my no vote on 1093 to yes.

/s/ Dusty Hightower 68

House of Representatives
Coverdell Legislative Office Building
Room 501
Atlanta, Georgia 30334

March 24, 2016

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

Dear Mr. Clerk:

On March 24, 2016 I inadvertently voted no on HR 1093 but I meant to vote yes. Please change my vote in the House Journal to a yes on HR 1093.

Sincerely,

/s/ Paulette Rakestraw
Representative, District 19

PR/pg

The Speaker announced the House in recess until 9:15 o'clock, this evening.

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 bill of the House:

HB 1003. By Representatives Ehrhart of the 36th, Evans of the 42nd, Wilkerson of the 38th, Dollar of the 45th, Parsons of the 44th and others:

A BILL to be entitled an Act to amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, so as to change provisions relating to the membership and terms

of office of members of the authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

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

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.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 887. By Representatives Efstration of the 104th, Ballinger of the 23rd, Quick of the 117th, Caldwell of the 131st, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Articles 3 and 4 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to dependency proceedings and termination of parental rights, respectively, so as to prioritize the placement of a child with a relative who is an adult or fictive kin when such individual is qualified to care for such child and it is in the best interests

of the child; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 316. By Senators Gooch of the 51st, Mullis of the 53rd, Harper of the 7th, Beach of the 21st and Ginn of the 47th:

A BILL to be entitled an Act to amend Code Section 16-12-60 of the Official Code of Georgia Annotated, relating to rules and regulations relative to bingo, so as to remove the daily permissible prize limitation while preserving the weekly permissible prize limitation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 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.

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

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.

Representative Battles of the 15th moved that the House insist on its position in disagreeing to the Senate amendment to the House amendment to the Senate substitute to HB 727 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Battles of the 15th, Maxwell of the 17th and Turner of the 21st.

HB 1004. By Representatives Jasperse of the 11th, Weldon of the 3rd, Powell of the 32nd, Maxwell of the 17th and Ballinger of the 23rd:

A BILL to be entitled an Act to amend Titles 15 and 44 of the O.C.G.A., relating to courts and property, respectively, so as to provide requirements for maps, plats, and plans to be filed for record; to provide for filing of electronic images of maps, plats, and plans; to provide for delivery of plats to the clerk of superior court; to change certain provisions relating to recordation and notations of plats; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 15 and 44 of the Official Code of Georgia Annotated, relating to courts and property, respectively, so as to provide requirements and certifications for maps, plats, and plans to be filed for record; to provide for filing of electronic images of maps, plats, and plans; to provide for electronic processing by clerks of superior court; to provide a criminal penalty; to provide for public computer terminal access to electronic filing portal; to provide for rules and regulations; to change certain provisions relating to the indexing of maps or plots; to provide for recordation of real estate instruments; to provide for incorporation by reference to instruments recorded in the office of the clerk of superior court; to provide for recordation of plats in land registration proceedings; to provide for methods of filing condominium instruments with the clerk of superior court;

to provide for delivery of plats to the clerk of superior court; to change certain provisions relating to recordation and notations of plats; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-6-67, relating to recordation of maps and plats and specifications, as follows:

"15-6-67.

(a) The clerk of superior court shall file and record ~~in his or her office~~ maps, ~~or~~ plats, and subdivision plats, and condominium plats, condominium site plans, condominium plot plans, and condominium floor plans presented in accordance with Code Section 44-3-83 relating to real estate in the county when submitted for filing as provided in this Code section and accompanied with any required filing fees or costs.

(b) ~~Maps or plats~~ Each map, plat, or plan referred to in subsection (a) of this Code section to be filed and recorded in the office of clerk of superior court shall be ~~prepared in accordance with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors~~ in conformance with the following requirements:

(1) ~~**Material**~~ **Caption.** Each map, plat, or plan page image shall have a caption which shall provide the following information:

(A) ~~Any such maps or plats shall be a good legible copy or commercial print reproduced from an original.~~ The county where the property lies;

(B) ~~The clerk shall enter manually or electronically the filing date, plat book number, and page number on the plats and shall cause the same information to be entered electronically on the digital copy presented for filing and shall return an original physical copy of the plat with the filing information on it to the land surveyor or the person filing the same for record. The clerk shall permanently retain the original physical and digital copy of the plat. Both the filing information and plat shall serve as evidence of the original drawing. The physical copy, the digital copy, or both may be displayed to the public in compliance with Code Section 15-6-68~~ Any city, town, municipality, or village wherein the property lies;

(C) The names of all owners of the property;

(D) If such plat is a subdivision plat, condominium plat, condominium site plan, condominium plot plan, or condominium floor plan;

(E) The name of any subdivision if for a named subdivision clearly identified as such;

(F) The name of any condominium if for a condominium plat, condominium site plan, condominium plot plan, or condominium floor plan;

(G) The applicable units, pods, blocks, lots, or other subdesignations of any named subdivision or condominium;

(H) The name or names of the developer or developers of any named subdivision or condominium;

(I) All applicable land districts and land lots reflected on such map, plat, or plan;

(J) The date of preparation or revision date;

(K) The name, address, telephone number, and license or registration number of the land surveyor; and

(L) If the map, plat, or plan has multiple pages, the page number for each applicable page;

(2) **Surveyor certification box.** Each map, plat, or plan shall provide a box which contains the following language and the applicable certifications of the registered land surveyor required pursuant to subsection (c) of this Code section:

SURVEYOR CERTIFICATIONS

As required by subsection (c) of O.C.G.A. Section 15-6-67, the Registered Land Surveyor hereby certifies that this map, plat, or plan has been approved for filing in writing by any and all applicable municipal, county, or municipal-county planning commissions or municipal or county governing authorities or that such governmental bodies have affirmed in writing that approval is not required.

The following governmental bodies have approved this map, plat, or plan for filing:

_____ Name and date (mm/dd/yyyy)

_____ Name and date (mm/dd/yyyy)

The following governmental bodies have affirmed that approval is not required:

_____ Name and date (mm/dd/yyyy)

_____ Name and date (mm/dd/yyyy)

Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser as to intended use of any parcel.

The Registered Land Surveyor further certifies that this map, plat, or plan complies with the minimum standards and specifications of the State Board of Registration for Professional Engineers and Land Surveyors and the Georgia Superior Court Clerks' Cooperative Authority.

_____

Facsimile Signature

~~(2)~~(3) **Filing information box.** Each image of a map, plat, or plan shall provide a box of not less than three inches square, if at full size, in the upper left-hand corner which shall be reserved for the clerk to append filing information; and ~~**Caption.** Maps or plats shall have a title or name which shall be contained in the caption, and the caption shall also provide the following information:~~

~~(A) The county, city, town, or village, land district and land lot, and subdivision, if the property lies within a particular subdivision;~~

~~(B) The date of plat preparation and the date of the field survey;~~

~~(C) The scale, stated and shown graphically;~~

~~(D) The name, address, telephone number, and registration number of the land surveyor or the statement that he or she is the county surveyor and is not required by law to be a registered surveyor; and~~

~~(E) All reproductions of original maps or plats shall bear the original signature, in a contrasting color of ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat. The provisions of this subparagraph shall apply to all maps or plats that are sealed by a land surveyor which depict and describe real property boundaries. Maps and plats which do not meet the requirements of this subparagraph shall not be sealed nor recorded;~~

~~(3) **Size.** Maps or plats shall not be less than 8 1/2 inches by 11 inches and not larger than 24 inches by 36 inches, provided that the clerk shall be authorized to file maps or plats in compliance with this subparagraph. When an original map or plat is submitted to the clerk for filing and recordation, the clerk shall be authorized to accept the plat for recordation only upon receiving a minimum of two properly signed reproductions of the original physical plat and a digital copy that has been created at full scale, properly signed and in an electronic format acceptable by the Georgia Superior Court Clerks' Cooperative Authority. The digital copy shall be submitted via media approved by the clerk.~~

~~(c) If the plat meets the requirements of subsections (b) and (d) of this Code section, it shall be the duty of the clerk of superior court to file and record such plat and digital image of such plat.~~

(4) **Format.** All images of maps, plats, or plans submitted for filing shall:

(A) Comply with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors; and

(B) Be an electronic image of a single page certified and presented to the clerk electronically in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority.

~~(d)~~(c)(1) Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations, and upon receiving approval thereon by the appropriate governing authority, then no map, plat, or plan of subdivision of land within the municipality or the county shall be filed or recorded in the office of clerk of superior court of a county ~~without~~:

(A) Without the approval ~~thereon~~ of the municipal ~~or~~ planning commission, county planning commission, municipal-county planning commission, or appropriate municipal or county governing authority; and

(B) Unless the registered land surveyor who prepares any such map, plat, or plan for filing certifies thereon that such map, plat, or plan has been approved for filing by all applicable governmental bodies. Such certification shall specifically state by name the governmental bodies that approved the filings and the dates such actions

were taken. ~~without such approval having been entered in writing on the plat by the secretary or other designated person of the municipal or county planning commission or governing authority. The clerk of superior court shall not file or record a plat of subdivision which does not have the approval of the municipal or county planning commission or governing authority as required by this subsection.~~

(2) Notwithstanding any other provision of this subsection to the contrary, no approval of the municipal ~~or~~ planning commission, county planning commission, municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority shall be required if no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any map, plat, or plan of survey containing thereon a certification from a ~~licensed~~ registered land surveyor that the ~~provisions relative to this subsection do not require approval of the~~ municipal, county, or municipal-county ~~or county~~ planning commission or appropriate municipal or county governing authority has affirmed in writing that approval is not required shall entitle said map, plat, or plan to ~~record. Any licensed surveyor who fraudulently certifies that a plat of survey does not require the approval specified in this subsection shall be guilty of a misdemeanor~~ be recorded, provided that such certification includes the name of the governmental bodies that affirmed that such approval is not necessary and the dates of such actions.

(d) Any land surveyor who fraudulently makes any certification required under this Code section shall, upon conviction thereof, be guilty of a misdemeanor.

(e) The clerk of superior court shall make available a public computer terminal which provides a filer access to the Georgia Superior Court Clerks' Cooperative Authority's electronic filing portal.

(f) The Georgia Superior Court Clerks' Cooperative Authority shall have the power and authority to promulgate such rules and regulations deemed necessary or convenient for implementation of the provisions of this Code section.

(g) The clerk of superior court shall be held harmless for the filing of any map, plat, or plan that fails to meet any requirement of this Code section."

SECTION 2.

Said title is further amended by revising Code Section 15-6-68, relating to public access to maps and plats, as follows:

"(a) The clerk of each superior court shall provide books, binders, or any other alternative system, either manual or electronic, for providing public access to maps, ~~and~~ plats, and plans. ~~For all electronic images of plats submitted to the clerk on or after July 1, 2012, the clerk shall provide necessary equipment for printing either an entire full size copy of each recorded plat or copies of sections of each entire recorded plat, printed in full scale.~~

(b) The clerk of superior court shall provide an electronic, computer-based indexing system in which shall be indexed all maps, subdivision plats, condominium plats, and other plats, condominium site plans, condominium plot plans, and condominium floor

plans ~~or plats~~ under the caption or name of the subdivision, if any, under the name of the owner or owners of the property mapped or platted, and also under the land lot number and district number if the land lies in that portion of the state which has been surveyed into land lots and districts.

(c) In counties of this state that are divided into land lots, the clerk of superior court shall provide an electronic, computer-based system for maintaining and searching a record for each land lot and land district by listing all surveys made for each lot and where they are recorded.

(d) The clerk shall electronically note the ~~date and time of the filing of a plat for record on the face of the plat~~ filing date, book, and page numbers on the image and shall electronically transmit a copy of the map, plat, or plan with such filing information to the email address of the person filing the same for record."

SECTION 3.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising paragraph (4) of subsection (b) of Code Section 44-2-2, relating to duty of clerk to record certain transaction affecting real estate and personal property, priority or recorded instruments, and effect of recording on rights between parties to instruments, as follows:

"(4) When indexing maps or plats relating to real estate in the county, the clerk of superior court shall index the names or titles provided in the caption of the plat~~, as required by paragraph (2) of subsection (b) of Code Section 15-6-67, as both the grantor and grantee~~."

SECTION 4.

Said title is further amended by revising Code Section 44-2-25, relating to recording techniques and photostatic copies of plats, as follows:

"44-2-25.

All decrees, deeds, mortgages, or other instruments affecting the title to land shall be recorded by the clerk of ~~the~~ superior court ~~by the use of printing, typewriting, handwriting in ink, photostating, or photographing, which record shall be clear, legible, and permanent. The record may be made by any one or more of such methods~~ in such a manner so as to provide a permanent record of such instruments. It shall be lawful to make a ~~photostatic~~ copy or copies of any plats, blueprints, or other copies of plats that are already of record in the clerk's office. These copies ~~or photostatic copies thereof~~ shall serve all purposes and shall be as authentic as the originals."

SECTION 5.

Said title is further amended by revising Code Section 44-2-26, relating to recording of plat or copy of plat, when and where authorized, and duty of clerk, as follows:

"44-2-26.

The owner of real property or of any interest therein or any holder of a lien thereon may ~~have~~ file a plat of the property ~~or a blueprint, tracing, digital copy, or other copy of a~~

~~plat of the property recorded and indexed~~ in the office of the clerk of ~~the~~ superior court of the county in which the property or any part thereof is located. It shall be the duty of the clerk to record and index any plat ~~or any blueprint, tracing, digital copy, or other copy of the plat~~ that conforms with Code Section 15-6-67."

SECTION 6.

Said title is further amended by revising Code Section 44-2-27, relating to recording of plat or copy of plat and when deemed recorded, as follows:

"44-2-27.

When any plat ~~or any blueprint, tracing, photostatic copy, or other copy of the plat is securely pasted or fastened in the book provided by the clerk for that purpose, such pasting or fastening~~ <u>is filed by the clerk of superior court, such filing</u> shall be deemed a recording of the plat."

SECTION 7.

Said title is further amended by revising Code Section 44-2-28, relating to recording of plat or copy of plat and incorporation by reference, as follows:

"44-2-28.

When any deed, mortgage, or other instrument conveying an interest in or creating a lien on real property refers to the boundaries, metes, courses, or distances of the real estate delineated or shown on any plat of the property or on any blueprint, tracing, photostatic <u>or digital</u> copy, or other copy of the plat which has been recorded as authorized in Code Section 44-2-26 and when the deed, mortgage, or other instrument states the office, book, and page of recordation of the plat or of the blueprint, tracing, photostatic <u>or digital</u> copy, or other copy of the plat, the reference shall be equivalent to setting forth in the deed, mortgage, or other instrument the boundaries, metes, courses, or distances of the real estate as may be delineated or shown on the plat or on the blueprint, tracing, photostatic <u>or digital</u> copy, or other copy thereof."

SECTION 8.

Said title is further amended by revising Code Section 44-2-237, relating to recordation and notation of plat, attaching certified copy to certificate, and fee, as follows:

"44-2-237.

Whenever a plat of the premises which is too large or too intricate for easy transcription on the register of decrees of title or on the certificate of title is a part of the description of the lands or is used to aid description, it shall not be necessary for the clerk to copy such plat on the register of decrees of title or on the certificate of title. In lieu of copying such plat, the clerk shall record it ~~in one of the public record books in his office~~ and shall note ~~its existence together with~~ a reference to the book and page where recorded. ~~If the holder of the owner's certificate desires a copy of the plat to be attached as a part of his owner's certificate, the clerk shall make a certified copy and attach it upon payment of the fee provided for in paragraph (2) of subsection (f) of Code Section 15-6-77.~~"

SECTION 9.

Said title is further amended by revising Code Section 44-3-74, relating to recording condominium instruments, plats, plans, and encumbrances and record books, as follows:

"44-3-74.

(a) The declaration and any amendments thereto shall be entitled to recordation if executed in the manner required for recording deeds to real property. All condominium instruments and any amendments and certifications thereto shall set forth the name of the condominium; the name of the county or counties in which the condominium is located; and, except for the declaration itself, the deed book and page number where the first page of the declaration is recorded or the document number assigned to the declaration upon its recordation. All condominium instruments and all amendments and certifications thereto shall be recorded in every county where any portion of the condominium is located. The recordation shall not require the approval of any county or municipal authority or official except as to the manner of execution prescribed by this Code section.

(b) ~~In addition to the records and indexes required to be maintained by the~~ The clerk of ~~the~~ superior court~~, such clerk~~ shall continue to maintain ~~one or more separate plat books, entitled 'Condominium Plat Book,' in which shall be recorded all plats required to be filed pursuant to this article. In addition to such plats, there shall also be entitled to be recorded in such plat books other plats, including site plans and plot plans, prepared by a registered land surveyor and affecting any condominium; but the same shall not constitute the recording of a plat pursuant to Code Section 44-3-83 unless they comply with all requirements thereof. The record of the declaration and of any amendment thereto shall contain a reference to the plat book and page number of the plat or plats recorded in connection therewith~~ any legacy condominium plats books, condominium site plan books, condominium plot plan books, or condominium floor plan books that currently exist either in their current form or in electronic format.

~~(c) The plans required to be recorded pursuant to Code Section 44-3-83 shall be kept by the clerk of the superior court in a separate file for each condominium and shall be indexed in the same manner as a conveyance entitled to record, numbered serially in the order of receipt, each designated 'Condominium Plans,' with the name of the condominium, and each containing a reference to the deed book and page number where the first page of the declaration is recorded or the document number assigned to the declaration upon its recordation. The record of the declaration and of any amendment thereto shall contain a reference to the file number of the plans recorded in connection therewith.~~

~~(d)~~(c) All deeds, mortgages, liens, leases, and encumbrances of any kind affecting any condominium unit or duplicate originals thereof or copies thereof certified by the clerk of ~~the~~ superior court in whose office the same are first recorded shall be recorded in all counties in which any part of the submitted property is located."

SECTION 10.

Said title is further amended by revising Code Section 44-13-13, relating to appointment of appraisers upon filing of objections, examination and valuation of property, alterations in plat and schedule, approval and recordation, and appeal, as follows:

"44-13-13.

Upon an objection being made as provided for in Code Section 44-13-12, unless the applicant shall so alter the schedule or plat or both as to remove the objections, the judge of the probate court shall appoint three disinterested appraisers to examine the property concerning which the objections are made and to value the same. On the appraisers' return under oath, if either the schedule or the plat shall be found to be too large, such alterations shall be made in the schedule and in the plat as the judge may deem proper to bring them within the limits of the value allowed by this article. Thereafter, the judge shall approve the schedule and the plat as required by Code Section 44-13-11 and shall ~~hand~~ cause the same to be delivered to the clerk of ~~the~~ superior court of his or her county who shall record the schedule and plat as required by Code Section 44-13-11. Either party dissatisfied with the judgment shall have the right to appeal under the same rules, regulations, and restrictions as are provided by law in cases of appeals from the probate court."

SECTION 11.

This Act shall become effective on January 1, 2017.

SECTION 12.

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

Representative Jasperse of the 11th moved that the House agree to the Senate substitute to HB 1004.

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

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

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
Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Coleman
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Gravley
Y Greene
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
McCall
Y McClain
Y Meadows
Y Prince
Y Pruett
Quick
Y Raffensperger
Y Rakestraw
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 Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 159, nays 0.

The motion prevailed.

HB 659. By Representatives Belton of the 112th, Dudgeon of the 25th, Caldwell of the 20th, Nix of the 69th, Glanton of the 75th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education accountability assessment programs, so as to provide transparency of financial information of local school systems and schools, to the greatest extent practicable; to provide for legislative intent; to provide for definitions; to provide for accessibility to certain financial data of a local board of education; to provide for school level budget and expenditure data; to require local school systems and schools to provide certain information on their websites; to provide for certain data and reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to authorize a pilot program for the 2016-2017 school year to provide for consolidated federal, state, and local funds; to provide for the purposes of the pilot program; to provide for temporary waivers of certain financial reporting requirements for pilot school

systems; to provide for reports on the pilot program; to provide for automatic repeal; to provide transparency of financial information of local school systems and schools, to the greatest extent practicable; to provide for legislative intent; to provide for definitions; to provide for accessibility to certain financial data of a local board of education; to provide for school level budget and expenditure data; to require local school systems and schools to provide certain information on their websites; to provide for certain data and reports; to provide for related matters; to repeal conflicting laws; and for other purposes; to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to revise provisions relating to standards for local school board members; to amend Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions relative to education, so as to provide for written notice prior to applying for certain grants affecting education policy regarding pre-kindergarten through grade 12 education; to provide for a short title; to provide for a definition.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-49, relating to standards for local school board members, as follows:

"20-2-49.

The General Assembly finds that local boards of education play a critical role in setting the policies that lead to the operation and success of local school systems. School board members hold special roles as trustees of public funds, including local, state, and federal funds, while they focus on the singular objective of ensuring each student in the local school system receives a quality ~~basic~~ education enabling the student to fulfill his or her God-given potential and equipping him or her for full citizenship in our constitutional republic. Board duties require ~~specialized~~ skills and training in the performance of vision setting, policy making, approving multimillion dollar budgets, and hiring a qualifies superintendent. The motivation to serve as a member of a local board of education should be the improvement of schools, which should include maintaining accreditation, and the academic achievement of all students, and the effective representation of parents' and other constituents' interests in the operation of the local school system. Service on a local board of education is important citizen ~~service. Given~~ service and representation, given the specialized nature and unique role of membership on a local board of education.~~, this elected office should be characterized and treated differently from other elected offices where the primary duty is independently to represent constituent views. Local board of education members should abide by~~

SECTION 1A.

Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions relative to education, is amended by adding a new Code section to read as follows:

"20-1-11.

(a) This Code section shall be known and may be cited as the 'Transparency in Education Act.'

(b) As used in this Code section, the term 'grant' means any competitive grant over $20 million.

(c) Any department, agency, or official of the state applying for a grant pertaining to or affecting pre-kindergarten through grade 12 education which would result in the establishment or alteration of education policy for public education in this state shall, at least 30 days prior to submitting the grant application, provide a written analysis of the following to all members of the Senate Education and Youth Committee and the House Committee on Education:

(1) Long-term projections of unfunded costs resulting from the implementation of the grant for both the state and local boards of education, with projections covering at least three years after the expiration of the grant period;

(2) The impact on state and local education policy, including any resulting line of accountability or transfer of governing control of any aspect of education from state or local officials to any entity inside or outside this state, whether the federal government, a private corporation or association, or any other entity;

(3) The purpose and effect of the grant program, including its effect on and interrelationship with any existing education program or policy currently operating within this state;

(4) All compliance mandates and policy directives associated with satisfying the terms of the grant; and

(5) Any laws that must be passed or rescinded to comply with the terms of the grant, including budgetary considerations."

SECTION 2.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part 4 of Article 6 of Chapter 2, relating to financing under the "Quality Basic Education Act," by adding a new Code section to read as follows:

"20-2-172.

(a) For the 2016-2017 school year only, the Department of Education shall be authorized to conduct a pilot program in which local school systems participating in the pilot program consolidate federal, state, and local funds to support a school-wide program, as allowed by 20 U.S.C. Section 6314(a)(1).

(b) The purpose of the pilot program shall be to:

(1) Determine whether state fiscal and accounting barriers can be modified or eliminated so that schools can easily consolidate federal, state, and local funds to

improve educational opportunities and reduce fiscal and accounting requirements, as provided in Section 1005 of the federal Every Student Succeeds Act;

(2) Demonstrate that consolidation of funds creates flexibility to more effectively upgrade the entire educational program of a Title I school, with a focus on academically struggling students;

(3) Simplify the consolidated application and accelerate the approval of the application and disbursement of federal program funds;

(4) Demonstrate the benefit of not having to identify individual services as supplementary or track individual expenditures by the federal program;

(5) Simplify time and effort relative to documentation;

(6) Determine how state financial reporting requirements can be changed to accommodate local school systems that may want to consolidate funds in future years;

(7) Study various methodologies that might be used by local school systems to demonstrate, in accordance with Section 1012 of the federal Every Student Succeeds Act, within two years of the enactment of such federal act, that the methodology used to allocate state and local funds to each school ensures that each such school receives all of the state and local funds it would otherwise receive if it were not receiving assistance under Title I;

(8) Assist the department in identifying important issues that will help the department optimize the new Title I plan that it will submit to the United States Department of Education as required by the federal Every Student Succeeds Act; and

(9) Identify any other objectives by the department and the local school systems participating in the pilot program that arise during the pilot program.

(c) To allow the department flexibility in operating the pilot program for the 2016-2017 school year, notwithstanding any other provision of law to the contrary, the State Board of Education shall be authorized to waive or provide variances to provisions of this title and state board rules, to the extent reasonably necessary, regarding financial reporting requirements, including but not limited to Code Sections 20-2-320, 20-2-321, 20-14-33, and 20-14-34 and any rule promulgated by the State Board of Education regarding financial reporting requirements, to implement the pilot program in accordance with the purposes established pursuant to subsection (b) of this Code section, allowing, in particular, the pilot school systems to submit financial reports based on consolidated funds rather than segregating state and local funds from the consolidated pool.

(d) The department shall be authorized to add one or more data elements to the certified/classified personnel information data collection procedure for the purpose of allowing the pilot school systems to report personnel paid from a consolidated pool of funds in a manner that will allow the school system to receive the correct amount of state dollars for training and experience and insurance premiums for the state health benefit plan. The department shall be further authorized to modify other financial reporting requirements as may be necessary to achieve the purposes of the pilot program.

(e) The department and the pilot school systems shall continue to comply with all federal laws, regulations, and reporting requirements.
(f) During the pilot program, the department and the pilot school systems shall jointly report each month to the State Board of Education concerning the progress of the pilot program, including an assessment of risks and benefits. The State Board of Education shall be authorized to approve additional waivers of state requirements that may be reasonably necessary to meet the goals of the pilot program.
(g) On or before February 15, 2017, the department and the pilot school systems shall jointly report to the Senate Education and Youth Committee and the House Committee on Education the progress of the pilot program and any recommendations for legislative changes.
(h) This Code section shall stand repealed in its entirety on December 31, 2017."

SECTION 3.

Said title is further amended in Article 2 of Chapter 14, relating to education accountability assessment programs, by adding a new part to read as follows:

"Part 3A

20-14-45.
The intent of this part is to provide transparency and accuracy of financial information at the school system and school levels, to the greatest extent practicable. It is the intent of the General Assembly that local school systems and schools provide ready access to all financial information not specifically made confidential by law to the public.

20-14-46.
As used in this part, the term 'office' means the Office of Student Achievement.

20-14-47.
(a) Each local board of education and each state charter school shall make readily accessible to the public the following school site budget and expenditure information for each school not specifically made confidential by law:
(1) The cost of all materials, equipment, and other nonstaff support;
(2) Salary and benefit expenditures for all staff;
(3) The cost of all professional development, including training, materials, and tuition provided for instructional staff on an annual basis;
(4) The total cost of facility maintenance and small capital projects; and
(5) The cost of new construction or major renovation reported on a cost-per-square-foot basis, based on the school system facility plan.
(b) Each local board of education shall make readily accessible to the public the following school system level information:
(1) The annual budget of the local board of education;
(2) Annual audits conducted on the finances of the local board of education;

(3) Ratios of expenditures to revenues;
(4) The total dollar amount of local property tax revenue the school system is authorized to collect in addition to the total program mill levy; and
(5) The total dollar amount of all other tax revenue that is collected by the school system.
(c) Each local school system and each state charter school which maintains a website shall post in a prominent location on its website the following preexisting information or a link to where such information can be found:
(1) The annual budget submitted to the State Board of Education pursuant to subsection (c) of Code Section 20-2-167;
(2) The annual personnel report prepared by the state auditor pursuant to Code Section 50-6-27;
(3) The most recent audit conducted by the Department of Audits and Accounts pursuant to subsection (a) of Code Section 50-6-6 and any additional independent audit conducted pursuant to subsection (b) of Code Section 50-6-6;
(4) Any findings of irregularities or budget deficits reported by the Department of Audits and Accounts pursuant to Code Section 20-2-67; and
(5) For a local board of education which imposes a sales tax for educational purposes pursuant to Part 2 of Article 3 of Chapter 8 of Title 48, the information required pursuant to Code Section 48-8-141 as provided to the Department of Audits and Accounts for posting on such department's searchable website pursuant to subsection (g) of Code Section 50-6-32.
(d) Each public school which maintains a website shall post in a prominent location on its website links to the following information:
(1) The financial efficiency ratings for the school published by the office pursuant to Code Section 20-14-34; and
(2) The webpage where the local school system posted the information listed in paragraphs (1) through (5) of subsection (c) of this Code section.

20-14-48.
(a) No later than January 1, 2017, the State Board of Education shall develop rules and regulations requiring that each local board of education and each state charter school provide information for their respective schools as specified by the state board and which is not specifically made confidential by law, including school site budget and expenditure information. Such rules and regulations shall include a template and definitions of budget and expenditure categories and line items.
(b) As soon as is practicable but no later than October 31, 2017, each local board of education and each state charter school shall publish in a prominent location on their respective websites the school site budget and expenditure information for their respective schools specified by the state board pursuant to subsection (a) of this Code section utilizing the template and definitions of budget and expenditure categories and line items established by the state board for the most recent fiscal year.

20-14-49.
(a) The office shall report the percentage of students with each state funded characteristic included in Code Section 20-2-161 at the school and school system level.
(b) If funding is available, as determined by the Office of Planning and Budget, the office shall create and publish an online sortable list for each school and school system on per student expenditures used to determine the financial efficiency rating calculated by the office pursuant to Code Section 20-14-33.
(c) The office shall report the relative financial performance of schools and school systems.
(d) The Department of Education shall publish annually on its website all underlying fiscal data that informs the financial efficiency rating calculated by the office pursuant to Code Section 20-14-33 and an explanation of the fiscal data that informs the financial efficiency rating on a disaggregated basis.
(e) All state and local government entities, including the Department of Education, Department of Audits and Accounts, Office of Planning and Budget, the office, and local school systems shall cooperate with and assist each other in complying with this part."

SECTION 4.
All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Belton of the 112th offers the following amendment:

Amend the Senate substitute to HB 659 (HB 659/SCSFA/1) by striking lines 39 and 40 and inserting in lieu thereof the following:
~~where the primary duty is independently to represent constituent views.~~ Local board of education members should abide by a code of conduct and conflict of interest policy modeled for their unique roles and responsibilities. ~~And although~~ Although there are many measures of the success of a local board of education, one is clearly essential: maintaining accreditation and the opportunities it allows the school system's students."

Representative Belton of the 112th moved that the House agree to the Senate substitute, as amended by the House, to HB 659.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
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

Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	E Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	E 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	Ramsey	Y Waites
Y Caldwell, M	E Fleming	Y Kirby	Randall	Y Watson
Y Cannon	E 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	E 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	McCall	Y Sharper	Williamson
Y Clark, V	E Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 162, nays 0.

The motion prevailed.

HB 1043. By Representatives Kelley of the 16th and Cooper of the 43rd:

A BILL to be entitled an Act to amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol agreements, so as to exempt activities conducted by a hospital or health system with respect to influenza vaccinations from certain requirements; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice relative to physicians, assistants, and others, so as to provide for certain requirements for advertisement or publication of representations of board certification by physicians; to amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol agreements, so as to revise a provision relating to taking the case history of a vaccine recipient; to exempt activities conducted by a hospital or health system with respect to influenza vaccinations from certain requirements; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 0.1.

Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice relative to physicians, assistants, and others, is amended by adding a new Code section to read as follows:

"43-34-22.1.

(a) No physician shall advertise or hold himself or herself out to the public in any manner as being certified or board certified in any specialty or subspecialty by a public or private board, including, but not limited to, a multidisciplinary board, unless:

(1) The advertisement or publication states the full name of the certifying board; and

(2) Such certifying board either:

(A) Is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or

(B) Requires successful completion of a postgraduate training program approved by the Accreditation Commission for Graduate Medical Education or the American Osteopathic Association that provides complete training in the specialty or subspecialty certified, followed by prerequisite certification by the American Board of Medical Specialties or the American Osteopathic Association board for that training field, and further successful completion of an examination in the specialty or subspecialty certified.

(b) The board may take any disciplinary action provided under subsection (b) of Code Section 43-34-8 upon a finding of any conduct in violation of this Code section.

SECTION 1.

Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol agreements, is amended by revising paragraph (3) of subsection (d) and subsection (o) as follows:

"(3) Require the pharmacist or nurse to take ~~a complete~~ an appropriate case history and determine whether the patient has had a physical examination within the past year and shall not administer a vaccine to a patient with any condition for which such vaccine is contraindicated;"

"(o)(1) This Code section shall not apply to any activities conducted within a hospital, physician's office, nursing home, or other health care facility designated by the department or conducted within any other facility or entity owned, operated, or leased by a hospital.

(2) Except as otherwise provided in paragraph (1) of this subsection, any activities conducted by a hospital or health system for the administration of the influenza vaccine shall not be subject to paragraphs (5) through (9), (15), or (16) of subsection (d) of this Code section as long as the following conditions are met:

(A) A signed and dated consent form by which the vaccine recipient consents to the administration of the vaccine is obtained;

(B) If the vaccine recipient is a patient within the hospital or health system, the administration of the influenza vaccine shall be noted in such patient's health record maintained by the hospital or health system, including, but not limited to, the administering pharmacist's or nurse's name, address, telephone number, and professional license number; the name, dose, manufacturer, and lot number of the vaccine; and the date of administration and injection site;

(C) If the vaccine recipient is not a patient within the hospital or health system, a personal immunization card on card stock paper containing the vaccine recipient's name, the pharmacist's or nurse's name and phone number, the name and dosage of the vaccine, the injection site on the vaccine recipient, the date of the administration of the vaccine in legible writing or printed type in a format made available by the Department of Public Health, and written information developed by the Department of Public Health on the importance of having and periodically seeing a primary care physician shall be provided to the vaccine recipient; and

(D) If requested by the patient, the influenza vaccine shall be administered in an area or location with portable screening, at a minimum.

As used in this paragraph, the term 'health system' means (i) a parent corporation of one or more hospitals and any entity affiliated with such parent corporation through ownership, governance, membership, or other means; or (ii) a hospital and any entity affiliated with such hospital through ownership, governance, membership, or other means."

SECTION 2.

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

Representative Kelley of the 16th moved that the House agree to the Senate substitute to HB 1043.

On the motion, 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	Harrell	Y Mitchell	Y Smith, L
Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R

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
Y Clark, H
Y Clark, V
Y Coleman
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
E Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
E Gravley
Y Greene
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
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Nimmer
Y Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
E Pirkle
Y Powell, A
Y Powell, J
Y Price
Y Prince
Y Pruett
E Quick
Y Raffensperger
Y Rakestraw
Ramsey
Randall
Y Reeves
Y Rhodes
Rice
Y Rogers, C
Y Rogers, T
Y Rutledge
E Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 158, nays 0.

The motion prevailed.

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 following Senate amendment was read:

The Senate moves to amend HB 811 by Amending to HB 811 by adding the following after line 1541 a new section 8-2 as follows:

Products authorized under O.C.G.A. 44-12-130 et seq. that are subject to rules adopted under the authority of 12 USC 5491 et seq. may be offered for a fixed term so long as such products are fully amortized by the end of such term. Provisions of title 7, chapter 4 shall not be applicable if such products adhere to limits set forth in 44-12-130.

The following amendment was read and adopted:

Representative Williamson of the 115th offers the following amendment:

Amend the Senate amendment to HB 811 (HB 811/CSFA) by striking all language from beginning to end.

Representative Williamson of the 115th moved that the House agree to the Senate amendment, as amended by the House, to HB 811.

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

Y Abrams
Y Alexander
Y Allison
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
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 Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
E Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
E Fleming
E Floyd
Y Fludd
Frazier
Y Harden
Harrell
Y Hatchett
Y Hawkins
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.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Knight
Y LaRiccia
Y Lott
Y Metze
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
N Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
E Pirkle
Y Powell, A
Y Powell, J
Y Price
Y Prince
Y Pruett
E Quick
Y Raffensperger
Y Rakestraw
Ramsey
Randall
Y Reeves
Y Rhodes
Rice
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Welch
Weldon
Y Werkheiser

Y Carter, A	Y Frye	Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	E 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 motion, the ayes were 156, nays 1.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House amendment to the Senate amendment to 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.

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 206. By Senator Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, so as to revise provisions relating to water liens; to provide for procedures for water liens, amended water liens, and cancellation of water liens and the forms therefor; to provide for bonds; to provide for contest of liens; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 416. By Senators Cowsert of the 46th, Harbison of the 15th, Harper of the 7th, Thompson of the 14th and Dugan of the 30th:

A BILL to be entitled an Act to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, so as to establish the Georgia Information Sharing and Analysis Center within the Georgia Bureau of Investigation; to provide for a fusion center for the sharing and analysis of homeland security activity information; to provide for definitions; to provide for operations and responsibilities; to provide for membership; to amend Code Section 38-3-20 of the Official Code of Georgia Annotated, relating to Georgia Emergency Management Agency created, director, staff, offices, director's duties, and disaster coordinator, so as to expand the duties of the director of emergency management; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 962. By Representatives Abrams of the 89th, Dempsey of the 13th, Benton of the 31st, Hugley of the 136th, Sharper of the 177th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Services generally, so as to provide for the creation, appointment, removal, and duties of a kinship care enforcement administrator; to provide a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 166. By Representatives Yates of the 73rd, Powell of the 32nd, Harbin of the 122nd, Smith of the 125th and Kaiser of the 59th:

A BILL to be entitled an Act to amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, so as to provide for the safe operation of a lightweight motorcycle or motor vehicle through an inoperative traffic-control signal; to repeal certain provisions relating to handlebars; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

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

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

SB 364. By Senators Tippins of the 37th, Sims of the 12th, Wilkinson of the 50th, Shafer of the 48th, Cowsert of the 46th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to revise provisions relating to annual teacher, principal, and assistant principal evaluations; to revise provisions relating to student assessment; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following resolution of the Senate:

SR 863. By Senator Gooch of the 51st:

A RESOLUTION recognizing United States military veterans of the Vietnam War and dedicating a bridge in their honor; and for other purposes.

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

HB 59. By Representatives Willard of the 51st, Efstration of the 104th, Powell of the 171st, Atwood of the 179th, Pak of the 108th and others:

A BILL to be entitled an Act to amend Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to waiver of sovereign immunity as to actions ex contractu and state tort claims, so as to provide for waiver of sovereign immunity for declaratory judgment or injunctive relief; to provide

for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to waiver of sovereign immunity as to actions ex contractu and state tort claims, so as to provide for waiver of sovereign immunity for declaratory judgment or injunctive relief under certain circumstances; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to waiver of sovereign immunity as to actions ex contractu and state tort claims, is amended by adding a new article to read as follows:

"ARTICLE 3

50-21-50.

(a) 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 seeking a declaratory judgment, injunctive relief, or decree in a conventional quiet title against the state or any political subdivision thereof to remedy an injury in fact caused by a violation of a provision of the Georgia Constitution or a violation of a state law, except when a law explicitly prohibits such waiver; provided, however, that sovereign immunity is not waived as to:

(1) Any claim for monetary relief, attorney's fees, or expenses of litigation that are included in or related to such claim, counterclaim, cross-claim, or third-party claim;

(2) Any claim, counterclaim, cross-claim, or third-party claim seeking a declaratory judgment or injunctive relief related to a contract between a third party and the state or any political subdivision thereof; or

(3) Any claim, counterclaim, or third-party claim brought by, or on behalf of, an inmate or institutionalized person.

(b) This Code section shall not:

(1) Be construed to alter or amend any other waiver of sovereign immunity provided by law; or

(2) Apply to any claim, counterclaim, cross-claim, or third-party claim brought in the courts of the United States."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all actions filed on or after such date.

SECTION 3.

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

The following amendment was read and adopted:

Representative Willard of the 51st offers the following amendment:

Amend the Senate substitute to HB 59 (LC 41 0781S) by replacing lines 1 through 36 with the following:

To amend Chapter 21 of Title 50, Part 1 of Article 3 of Chapter 3 of Title 23, and Code Section 36-33-1 of the Official Code of Georgia Annotated, relating to waiver of sovereign immunity as to actions ex contractu and state tort claims, conventional quia timet, and a municipal corporation's immunity from liability for damages and the waiver of immunity by the purchase of liability insurance, respectively, so as to provide for waiver of sovereign immunity for declaratory judgment or injunctive relief under certain circumstances; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to waiver of sovereign immunity as to actions ex contractu and state tort claims, is amended by adding a new article to read as follows:

"ARTICLE 3

50-21-50.

(a) 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 seeking a declaratory judgment or injunctive relief against the state or any political subdivision thereof to remedy an injury in fact caused by the state or any political subdivision thereof acting without lawful authority and beyond the scope of official power in violation of a provision of the Georgia Constitution, a state law, or a local ordinance; provided, however, that sovereign immunity is not waived:

(1) When a state law explicitly prohibits such waiver;

(2) As to any claim for monetary relief, attorney's fees, or expenses of litigation that are included in or related to such claim, counterclaim, cross-claim, or third-party claim;

(3) As to any claim, counterclaim, cross-claim, or third-party claim seeking a declaratory judgment or injunctive relief related to a contract between a third party and the state or any political subdivision thereof; or

(4) As to any claim, counterclaim, cross-claim, or third-party claim brought by, or on behalf of, an individual in a penal institution as such term is defined in Code Section 42-1-5 or individual in a state mental health facility as such term is defined in Code Section 37-1-1.

(b) This Code section shall not:

(1) Be construed to alter or amend any other waiver of sovereign immunity provided by law; or

(2) Apply to any claim, counterclaim, cross-claim, or third-party claim brought in the courts of the United States."

PART II

SECTION 2-1.

Part 1 of Article 3 of Chapter 3 of Title 23 of the Official Code of Georgia Annotated, relating to conventional quia timet, is amended by revising Code Section 23-3-41, relating to when relief is granted and costs, as follows:

"23-3-41.

(a) In all proceedings quia timet or proceedings to remove clouds upon titles to real estate, if a proper case is made, the relief sought shall be granted to any complainant irrespective of whether the invalidity of the instrument sought to be canceled appears upon the face of the instrument or whether the invalidity appears or arises solely from facts outside of the instrument.

(b) ~~In~~ Except as provided in Code Section 23-3-45, in such cases the costs shall be taxed against the litigants in the discretion of the court."

SECTION 2-2.

Said part is further amended by adding two new Code sections to read as follows:

"23-3-45.

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 seeking a declaratory judgment or injunctive relief under this part; provided, however, that sovereign immunity is not waived as to any claim for monetary relief, attorney's fees, or expenses of litigation that are included in or related to such claim, counterclaim, cross-claim, or third-party claim.

23-3-46.
Notwithstanding any law to the contrary, a proceeding under this part involving title to property or an instrument held by the state or any department, agency, commission, board, authority, or entity thereof shall also be served on the Attorney General. The Attorney General's failure to file a responsive pleading to an action filed pursuant to this part shall be recognized by the court as this state's acquiescence to the petitioner's claim for relief."

PART III
SECTION 3-1.

Code Section 36-33-1 of the Official Code of Georgia Annotated, relating to a municipal corporation's immunity from liability for damages and the waiver of immunity by the purchase of liability insurance, is amended by adding a new subsection to read as follows:

"(c) The defense of sovereign immunity of a municipal corporation shall be waived as provided in Code Section 50-21-50."

PART IV
SECTION 4-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all claims arising on or after such date.

SECTION 4-2.
All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Pezold of the 133rd was excused from voting on HB 59.

Representative Willard of the 51st moved that the House agree to the Senate substitute, as amended by the House, to HB 59.

On the motion, 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	Morris	Y Smith, M
Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Houston	Y Parsons	Y Stovall

Y Bennett, T	N Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	Y Jackson	Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Jasperse	E Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	N Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E 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	E 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
Caldwell, M	E Fleming	Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Frazier	Y Lott	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	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 155, nays 2.

The motion prevailed.

SB 270. By Senators Martin of the 9th, Hill of the 32nd, Harper of the 7th, Unterman of the 45th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to authorize persons who are qualified retired law enforcement officers to carry a handgun anywhere within this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend the House substitute to SB 270 (SB 270/HCSFA) by replacing lines 7 through 17 with the following:*
provide a definition; to revise penalty provisions; to amend Title 42 of the Official Code of Georgia Annotated,

By replacing lines 23 through 25 with the following:

applying to transfer supervision to any other state or territory; to provide for related matters; to

By deleting in their entirety Sections 3, 4, 5, 6, 7, and 12, and redesignating Sections 8, 9, 10, 11, and 13 as Sections 3, 4, 5, 6, and 7, respectively.

By replacing "Section 7" *with* "Section 3" *on line 287.*

Representative Reeves of the 34th moved that the House agree to the Senate amendment to the House substitute to SB 270.

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

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

On the motion the ayes were 112, nays 46.

The motion prevailed.

HB 954. By Representatives Efstration of the 104th, Cooper of the 43rd, Abrams of the 89th, England of the 116th, Trammell of the 132nd and others:

A BILL to be entitled an Act to amend Title 29 of the O.C.G.A., relating to guardian and ward, so as to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to provide for a short title; to provide for definitions; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, so as to enact the "Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act"; to provide for a short title; to provide for definitions; to provide for international application; to provide for communications and cooperation between courts; to provide for taking testimony in another state; to provide for jurisdiction and special jurisdiction; to provide for jurisdiction declined by reason of conduct; to provide for notice of proceedings and proceedings in more than one state; to provide for transfer of guardianship or conservatorship to another state; to provide for acceptance of guardianship or conservatorship transferred from another state; to provide for registration and recognition from other states; to provide for uniformity of application and construction; to provide for relation to electronic signature; to provide for applicability; to repeal certain provisions relating to procedure and transfers of guardianship and conservatorship; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is amended by adding a new chapter to read as follows:

"CHAPTER 11
ARTICLE 1

29-11-1.
This chapter shall be known and may be cited as the 'Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act.'

29-11-2.

As used in this chapter, the term:

(1) 'Conservatorship order' means an order appointing a conservator or other order related to management of an adult's property.

(2) 'Conservatorship proceeding' means a judicial proceeding in which a conservatorship order is sought or has been issued.

(3) 'Emergency' means a circumstance that likely will result in substantial harm to a respondent's health, safety, or welfare and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent's behalf.

(4) 'Guardianship order' means an order appointing a guardian.

(5) 'Guardianship proceeding' means a judicial proceeding in which an order for the appointment of a guardian is sought or has been issued.

(6) 'Home state' means the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a conservatorship order or the appointment of a guardian or, if none, the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition.

(7) 'Incapacitated person' means an adult for whom a guardian has been appointed, including a ward, as defined in paragraph (27) of Code Section 29-1-1.

(8) 'Party' means the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship proceeding or conservatorship proceeding.

(9) 'Person,' except in the term 'incapacitated person' or 'protected person,' means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

(10) 'Protected person' means an adult for whom a conservatorship order has been issued, including a ward, as defined in paragraph (27) of Code Section 29-1-1.

(11) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(12) 'Respondent' means an adult for whom a conservatorship order or the appointment of a guardian is sought, including a proposed ward as defined in paragraph (16) of Code Section 29-1-1.

(13) 'Significant-connection state' means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available.

(14) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

29-11-3.
A court of this state may treat a foreign country as if it were a state for the purpose of applying this article and Articles 2, 3, and 5 of this chapter.

29-11-4.
(a) A court of this state may communicate with a court in another state concerning a proceeding arising under this chapter. The court may allow the parties to participate in the communication. Except as otherwise provided in subsection (b) of this Code section, the court shall make a record of the communication. The record may be limited to the fact that the communication occurred.
(b) Courts may communicate concerning schedules, calendars, court records, and other administrative matters without making a record.

29-11-5.
(a) In a guardianship proceeding or conservatorship proceeding in this state, a court of this state may request the appropriate court of another state to do any of the following:
(1) Hold an evidentiary hearing;
(2) Order a person in that state to produce evidence or give testimony pursuant to procedures of that state;
(3) Order that an evaluation or assessment be made of the respondent;
(4) Order any appropriate investigation of a person involved in a proceeding;
(5) Forward to the court of this state a certified copy of the transcript or other record of a hearing under paragraph (1) of this subsection or any other proceeding, any evidence otherwise produced under paragraph (2) of this subsection, and any evaluation or assessment prepared in compliance with an order under paragraph (3) or (4) of this subsection;
(6) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated person or protected person; or
(7) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including protected health information as defined in 45 C.F.R. 160.103, as amended.
(b) If a court of another state in which a guardianship proceeding or conservatorship proceeding is pending requests a court of this state to do any action included in subsection (a) of this Code section, such court of this state shall have jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

29-11-6.
(a) In a guardianship proceeding or conservatorship proceeding, in addition to other procedures that may be available, testimony of a witness who is located in another state may be offered by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a witness

be taken in another state and may prescribe the manner in which and the terms upon which the testimony is to be taken.

(b) In a guardianship proceeding or conservatorship proceeding, a court in this state may permit a witness located in another state to be deposed or to testify by telephone or audiovisual or other electronic means. A court of this state shall cooperate with the court of the other state in designating an appropriate location for the deposition or testimony.

ARTICLE 2

29-11-10.

In determining under Code Section 29-11-12 and subsection (e) of Code Section 29-11-20 whether a respondent has a significant connection with a particular state, the court shall consider:

(1) The location of the respondent's family and other persons required to be notified of the guardianship proceeding or conservatorship proceeding;

(2) The length of time the respondent at any time was physically present in the state and the duration of any absence;

(3) The location of the respondent's property;

(4) The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver's license, social relationship, and receipt of services; and

(5) The extent to which the respondent considers or, in the absence of an impairment of mental faculties, would consider himself or herself to have a significant connection with the state.

29-11-11.

This article provides the exclusive jurisdictional basis for a court of this state to appoint a guardian or issue a conservatorship order for an adult.

29-11-12.

A court of this state has jurisdiction to appoint a guardian or issue a conservatorship order for a respondent if:

(1) This state is the respondent's home state;

(2) On the date the petition is filed, this state is a significant-connection state and:

(A) The respondent does not have a home state or a court of the respondent's home state has declined to exercise jurisdiction because this state is a more appropriate forum; or

(B) The respondent has a home state, a petition for an appointment or order is not pending in a court of that state or another significant-connection state, and, before the court makes the appointment or issues the order:

(i) A petition for an appointment or order is not filed in the respondent's home state;

(ii) An objection to the court's jurisdiction is not filed by a person required to be notified of the proceeding; and

(iii) The court in this state concludes that it is an appropriate forum under the factors set forth in Code Section 29-11-15;

(3) This state does not have jurisdiction under either paragraph (1) or (2) of this Code section, the respondent's home state and all significant-connection states have declined to exercise jurisdiction because this state is the more appropriate forum, and jurisdiction in this state is consistent with the Constitutions of this state and the United States; or

(4) The requirements for special jurisdiction under Code Section 29-11-13 are met.

29-11-13.

(a) A court of this state lacking jurisdiction under paragraphs (1) through (3) of Code Section 29-11-12 has special jurisdiction to do any of the following:

(1) Appoint a guardian in an emergency for a term not exceeding 90 days for a respondent who is physically present in this state;

(2) Issue a conservatorship order with respect to real or tangible personal property located in this state; or

(3) Appoint a guardian or conservator for an incapacitated person or protected person for whom a provisional order to transfer the proceeding from another state has been issued under procedures similar to Code Section 29-11-20.

(b) If a petition for the appointment of a guardian in an emergency is brought in this state and this state was not the respondent's home state on the date the petition was filed, the court shall dismiss the proceeding at the request of the court of the home state, if any, whether dismissal is requested before or after the emergency appointment.

29-11-14.

Except as otherwise provided in Code Section 29-11-13, a court that has appointed a guardian or issued a conservatorship order consistent with this chapter shall have exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own terms.

29-11-15.

(a) A court of this state having jurisdiction under Code Section 29-11-12 to appoint a guardian or conservator may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

(b) If a court of this state declines to exercise its jurisdiction under subsection (a) of this Code section, it shall either dismiss or stay the proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a conservatorship order be filed promptly in another state.

(c) In determining whether it is an appropriate forum, the court shall consider all relevant factors, including:

(1) Any expressed preference of the respondent;
(2) Whether abuse, neglect, or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect, or exploitation;
(3) The length of time the respondent was physically present in or was a legal resident of this or another state;
(4) The distance of the respondent from the court in each state;
(5) The financial circumstances of the respondent's estate;
(6) The nature and location of the evidence;
(7) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;
(8) The familiarity of the court of each state with the facts and issues in the proceeding; and
(9) If an appointment were made, the court's ability to monitor the conduct of the guardian or conservator.

29-11-16.
(a) If at any time a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a conservatorship order because of unjustifiable conduct, the court may:
(1) Decline to exercise jurisdiction;
(2) Exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the respondent or the protection of the respondent's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a conservatorship order is filed in a court of another state having jurisdiction; or
(3) Continue to exercise jurisdiction after considering:
(A) The extent to which the respondent and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;
(B) Whether it is a more appropriate forum than the court of any other state under the factors set forth in subsection (c) of Code Section 29-11-15; and
(C) Whether the court of any other state would have jurisdiction under factual circumstances in substantial conformity with the jurisdictional standards of Code Section 29-11-12.
(b) If a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a conservatorship order because a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, it may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by law other than this chapter.

29-11-17.
(a) If a petition for the appointment of a guardian or issuance of a conservatorship order is brought in this state and this state was not the respondent's home state on the date the petition was filed, in addition to complying with the notice requirements of this state, notice of the petition must be given to those persons that would be entitled to notice of the petition if a proceeding were brought in the respondent's home state. The notice must be given in the same manner as notice is required to be given in this state.
(b) If compliance with the notice requirements under subsection (a) of this Code section would require personal service on any person outside this state, a court of competent jurisdiction in this state may order that such person be served by registered or certified mail or statutory overnight delivery, in the manner provided in subsection (e) of Code Section 29-9-4, or by a special process server, if the petitioner so requests in the petition or on the court's own motion.
(c) If compliance with the notice requirements under subsection (a) of this Code section would require service on any person outside this state that is not sui juris, such person shall be served in a manner provided in subsection (d) of Code Section 29-9-4.

29-11-18.
Except for a petition for the appointment of a guardian in an emergency or issuance of a conservatorship order limited to property located in this state under paragraph (1) or (2) of subsection (a) of Code Section 29-11-13, if a petition for the appointment of a guardian or issuance of a conservatorship order is filed in this state and in another state and neither petition has been dismissed or withdrawn, the following rules shall apply:
(1) If the court in this state has jurisdiction under Code Section 29-11-12, it may proceed with the case unless a court in another state acquires jurisdiction under provisions similar to Code Section 29-11-12 before the appointment or issuance of the order; and
(2) If the court in this state does not have jurisdiction under Code Section 29-11-12, whether at the time the petition is filed or at any time before the appointment or issuance of the order, the court shall stay the proceeding and communicate with the court in the other state. If the court in the other state has jurisdiction, the court in this state shall dismiss the petition unless the court in the other state determines that the court in this state is a more appropriate forum.

ARTICLE 3

29-11-20.
(a) A guardian or conservator appointed in this state may petition the court to transfer the guardianship or conservatorship to another state.
(b) Notice of a petition under subsection (a) of this Code section shall be given to the persons that would be entitled to notice of a petition in this state for the appointment of a guardian or conservator.

(c) On the court's own motion or on request of the guardian or conservator, the incapacitated person or protected person, or other person required to be notified of the petition, the court shall hold a hearing on a petition filed pursuant to subsection (a) of this Code section.

(d) The court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the court in the other state and the court finds that:

(1) The incapacitated person is physically present in or is reasonably expected to move permanently to the other state;

(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the incapacitated person; and

(3) Plans for care and services for the incapacitated person in the other state are reasonable and sufficient.

(e) The court shall issue a provisional order granting a petition to transfer a conservatorship and shall direct the conservator to petition for conservatorship in the other state if the court is satisfied that the conservatorship will be accepted by the court of the other state and the court finds that:

(1) The protected person is physically present in or is reasonably expected to move permanently to the other state or the protected person has a significant connection to the other state considering the factors in Code Section 29-11-10;

(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person; and

(3) Adequate arrangements will be made for management of the protected person's property.

(f) The court shall issue a final order confirming the transfer and terminating the guardianship or conservatorship upon its receipt of:

(1) A provisional order accepting the proceeding from the court to which the proceeding is to be transferred which is issued under provisions similar to Code Section 29-11-21; and

(2) The documents required to terminate a guardianship or conservatorship in this state.

29-11-21.

(a) To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to Code Section 29-11-20, the guardian or conservator must petition the court in this state to accept the guardianship or conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.

(b) Notice of a petition under subsection (a) of this Code section shall be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a conservatorship order in both the

transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state.

(c) On the court's own motion or on request of the guardian or conservator, the incapacitated person or protected person, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection (a) of this Code section.

(d) The court shall issue an order provisionally granting a petition filed under subsection (a) of this Code section unless:

(1) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated person or protected person; or

(2) The guardian or conservator is ineligible for appointment in this state.

(e) The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator in this state upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to Code Section 29-11-20 transferring the proceeding to this state.

(f) Not later than 90 days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the law of this state.

(g) In granting a petition under this Code section, the court shall recognize a guardianship order or conservatorship order from the other state, including the determination of the incapacitated person's or protected person's incapacity and the appointment of the guardian or conservator.

(h) The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this state under Article 2 of Chapter 4 and Article 2 of Chapter 5 of this title if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

ARTICLE 4

29-11-30.

If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register, may register the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, certified copies of the order and letters of office. The provisions of this Code section shall apply only if the other state has adopted the 'Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act' in substantially the same form.

29-11-31.

If a conservator has been appointed in another state and a petition for a conservatorship order is not pending in this state, the conservator appointed in the other state, after

giving notice to the appointing court of an intent to register, may register the conservatorship order in this state by filing as a foreign judgment in a court of this state, in any county in which property belonging to the protected person is located, certified copies of the order and letters of office and of any bond. The provisions of this Code section shall apply only if the other state has adopted the 'Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act' in substantially the same form.

29-11-32.
(a) Upon registration of a guardianship order or conservatorship order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except as prohibited under the laws of this state, including maintaining actions and proceedings in this state and, if the guardian or conservator is not a resident of this state, subject to any conditions imposed upon nonresident parties.
(b) A court of this state may grant any relief available under this chapter and other law of this state to enforce a registered order.

ARTICLE 5

29-11-40.
In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

29-11-41.
This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

29-11-42.
(a) This chapter shall apply to guardianship proceedings and conservatorship proceedings begun on or after July 1, 2016.
(b) Articles 1, 3, and 4 of this chapter and Code Sections 29-11-40 and 29-11-41 shall apply to proceedings begun before July 1, 2016, regardless of whether a guardianship order or conservatorship order has been issued."

SECTION 2.
Said title is further amended by repealing Parts 2 and 3 of Article 9 of Chapter 4, relating, respectively, to procedure and transfer of guardianship, and designating said parts as reserved.

SECTION 3.

Said title is further amended by repealing Parts 2 and 3 of Article 13 of Chapter 5, relating to transfer of conservatorship, and designating said parts as reserved.

SECTION 4.

Said title is further amended by revising subsection (a) of Code Section 29-4-95, relating to the definition of "foreign guardian" and the sale of ward's property, as follows:

"(a) For purposes of this part, a 'foreign guardian' is a guardian or other person who has been given responsibility by a court of competent jurisdiction in another state or territory governed by the Constitution of the United States for the care of an incapacitated adult referred to as the 'ward' and whose guardianship has not been transferred to and accepted in this state pursuant to the provisions of ~~Part 2 of this article~~ Article 3 of Chapter 11 of this title."

SECTION 5.

Said title is further amended by revising subsection (a) of Code Section 29-5-135, relating to the definition of "foreign conservator" and the sale or disposal of property, as follows:

"(a) For purposes of this part, the term 'foreign conservator' means a conservator or other person who has been given responsibility by a court of competent jurisdiction in another state or territory governed by the Constitution of the United States for the care of the property of an incapacitated adult, referred to as the ward, and whose conservatorship has not been transferred to and accepted in this state pursuant to the provisions of ~~Part 2 of this article~~ Article 3 of Chapter 11 of this title."

SECTION 6.

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

Representative Efstration of the 104th moved that the House agree to the Senate substitute to HB 954.

On the motion, 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
Beasley-Teague	Y Dickerson	Y Holcomb	E 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	E Drenner	Y Jackson	Y Pezold	Y Tankersley

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 Dudgeon
Y Dukes
Y Dunahoo
E Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
E 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
Rice
Y Rogers, C
Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Tanner
Y Tarvin
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
Willard
Y Williams, A
Y Williams, C
Y Williams, E
Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 162, nays 0.

The motion prevailed.

The following communication was received:

Sharon Beasley-Teague
Representative, District 65
Post Office Box 488
Red Oak, Georgia 30272

3-24-16

This is how I would have voted:

959 – yea
1070 – yea
1060 – nay
216 – yea
954 – yea

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

HB 1025. By Representatives Taylor of the 79th, Willard of the 51st, Drenner of the 85th, Henson of the 86th, Kendrick of the 93rd and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to violation of ordinances of counties and state authorities, so as to change provisions relating to service of accusations of or citations for violations of ordinances under certain circumstances; to provide for judgments when service is perfected under such circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to violation of ordinances of counties and state authorities, so as to change provisions relating to service of accusations of or citations for violations of ordinances under certain circumstances; to provide for judgments when service is perfected under such circumstances; to amend Code Section 50-13-19 of the Official Code of Georgia Annotated, relating to judicial review of contested cases, so as to revise provisions relating to filing of petitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to violation of ordinances of counties and state authorities, is amended by revising Code Section 15-10-62, relating to prosecution upon citation or accusation, service, and arrest, as follows:

"15-10-62.

(a) Prosecutions for violations of county ordinances shall be upon citation as provided in Code Section 15-10-63 or upon accusation by the county attorney or such other attorney as the county governing authority may designate. Prosecutions for violations of ordinances of state authorities shall be upon citation as provided in Code Section 15-10-63 or upon accusation by such attorney as the state authority may designate. Such attorney shall be the prosecuting attorney in cases tried upon accusation.

(b) Except as provided in subsection (c) of this Code section, citations for or accusations ~~Accusations~~ of violations of ordinances ~~and citations~~ shall be personally served upon the person accused. Each accusation or citation shall state the time and place at which the accused is to appear for trial. The accused shall not be arrested prior to the time of trial, except for the offenses of public drunkenness or disorderly conduct and except that ordinances of state authorities may provide for immediate arrest; provided, however, that the accused may be arrested prior to the time of trial for the violation of a county ordinance relating to loitering; and provided, further, that except as provided in subsection (c) of this Code section, any ~~defendant~~ accused who fails to appear for trial shall thereafter be arrested on the warrant of the magistrate and required to post a bond for his or her future appearance.

(c)(1) When provided by local law, a citation for or accusation of a violation of an ordinance concerning the condition of real property may be served by:

(A) Posting a copy of it on the door of the premises where the alleged violation occurred;

(B) Mailing a copy of it by registered or certified mail or statutory overnight delivery to the owner of such premises at the address of record maintained by the applicable tax commissioner. The certificate of mailing to the accused shall constitute prima-facie evidence of compliance with this subparagraph; and

(C) Filing a copy of it with the clerk of magistrate court.

(2) Service under paragraph (1) of this subsection shall not be authorized until there has been at least one attempt at personal service on the accused at the address of record of the accused as maintained by the applicable tax commissioner or of the accused's registered agent as maintained by the Secretary of State, provided that such attempt at personal service shall only be required if the accused resides or has a registered agent in this state.

(3) When service is perfected as provided in paragraph (1) of this subsection and the accused fails to appear for trial, an in rem judgment and lien against the real property shall be the exclusive penalty."

SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 15-10-63, relating to use of citations, as follows:

"(c) Prosecutions for violations of ordinances upon citations shall be commenced by the completion, signing, and service of a citation by any agent of the county who is authorized by the county governing authority to issue citations or by an agent of the state authority who is authorized by the authority to issue citations. ~~A~~ Except as provided in subsection (c) of Code Section 15-10-62, a copy of the citation shall be personally served upon the accused; and the original shall promptly be filed with the court."

SECTION 3.

Code Section 50-13-19 of the Official Code of Georgia Annotated, relating to judicial review of contested administrative cases, is amended by replacing "action" with "appeal" wherever the former word occurs in subsections (b) and (c).

SECTION 4.

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

Representative Taylor of the 79th moved that the House agree to the Senate substitute to HB 1025.

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

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

On the motion, the ayes were 129, nays 36.

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

A BILL to be entitled an Act to amend Code Section 15-11-710, Title 19, and Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to exchange of information, domestic relations, and programs and protection for children and youth, so as to change provisions relating to child abuse; to correct a cross-reference; to change and provide for defined terms; to change provisions relating to protocol committees on child abuse; to remove certain reporting requirements to the child abuse registry; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

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.

The Senate has agreed to the House substitute to the following bill of the Senate:

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

HB 605. By Representatives Weldon of the 3rd and Welch of the 110th:

A BILL to be entitled an Act to amend Code Section 47-23-63 of the Official Code of Georgia Annotated, relating to definition and effect of full-time and part-time service and calculations, so as to provide that a member of the Georgia Judicial Retirement System who was serving in a full-time position on his or her retirement may use prior part-time service for vesting; to provide conditions for an effective date and automatic repeal; 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 769. By Representatives Hawkins of the 27th, Rogers of the 29th, Houston of the 170th, Dunahoo of the 30th, Jones of the 167th and others:

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To provide ad valorem exemptions for certain motor vehicles; to amend Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to watercraft held in inventory, so as to provide for an exemption from ad valorem taxation for certain watercraft and all-terrain vehicles held in inventory for sale or resale; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to watercraft held in inventory, is amended by revising Code Section 48-5-504.40, relating to watercraft held in inventory for resale exempt from taxation for limited period of time, as follows:

"48-5-504.40.

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

(1) 'All-terrain vehicle' means any motorized vehicle designed for off-road use which is equipped with four low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering.

~~(1)~~(2) 'Dealer' means any person who is engaged in the business of selling watercraft or all-terrain vehicles at retail.

~~(2)~~(3) 'Watercraft' means any vehicle which is self-propelled or which is capable of self-propelled water transportation, or both.

(b) Watercraft and all-terrain vehicles owned by a dealer and held in inventory for sale or resale shall constitute a separate classification of tangible property for ad valorem taxation purposes. The procedures prescribed in this chapter for returning watercraft or all-terrain vehicles for ad valorem taxation, determining the application rates for taxation, and collecting the ad valorem taxes imposed on watercraft or all-terrain vehicles do not apply to watercraft or all-terrain vehicles owned by a dealer and held in inventory for sale or resale. ~~For the period commencing January 1, 2016, and concluding December 31, 2019, such~~ Such watercraft or all-terrain vehicles owned by a dealer and held in inventory for sale or resale shall not be returned for ad valorem taxation and shall not be taxed, and no taxes shall be collected on such watercraft or all-terrain vehicles until ~~it is~~ they are transferred and then otherwise, if at all, ~~becomes~~ become subject to taxation as provided in this chapter."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all tax years beginning on and after January 1, 2017.

SECTION 3.

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

Representative Hawkins of the 27th moved that the House agree to the Senate substitute to HB 769.

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

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

On the motion, the ayes were 130, nays 33.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 385. By Senator Hill of the 32nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice relative to physicians, assistants, and others, so as to provide for certain requirements

for advertisement or publication of representations of board certification by physicians; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate recedes from its amendment to the following bill of the House:

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

SB 402. By Senators Mullis of the 53rd, Burke of the 11th, Harper of the 7th and Watson of the 1st:

A BILL to be entitled an Act to amend Chapter 5 of Title 26 of the Official Code of Georgia Annotated, relating to drug abuse treatment and education programs, so as to provide for a moratorium on the issuance of new licenses to narcotic treatment programs; to create the State Commission on Narcotic Treatment Programs; to provide legislative findings and intent; to provide for the membership, powers, duties, compensation, and allowances of the commission; to provide for the abolishment of the commission; to suspend the acceptance of applications and issuing of licenses for narcotic treatment programs for a certain period; to provide for exceptions; to provide for related matters; to provide 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 941. By Representatives Golick of the 40th, Atwood of the 179th, Pak of the 108th and Abrams of the 89th:

A BILL to be entitled an Act to amend Chapter 12 of Title 15, Chapter 7 of Title 17, and Chapter 11 of Title 45 of the O.C.G.A., relating to juries, pretrial proceedings, and miscellaneous offenses concerning public officers and employees, respectively, so as to provide for procedure for review of incidents involving a peace officer's use of deadly force that results in death or serious bodily injury; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 12 of Title 15, Chapter 7 of Title 17, and Chapter 11 of Title 45 of the Official Code of Georgia Annotated, relating to juries, pretrial proceedings, and miscellaneous offenses concerning public officers and employees, respectively, so as to provide for procedure for review of incidents involving a peace officer's use of deadly force that results in death or serious bodily injury; to provide for definitions; to provide for procedure and disclosure of information from such review; to repeal provisions relating to the use of stenographers and enact provisions relating to court reporters in grand jury proceedings; to change provisions relating to the use of special purpose grand juries; to repeal population Act features connected to grand juries; to provide for peace officer notification of grand jury proceedings and the process of testifying before a grand jury; to change provisions relating to the indictment of public officials for professional misconduct; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, is amended in Code Section 15-12-71, relating to the duties of the grand jury, by adding a new paragraph to subsection (b) and two new subsections to read as follows:

"(5)(A) As used in this paragraph, the term 'serious bodily injury' means bodily harm which deprives a person of a member of his or her body, which renders a member of such person's body useless, or which seriously disfigures such person's body or a member thereof.

(B) The grand jury, whenever deemed necessary by eight or more of its members or at the request of the district attorney, shall conduct a review of any incident in which a peace officer's use of deadly force resulted in death or serious bodily injury to another. Except when requested by the district attorney, such review shall only be conducted after the investigative report of the incident has been completed and submitted to the district attorney. The district attorney shall begin assisting the

grand jury in its review no later than one year from the date of the incident or, if an attorney was appointed under Code Section 15-18-5, one year from the date of such appointment. A review shall not be conducted pursuant to this paragraph in any case in which the district attorney informs the grand jury that a bill of indictment or special presentment will be presented to a grand jury charging such peace officer with a criminal offense in conjunction with, or arising out of, the incident in which such peace officer's use of deadly force resulted in death or serious bodily injury to another.

(C) Not less than 20 days prior to the date upon which the grand jury shall begin hearing evidence in its review, the chief executive officer of the law enforcement agency and the peace officer shall be notified of such date and the time and place of the grand jury meeting, provided that nothing in this paragraph shall require either officer to make a presentation to the grand jury unless requested by the grand jury to do so.

(D) When the grand jury is conducting a review pursuant to this paragraph, the testimony of any witness appearing before it and any argument or legal advice provided to the grand jury by the prosecuting attorney shall be recorded by a court reporter. The cost of conducting such review, including, but not limited to, the cost of any recordation and transcription of testimony, shall be paid out of the county treasury, upon the certificate of the judge of the superior court, as other court expenses are paid.

(E) Prior to the introduction of any evidence or the first witness being sworn, the district attorney shall advise the grand jury of the laws applicable to the conduct of such review. In particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21, 16-3-23.1, and 17-4-20."

"(e)(1) If the grand jury conducts a review pursuant to paragraph (5) of subsection (b) of this Code section, and the grand jury does not request that the district attorney create a bill of indictment or special presentment, the grand jury shall prepare a report or issue a general presentment based upon its inspection, and any such report or presentment shall be subject to publication as provided for in Code Section 15-12-80.

(2) Such report or general presentment shall include a summary of the evidence considered by the grand jury and the grand jury's findings of the facts regarding the incident.

(3) Such report or general presentment shall be returned to the court by the grand jury and published in open court, and the report or general presentment shall be filed with the clerk.

(4) If the grand jury does not request that the district attorney create a bill of indictment or special presentment, the district attorney shall, upon the release of such report or general presentment and unless otherwise ordered by the court, make available for inspection or copying any evidence considered by the grand jury during such review and the transcripts of the testimony of the witnesses who testified during the review no later than the end of the following term of court or six months, whichever is later. On motion of the district attorney, the court shall order the

redaction of any part of the evidence or transcripts which contains matters subject to a statutory privilege, the names of the grand jurors, or information contained therein that may be exempt from disclosure pursuant to Code Section 50-18-72.

(5) Any person requesting copies of such report, copies of any evidence considered by the grand jury during such review, or the transcripts of the testimony of the witnesses who testified during the review may be charged a reasonable fee for the cost of the redaction, reproduction, copying, and delivery of such report, evidence, or transcripts as provided in Code Section 50-18-71. Such costs shall be paid before such material is provided.

(f) If the grand jury requests that the district attorney create a bill of indictment or special presentment against the peace officer, the transcript of the testimony of the witnesses who testified during the review, together with any other evidence presented to the grand jury, shall be not be disclosed, except as provided in Code Section 15-12-72 and in compliance with Article 1 of Chapter 16 of Title 17. If the bill of indictment or special presentment is to be presented to another grand jury, the district attorney shall transfer such transcripts and evidence to the grand jury considering the bill of indictment or special presentment."

SECTION 2.

Said chapter is further amended by revising Code Section 15-12-74, relating to grand jury presentment of offenses, as follows:

"15-12-74.

(a) Grand jurors have a duty to examine or make presentments of such offenses as may or shall come to their knowledge or observation after they have been sworn. Additionally, they have the right and power and it is their duty as jurors to make presentments of any violations of the laws which they may know to have been committed at any previous time which are not barred by the statute of limitations.

(b) If a true bill is returned by the grand jury on any count of an indictment or special presentment, the indictment or special presentment shall be published in open court. If a no bill is returned by the grand jury on all counts of an indictment or special presentment, the prosecuting attorney shall file such indictment or special presentment with the clerk."

SECTION 3.

Said chapter is further amended by repealing Code Section 15-12-83, relating to attendance of stenographer at grand jury proceeding and the use of a recording device, and enacting a new Code Section 15-12-83 to read as follows:

"15-12-83.

(a) Upon the request of the district attorney or when the grand jury proceedings are in accordance with Code Section 17-7-52, a court reporter shall be authorized to be present and shall attend such proceedings. Before attending the grand jury proceedings, the court reporter shall take the following oath:

'I do solemnly swear that I will keep secret all things and matters coming to my knowledge while in attendance upon the grand jury, so help me God.'

(b) The district attorney of the circuit in which the county is located shall appoint the court reporter and, notwithstanding any law to the contrary, fix the compensation therefor, and such compensation, including the cost of transcripts, shall be paid by the county.

(c) The court reporter shall take and transcribe the testimony of any witness appearing before the grand jury and any argument or legal advice provided to the grand jury by the prosecuting attorney and shall furnish such transcript to the district attorney.

(d) When a witness testifies pursuant to a grant of immunity as provided in Code Section 24-5-507, such testimony shall be transcribed, a copy of the transcript shall be provided to the district attorney, and the original transcript shall be filed under seal in the office of the clerk.

(e) The court reporter shall be incompetent to testify at any hearing or trial concerning any matter or thing coming to the knowledge of the court reporter while in attendance upon the grand jury.

(f) Except as otherwise provided in this Code section, a recording, any court reporter's notes, and any transcript prepared from such recording or notes shall be provided solely to the district attorney, who shall retain control of such recording, notes, and transcript. The district attorney may use such materials to the extent such use is appropriate to the proper performance of his or her official duties, including compliance with Article 1 of Chapter 16 of Title 17."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 15-12-100, relating to the procedure for impaneling special grand jury, as follows:

"(a) The chief judge of the superior court of any county to which this part applies, on his or her own motion, on motion or petition of the district attorney, or on petition of any elected public official of the county or of a municipality lying wholly or partially within the county, may request the judges of the superior court of the county to impanel a special grand jury for the purpose of investigating any alleged violation of the laws of this state or any other matter subject to investigation by grand juries as provided by law."

SECTION 5.

Said chapter is further amended by repealing Code Section 15-12-102, relating to the applicability of special purpose grand juries, and enacting a new Code Section 15-12-102 to read as follows:

"15-12-102.

This part shall apply only to all counties and consolidated city-county governments of this state. Except as otherwise provided by this part, Part 1 of this article shall apply to the grand juries authorized by this part."

SECTION 6.

Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, is amended by revising Code Section 17-7-52, relating to the procedure for indictment of peace officer for crime in the performance of duties, notification, and rights of the officer, as follows:

"17-7-52.

(a) Before ~~an~~ a bill of indictment or special presentment against a present or former peace officer charging the officer with a crime which is alleged to have occurred while he or she was in the performance of his or her duties is ~~returned by~~ presented to a grand jury, the officer shall be given a copy of the proposed bill of indictment or special presentment and notified in writing of the contemplated action by the ~~district~~ prosecuting attorney ~~of the county wherein the grand jury shall convene and the officer shall be afforded the rights provided in Code Section 45-11-4~~. Such notice and a copy of the proposed bill of indictment or special presentment shall be provided to such officer not less than 20 days prior to the date upon which a grand jury will begin hearing evidence, and such notice shall inform such officer:

(1) That the grand jury is investigating such officer's conduct to determine if there is probable cause to conclude that he or she has violated one or more laws of this state;

(2) Of the date upon which the grand jury will begin hearing testimony on the proposed bill of indictment or special presentment and the location of the hearing;

(3) That he or she may request, but cannot be compelled, to testify as a witness before the grand jury regarding his or her conduct; and

(4) That, if such officer requests to testify before the grand jury, he or she will be permitted to do so at the conclusion of the presentation of the state's case-in-chief and that he or she may be questioned by the prosecuting attorney or members of the grand jury as are any other witnesses.

(b) If the officer requests to appear as a witness, he or she shall notify the prosecuting attorney any time prior to the date the grand jury will begin hearing testimony in such investigation. The prosecuting attorney shall, after consulting with the grand jury, inform the officer in writing of the date and time when he or she shall be present in order to testify and of the procedure that the grand jury will follow pursuant to subsection (c) of this Code section. The prosecuting attorney shall further advise the grand jury that an officer has the right to appear and testify or not to appear and testify and that, if the officer chooses not to testify, the grand jury shall not consider that in any way in making its decision.

(c) Prior to the introduction of any evidence or the first witness being sworn, the prosecuting attorney shall advise the grand jury of the laws applicable to the conduct of such proceedings, all relevant sections of the Code relating to the crime or crimes alleged in the bill of indictment, and any Code section that excuses or justifies such conduct. In particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21, 16-3-23.1, and 17-4-20.

(d) If the officer requests to testify before the grand jury and appears at the date and time specified, the case shall proceed as in any other criminal case heard by a grand

jury, except that the officer shall be permitted to testify at the conclusion of the presentation of the state's case-in-chief and that he or she shall only be present in the grand jury room while he or she is testifying. Such officer may be questioned by the prosecuting attorney or members of the grand jury as are any other witnesses. After the officer has been sworn as a witness and prior to any testimony by the officer, the prosecuting attorney shall advise the officer substantially of the following:

(1) The officer's appearance before the grand jury is voluntary, and he or she cannot be compelled to appear as a witness;

(2) By agreeing to be sworn as a witness on the bill of indictment or special presentment that will be laid before the grand jury, he or she will be asked to testify and answer questions and may be asked to produce records, documents, or other physical evidence;

(3) The officer may refuse to answer any question or to produce records, documents, and other physical evidence if a truthful answer to the question or producing such records, documents, or other physical evidence would tend to incriminate the officer or would tend to bring infamy, disgrace, or public contempt upon the officer;

(4) Any testimony given by the officer may be used against him or her by the grand jury or in a subsequent legal proceeding; and

(5) If the officer is represented by an attorney, the attorney shall have the right to be present in the grand jury room while the officer is testifying, and the officer will be permitted reasonable opportunity to consult with his or her attorney outside the grand jury room.

(e) After being sworn as a witness but prior to being asked any questions by the prosecuting attorney or the grand jurors, the officer may make such sworn statement as he or she shall desire. The officer's attorney shall not propound questions to the officer nor object to questions propounded to the officer on evidentiary grounds.

(f) At the conclusion of the officer's testimony, if any, the prosecuting attorney may present rebuttal evidence and advise the grand jury on matters of law.

(g) At any time during the presentation of evidence or during deliberations, the grand jury may amend the bill of indictment or special presentment or instruct the prosecuting attorney to cause a new bill of indictment or special presentment to be created as in any other case. When a bill of indictment or special presentment is amended or newly created, the accused peace officer and his or her attorney shall be provided a copy of it.

(h) No individual other than the jurors, and any interpreter needed to assist a hearing impaired or speech impaired juror, shall be present while the grand jury is deliberating or voting.

~~(b)~~(i)(1) As used in this subsection, the term 'nonserious traffic offense' means any offense in violation of Title 40 which is not prohibited by Article 15 of Chapter 6 of Title 40.

(2) The requirements of ~~subsection (a) of~~ this Code section shall apply to all prosecutions, whether for felonies or misdemeanors ~~or felonies~~, other than nonserious traffic offenses, and no such prosecution shall proceed either in state or superior court without a grand jury indictment or special presentment."

SECTION 7.

Said chapter is further amended by revising subsection (e) of Code Section 17-7-70.1, relating to trial upon accusations in certain felony and misdemeanor cases, as follows:

"(e) Notwithstanding ~~the above provisions~~ subsections (a) through (d) of this Code section, nothing in this Code section shall affect the rights of ~~police officers and~~ public officials to appear before a grand jury as provided in Code Sections ~~17-7-52,~~ 45-11-4~~,~~ and 45-15-11 or peace officers to appear before a grand jury as provided in Code Section 17-7-52."

SECTION 8.

Chapter 11 of Title 45 of the Official Code of Georgia Annotated, relating to miscellaneous offenses concerning public officers and employees, is amended by revising Code Section 45-11-4, relating to unprofessional conduct and indictment, as follows:

"45-11-4.

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

(1) 'County officer' means any elected county officer, including the judge of the probate court, clerk of the superior court, tax receiver, tax collector, and tax commissioner where such office has replaced the tax receiver and tax collector, and any county commissioner.

(2) 'Municipal officer' means any mayor or elected member of any municipal governing authority.

(3) 'Public officer' means a county officer, a municipal officer, and state officials as provided in Code Section 45-15-11.

(b) A public officer may be charged under this Code section for:

(1) Malpractice, misfeasance, or malfeasance in office;

(2) Using oppression or tyrannical partiality in the administration or under the color of his or her office;

(3) When required by law, willfully refusing or failing to preside in or hold his or her court at the regular terms thereof, or when it is his or her duty under the law to do so;

(4) Using any other deliberate means to delay or avoid the due course or proceeding of law; or

(5) Willfully and knowingly demanding more cost than he or she is entitled to by law in the administration and under color of his or her office.

(c) A conviction for violating subsection (b) of this Code section shall be punished as for a misdemeanor, and~~,~~ upon conviction in a court of competent jurisdiction, the accused shall be removed from office.

(d) This Code section shall only apply to a public officer charged under subsection (b) of this Code section. This Code section shall not apply when a public officer is charged with any other crime alleged to have occurred while such official was in the performance of an official duty.

(e) This Code section shall only apply to a public officer holding office at the time of indictment and not to former office holders.

~~(f) Any indictment brought pursuant to subsection (b) of this Code section shall specially set forth the merits of the complaint against the accused public officer. A copy of the proposed bill of indictment shall be served on the accused public officer at least 15 days before it is presented to the grand jury.~~

~~(g) The accused shall have the right to appear before the grand jury to make such sworn statement as he or she shall desire at the conclusion of the presentation of the state's evidence. The accused shall not be subject to examination, either direct or cross, and shall not have the right individually or through his or her counsel to examine the state's witnesses. The accused and his or her counsel shall have the right to be present during the presentation of all evidence and alleged statements of the accused on the proposed indictment, presentment, or accusation, after which the accused and his or her counsel shall retire instanter from the grand jury room to permit the grand jury to deliberate upon the indictment.~~

~~(h) At any time during the presentation of evidence or during deliberations, the grand jury may amend the indictment or instruct the district attorney to cause a new indictment to be drawn as in any other case. In such case, a copy of the amendment or new indictment, if it relates to the accused public official, shall be provided to the accused public official and his or her counsel.~~

~~(i) If a true bill is returned by the grand jury, the indictment shall, as in other cases, be published in open court and shall be placed on the superior court criminal docket of cases to be tried by a trial jury.~~"

SECTION 9.

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

Representative Golick of the 40th moved that the House agree to the Senate substitute to HB 941.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Coomer	Harrell	Y Mitchell	Y Smith, L
Y Allison	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	Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	E Pak	Y Stephens, R
Y Belton	Y Dickey	Holmes	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	E Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
Blackmon	Y Dunahoo	Y Jones, J.B.	Powell, J	Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T

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

On the motion, the ayes were 156, nays 0.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

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

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

SB 193. By Senators Bethel of the 54th, Stone of the 23rd, Kennedy of the 18th, Parent of the 42nd, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Code Section 16-5-23.1 of the Official Code of Georgia Annotated, relating to battery, so as to change penalty

provisions relating to family violence battery; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 225. By Senator Henson of the 41st:

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

SB 417. By Senators Mullis of the 53rd, Gooch of the 51st, Beach of the 21st and Ginn of the 47th:

A BILL to be entitled an Act to amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Economic Development, so as to create the "Georgia Film and Television Trail Act"; to provide for a short title; to provide for definitions; to provide for a purpose; to provide for the Department of Economic Development to plan and develop the trail; to provide for policies; to provide for the Department of Transportation to place trail signs designed in conjunction with the Department of Economic Development; to provide for certain immunities; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

HB 764. By Representatives Powell of the 32nd, Frye of the 118th, Quick of the 117th, Williams of the 119th, Hitchens of the 161st and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to require drivers of motor vehicles to stop at crosswalks with pedestrian-activated rectangular rapid flash beacons; to make it unlawful to activate such devices when there is no intent to cross a roadway; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Watson of the 1st, Mullis of the 53rd, and Harper of the 7th.

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

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 Senate substitute was read:

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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds, determines, and declares that:

(1) In *N.C. State Bd. of Dental Exam'rs v. FTC*, 135 S. Ct. 1101 (2015), the Supreme Court of the United States established a new standard for determining whether state professional licensing boards and board members are entitled to immunity for federal antitrust violations. Pursuant to *N.C. State Bd. of Dental Exam'rs*, state professional licensing boards and board members are entitled to antitrust immunity only if:

(A) Their anticompetitive conduct is consistent with "clearly articulated" state policy; and

(B) The state provides "active supervision" of their conduct.

(2) It is the policy of the State of Georgia to increase economic opportunities for all of its citizens by promoting competition and thereby encouraging innovation and job growth. It is therefore also the policy of the State of Georgia to displace competition only when necessary to protect consumers from present, significant, and substantiated harms that threaten public health and safety.

(3) By establishing the policies and procedures of this chapter, the General Assembly intends to ensure that the state's professional licensing boards and board members are entitled to antitrust immunity and that state laws relating to professions and businesses are interpreted and enforced in a manner consistent with clearly articulated state policy.

SECTION 2.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding a new chapter to read as follows:

"CHAPTER 1C

43-1C-1.

This chapter shall be known and may be cited as the 'Georgia Professional Regulation Reform Act.'

43-1C-2.

As used in this chapter, the term:

(1) 'Governor' means the Governor of the State of Georgia or his or her designee.

(2) 'Professional licensing board' means any board, bureau, commission, or other agency of the executive branch of state government which is created for the purpose of licensing or otherwise regulating or controlling any profession, business, or trade, including all boards, bureaus, commissions, or other agencies established pursuant to this title or Chapter 4 of Title 26; provided, however, that such term shall not include the State Bar of Georgia.

(3) 'Rule' means a regulation, standard, or statement of general applicability, whether formal or informal, that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of any professional licensing board. Such term shall include the amendment or repeal of a prior rule but shall not include statements of policy or interpretation made as part of a decision in a contested case.

43-1C-3.
(a) The Governor shall have the authority and duty to actively supervise the professional licensing boards of this state to ensure that their actions are consistent with clearly articulated state policy and shall therefore have the authority and duty to:
(1) Review and, in writing, approve or veto any rule before it is filed in the office of the Secretary of State if such rule is required to be filed in the office of the Secretary of State by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' or before such rule becomes effective, if filing is not required;
(2) Review and, in writing, approve or veto any rule that is:
(A) Challenged via an appeal to the Governor after the denial of a petition filed pursuant to Code Section 50-13-9; or
(B) Submitted by a professional licensing board for review by the Governor;
(3) Review and, in writing, approve, remand, modify, or reverse any action by a professional licensing board that is:
(A) Challenged via an appeal to the Governor; or
(B) Submitted by a professional licensing board for review by the Governor; and
(4) Promulgate any regulations or executive orders necessary to effectuate the provisions of this chapter, including regulations or orders relating to the process, procedures, and timelines that will govern any appeal or submission filed in accordance with this Code section.
(b) Any review undertaken by the Governor pursuant to subsection (a) of this Code section shall be fully completed within 90 days.
(c) Nothing in this Code section shall be interpreted to subject the Governor to any of the administrative procedures of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

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

Representative Nimmer of the 178th moved that the House agree to the Senate substitute to HB 952.

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

Y Abrams	N Cooke	N Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M

Y Atwood
Y Ballinger
N 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
N Caldwell, M
Y Cannon
Y Cantrell
Y Carson
Y Carter, A
N Carter, D
Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
N Dunahoo
Y Duncan
Y Ealum
Y Efstration
N Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
N Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hawkins
Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
N Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Mayo
Y McCall
Y McClain
Y Meadows
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y 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
N Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Rice
Y Rogers, C
Y Rogers, T
Y Rutledge
Rynders
Y Scott
N Setzler
Y Sharper
Y Shaw
Sims
Y Smith, R
Y Smyre
N Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
N Stover
Y Strickland
Y Tankersley
Tanner
N Tarvin
Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
N Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 147, nays 17.

The motion prevailed.

House of Representatives
State Capitol, Room 415
Atlanta, Georgia 30334

March 24, 2016

Mr. William Reilly, Clerk of the House
Georgia House of Representatives
Office of the Clerk
309 State Capitol
Atlanta, GA 30334

Dear Mr. Reilly,

This letter is to ask that it be recorded in the Legislative Record that I would like to be noted as a "yes" vote on HB 952 – Georgia Professional Regulation Reform Act. I was absent from the floor due to my presence in the Senate Chamber to request the passing of SB 168 – The Adoptable Dog Bill.

Thank you for your time and consideration.

Sincerely,

/s/ Joe Wilkinson
District 52

Representative Sims of the 123rd assumed the chair.

HB 806. By Representatives Tanner of the 9th, Tankersley of the 160th, Epps of the 144th, Caldwell of the 131st and Rice of the 95th:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the expiration of certain licenses and identification cards issued by the Department of Driver Services; to provide for the suspension of a driver's license upon receipt of conviction reports from a court; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendments were read:

Amendment #1

The Senate moves to *amend HB 806 (LC 39 1302S) by deleting line 1 and inserting in lieu thereof the following:*

To amend Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Georgia Driver's Education Commission, so as to transfer such commission from the Department of Driver Services to the Governor's Office of Highway Safety; to extend the sunset applicable to penalties for violations of traffic laws or ordinances; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to

By deleting line 7 and inserting in lieu thereof the following:

SECTION 1.

Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Georgia Driver's Education Commission, is amended by revising Code Section 15-21-172, relating to the establishment of such commission, as follows:

"15-21-172.

There is established the Georgia Driver's Education Commission, which is assigned to the ~~Department of Driver Services~~ Governor's Office of Highway Safety for administrative purposes only, as prescribed in Code Section 50-4-3."

SECTION 2.

Said article is further amended in Code Section 15-21-179, relating to additional penalty for violation of traffic laws or ordinances, by revising subsection (c) as follows:

"(c) This Code section shall be repealed in its entirety on ~~June 30, 2016~~ June 30, 2019, unless extended by an Act of the General Assembly."

SECTION 3.

By redesignating Sections 3 through 7 as Sections 5 through 9, respectively.

Amendment #2

The Senate moves to *amend HB 806 (LC 39 1302S) by replacing line 1 with the following:*

To amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to revise provisions for the off-duty use of motor vehicles by certain law enforcement officers of the department relative to approved off-duty employment; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to

By redesignating Sections 1 through 7 as Sections 5 through 11, respectively, and inserting between lines 6 and 7 the following:

SECTION 1.

Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, is amended in Article 1 by adding a new Code section to read as follows:

"35-2-15.

(a)(1) Certified law enforcement officers employed by the department may use a department motor vehicle while working an off-duty job if such job requires vested police powers as a condition of employment, has been approved by the commissioner, and has been determined by the commissioner to be in furtherance of the department's mission and service to the state. Department motor vehicles used for off-duty employment shall not be used at any political function.

(2) Except as otherwise provided for in this subsection, department motor vehicles shall be used only in discharge of official duties.

(3) Any other equipment shall be used only with the express written approval of the commissioner. The commissioner shall adopt rules and regulations governing the use of equipment subject to approval of the Board of Public Safety.

(b) The commissioner, in his or her sole discretion, in granting approval for such off-duty job in which a departmental motor vehicle is used, prior to the use of such vehicle, shall determine whether the off-duty employer provided for in subsection (a) of this Code section shall reimburse the department for use of the vehicle. When reimbursement is required, such off-duty employer shall enter into a written agreement with the department to pay an amount determined by the commissioner to be sufficient to reimburse the department for the use of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to such agreement, the department shall pay the employee of the department the compensation earned on off-duty employment whenever such employee performs such service in a department motor vehicle; provided, however, that such compensation shall not be characterized as direct employment compensation but shall be paid as services under contract.

(c) Employees of the department operating a department motor vehicle pursuant to this Code section shall be deemed to be acting within the scope of their official duties and employment within the meaning of Code Section 50-21-20, et seq., and the commissioner of administrative services shall provide liability coverage for claims arising out of such use. The commissioner shall adopt rules and regulations governing the use of equipment subject to approval of the Board of Public Safety."

SECTION 2.

Said chapter is further amended by deleting in its entirety Code Section 35-2-56, relating to use of motor vehicles or other equipment by members of the Uniform Division, and designating such Code section as reserved.

SECTION 3.

Said chapter is further amended in Code Section 35-2-101, relating to relating to jurisdiction, duties and powers, use of dogs to detect controlled substances, and off-duty use vehicles, by deleting subsection (e) in its entirety.

SECTION 4.

Said chapter is further amended by deleting in its entirety Code Section 35-2-123, relating to use of vehicles by off-duty law enforcement officer, and designating such Code section as reserved.

Representative Tanner of the 9th moved that the House agree to the Senate amendments to HB 806.

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
N Benton
Y Beskin
Y Beverly
Y Blackmon
Y Broadrick
Y Brockway
Bruce
E Bryant
Y Buckner
Y Burns
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
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Knight
Y LaRiccia
Lott
Y Lumsden
Y Mabra
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
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
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 165, nays 1.

The motion prevailed.

Representative Fludd of the 64th assumed the chair.

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.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to eliminate the foreign and alien insurer deposit requirement of securities eligible for the investment of capital funds in certain amounts at the discretion of the Commissioner; 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising Code Section 33-3-9, relating to requirement of additional deposits of securities by foreign and alien insurers, as follows:

"33-3-9.

~~(a) In addition to the deposit required by Code Section 33-3-8, each foreign and alien insurer shall deposit with the Commissioner securities eligible for the investment of capital funds in an amount not less than $10,000.00 nor more than $25,000.00 at the discretion of the Commissioner. This deposit and the deposit required by paragraph (1) of subsection (b) of Code Section 33-3-8 shall be administered as provided in Chapter 12 of this title. Deposits under this Code section shall be held for the protection of the insurer's policyholders in Georgia and others in Georgia entitled to the proceeds of its policies.~~

~~(b)~~ On and after July 1, 1967, in those instances in which the Commissioner in his <u>or her</u> judgment shall deem it to be in the best interests of the citizens of this state, no certificate of authority shall be issued by the Commissioner to any foreign and alien insurer nor shall any certificate of authority be renewed for any such insurer unless ~~said~~ <u>such</u> insurer shall deposit with the Commissioner~~, in addition to those requirements provided for in subsection (a) of this Code section,~~ securities eligible for the investment of capital funds in such amount as the Commissioner shall require<u>.</u> ~~; but in no event shall he require a deposit of additional securities which would bring the aggregate total of such securities required by this Code section to be on deposit to exceed $100,000.00. Such additional~~ ~~deposits~~ <u>This deposit and the deposit required by paragraph (1) of subsection (b) of Code Section 33-3-8</u> shall be administered as provided for in ~~this subsection~~ <u>Chapter 12 of this title.</u> ~~; provided, however, such additional deposits shall not apply to foreign and alien life insurers.~~ <u>Deposits under this Code section shall be held for the protection of the insurer's policyholders in this state and others in this state entitled to the proceeds of its policies.</u>"

SECTION 2.

Said title is further amended in paragraph (1) of subsection (a) of Code Section 33-56-3, relating to company action level events, preparation and submission of risk-based capital level plan, hearing, and out-of-state filing, by adding a new subparagraph to read as follows:

"(D) If a health organization has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the health RBC instructions;"

SECTION 3.

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

Representative Taylor of the 173rd moved that the House agree to the Senate substitute to HB 884.

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
Y 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
Y Carter, A
Y Carter, D
Y Casas
Y Chandler
Y Cheokas
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
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Harden
Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
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
Y Kirby
Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
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
Rice
Y Rogers, C
Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
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	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 166, nays 0.

The motion prevailed.

The Speaker assumed the Chair.

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

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 255. By Senators Stone of the 23rd, Bethel of the 54th, Millar of the 40th, Albers of the 56th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, so as to modernize, reorganize, and provide constitutional protections in garnishment proceedings; to provide for definitions; to provide for an affidavit and summons of garnishment, contents, and procedure for garnishment; to provide for property being subject to and exempt from garnishment; to provide for a defendant's and third party's claim and plaintiff's traverse and the procedure for claims and traverses; to provide for procedures only applicable to financial institutions; to provide for and require the use of certain forms for garnishment proceedings; to amend Code Sections 44-7-50 and 53-12-80 of the O.C.G.A., relating to demand for possession and spendthrift provisions, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

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.

SB 346. By Senators Beach of the 21st and Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 12-16-3 of the Official Code of Georgia Annotated, relating to definitions relative to the "Environmental Policy Act," so as to exempt projects for the construction or improvement of public roads from environmental effects reports in certain instances; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

HB 614. By Representatives Stovall of the 74th, Brockway of the 102nd, Scott of the 76th, Benton of the 31st and Kaiser of the 59th:

A BILL to be entitled an Act to amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," so as to provide for a pilot program for the placement of video monitoring cameras in classrooms providing special education services; to provide for program requirements; to provide for a program evaluation; to provide for funding; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," so as to provide for the placement of video monitoring cameras in classrooms providing special education services; to provide for requirements; to provide for funding; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Landon Dunson Act."

SECTION 2.
Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," is amended by adding a new Code section to read as follows:

"20-2-324.2.

(a) The Department of Education is authorized to provide guidance for the placement of video monitoring cameras and equipment by a school in self-contained classrooms in which students receive special education services. The Department of Education is authorized to approve local school systems for participation and may approve local school systems which already utilize video monitoring cameras and equipment in their special education self-contained classrooms through an application process. The department or an approved local school system may approve schools in the local school system for participation. A local school system or school may, in its sole discretion, agree to participate.

(b) Participating local school systems or schools shall provide, at a minimum, for:

(1) Prior notice of the placement of video monitoring cameras to the parents or guardians of each student in the approved classrooms;

(2) The retention of videos recorded from video monitoring cameras placed pursuant to this Code section for no less than three months nor more than 12 months from the date of the recording;

(3) The coverage by video monitoring cameras of all areas of the approved classrooms, to the extent practical; and

(4) Procedures and requirements to protect the confidentiality of student records contained in videos recorded from video monitoring cameras placed pursuant to this Code section in accordance with the federal Family Educational Rights and Privacy Act and Article 15 of this chapter.

(c) The video monitoring cameras shall only be used for purposes of monitoring classroom instruction, monitoring classroom interactions, and teacher observation, and

review of recorded material shall only be for such purposes, except with the written permission of the parent or guardian of a child or pursuant to the subpoena of a court of competent jurisdiction. Recorded material, including identity of students or demographics of students, shall not be used for marketing purposes.

(d) The Department of Education shall provide guidelines and criteria regarding the effectiveness, feasibility, and benefits, including any impact on safety, and the Department of Education may require participating local school systems or schools to conduct an evaluation. If the department requires such evaluations, the department shall collect and report the results of such evaluation to the House Committee on Education and the Senate Education and Youth Committee.

(e)(1) The department shall serve as a state level flow through point for any available state or federal funding.

(2) Local school systems may solicit and accept gifts, grants, and donations from any person or entity for use in placing video monitoring cameras in classrooms pursuant to this Code section."

SECTION 3.

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

Representative Stovall of the 74th moved that the House agree to the Senate substitute to HB 614.

On the motion, 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	Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E 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	Tarvin
Y Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	Y Randall	Y Watson
Y Cannon	E 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	Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 165, nays 1.

The motion prevailed.

HB 798. By Representatives Chandler of the 105th, Teasley of the 37th, Stovall of the 74th, Dudgeon of the 25th, Barr of the 103rd and others:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to provide for eligibility for Zell Miller Scholarships for home study students who receive certain scores on standardized college admission tests; to revise eligibility requirements for HOPE scholarships for entering freshmen students who are home study students regarding scores on standardized college admission tests; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to provide for eligibility for Zell Miller Scholarships for home study students and students graduating from ineligible high schools who receive certain scores on standardized college admission tests; to revise eligibility requirements for HOPE scholarships for entering freshmen students who are home study students or students who graduated from ineligible high schools regarding scores on standardized college admission tests; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, is amended in Code Section 20-3-519, relating to definitions, by revising paragraph (27) as follows:

"(27) 'Zell Miller Scholarship Scholar' means a student who has met the applicable eligibility requirements to receive a HOPE scholarship in accordance with Code Section 20-3-519.2 and:

(A) As an incoming freshman:

(i) Having graduated from an eligible high school with a grade point average of at least 3.7 calculated in accordance with Code Section 20-2-157 and having received a score of at least 1,200 on the combined critical reading ~~score~~ and math ~~score~~ portions on a single administration of the SAT administered prior to March 1, 2016, or on the total score on a single administration of the SAT administered on or after March 1, 2016, or an ACT composite scale score of at least 26;

(ii) Having graduated from an eligible high school as a valedictorian or salutatorian; ~~or~~

(iii) Having completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 or having graduated from a high school which is not an eligible high school, having received a score in the ninety-third percentile or higher on the ACT, on the combined critical reading and math portions on a single administration of the SAT administered prior to March 1, 2016, or on the total score on a single administration of the SAT administered on or after March 1, 2016; or

~~(iii)~~(iv) Having completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 or having graduated from a high school which is not an eligible high school, having received a score of at least 1,200 on the combined critical reading ~~score~~ and math ~~score~~ portions on a single administration of the SAT administered prior to March 1, 2016, or on the total score on a single administration of the SAT administered on or after March 1, 2016, or an ACT composite scale score of at least 26, and earning a cumulative grade point average of at least 3.3 at an eligible postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive scholarship for such student's freshman year to be paid at the end of the freshman year; and

(B) As a sophomore, junior, senior, or first professional student who met the requirements of subparagraph (A) of this paragraph, having a cumulative grade point average of at least 3.3 at the checkpoints set forth in paragraph (1) of subsection (b) of Code Section 20-3-519.2. Notwithstanding the foregoing, a student who entered an eligible postsecondary institution as a freshman between July 1, 2007, and June 30, 2011, and met the requirements of subparagraph (A) of this paragraph may become a Zell Miller Scholarship Scholar as a sophomore, junior, senior, or first professional student.

A student who loses eligibility to be a Zell Miller Scholarship Scholar for any reason may regain eligibility one time if the student requalifies at one of the checkpoints set forth in paragraph (1) of subsection (b) of Code Section 20-3-519.2."

SECTION 2.

Said part is further amended in Code Section 20-3-519.2, relating to eligibility requirements for a HOPE scholarship, by revising subsection (a) as follows:

"(a) To be eligible for a HOPE scholarship, an entering freshman student seeking an associate or baccalaureate degree at an eligible postsecondary institution shall, in addition to meeting the residency requirements set forth in subsection (a) of Code Section 20-3-519.1:

(1) Meet achievement standards by:

(A) Having graduated from an eligible high school while meeting the curriculum requirements of his or her program of study in 1993 or thereafter and meeting the requirements set out in the applicable subsection and paragraph of Code Section 20-2-157;

(B) In the case of a student who is otherwise qualified but:

(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received the general educational development (GED) diploma awarded by the Department of Technical and Adult Education, now known as the Technical College System of Georgia, after June 30, 1993, provided that such student shall only be eligible for a HOPE scholarship pursuant to subsection (c) of this Code section;

(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; or

(iii) Graduated from a high school which is not an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; ~~or~~

(C) In the case of an otherwise qualified student who:

(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 but received the general educational development (GED) diploma awarded by the Department of Technical and Adult Education, now known as the Technical College System of Georgia, after June 30, 1993;

(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school; or

(iii) Graduated from a high school which is not an eligible high school,

earning a score in the ~~eightieth~~ seventy-fifth percentile or higher nationally on a standardized college admission test, such as the SAT or ACT; and

(2) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status."

SECTION 3.

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

Representative Chandler of the 105th moved that the House agree to the Senate substitute to HB 798.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson
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	E Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
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	N Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Cannon	E 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	Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Marin	N Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 162, nays 6.

The motion prevailed.

HB 783. By Representatives Broadrick of the 4th, Harden of the 148th, Parrish of the 158th and Hawkins of the 27th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedules I and IV controlled substances; to change certain provisions relating to the definition of dangerous drug; to provide for restricted dangerous drugs; to provide for penalties for certain violations relating to restricted dangerous drugs and nonprescription injectable insulin; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 8 of Chapter 12 and Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of low THC oil and controlled substances, respectively, so as to change the definition of low THC oil; to change certain provisions relating to Schedules I and IV controlled substances; to change certain provisions relating to the definition of dangerous drug; to provide for restricted dangerous drugs; to provide for a penalty for violations relating to nonprescription injectable insulin; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 8 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of low THC oil, is amended by revising Code Section 16-12-190, relating to a definition, as follows:

"16-12-190.

As used in this article, the term 'low THC oil' means an oil that contains an amount of cannabidiol and not more than 5 percent by weight of tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant material exhibiting the external morphological features of the plant of the genus Cannabis ~~and an amount of cannabidiol equal to or greater than the amount of tetrahydrocannabinol~~."

SECTION 2.

Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended in Code Section 16-13-25, relating to Schedule I controlled substances, by revising subparagraph (P) of and adding new subparagraphs to paragraph (3) to read as follows:

"(P) ~~Tetrahydrocannabinols which shall include, but are not limited to:~~

~~(i) All synthetic or naturally produced samples containing more than 15 percent by weight of tetrahydrocannabinols; and~~

~~(ii) All synthetic or naturally produced tetrahydrocannabinol samples which do~~ Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant material exhibiting the external morphological features of the plant ~~cannabis~~ of the genus Cannabis;"

"(BBBB) Methoxyphencyclidine (MeO-PCP);

(CCCC) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-OH-MiPT);

(DDDD) N,a-dimethyl-5-benzofuranethanamine (5-MAPB);"

SECTION 3.

Said chapter is further amended in Code Section 16-13-25, relating to Schedule I controlled substances, by revising paragraph (12) as follows:

"(12) Any of the following compounds, derivatives, their salts, isomers, or salts of isomers, halogen analogues, or homologues, unless specifically utilized as part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption, as a prescription administered under medical supervision, or research at a recognized institution, whenever the existence of these salts, isomers, or salts of isomers, halogen analogues, or homologues is possible within the specific chemical designation:

(A) Naphthoylindoles;

(B) Naphthylmethylindoles;

(C) Naphthoylpyrroles;

(D) Naphthylideneindenes;

(E) Phenylacetylindoles;

(F) Cyclohexylphenols;

(G) Benzoylindoles;

(H) Tricyclic benzopyrans;

(I) Adamantoylindoles;

(J) Indazole amides;

(K)[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin -6-yl]-1-naphthalenylmethanone (WIN 55,212-2);

(L) Any compound, unless specifically excepted or listed in this or another schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(i) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the ring system;

(ii) By substitution at the 3-position with an acyclic alkyl substitution; or

(iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure;

~~(L.1) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);~~

(M)~~(1-Pentylindol-3-yl) (2,2,3,3-tetramethylcyclopropyl) methanone (UR-144)~~ Indole carboxamides;

(N)~~[1-(5-fluoropentyl)indole-3yl] (2,2,3,3-tetramethylcyclopropyl)methanone (XLR11)~~ Indole carboxylates;

(O) [1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester (URB602);

(P)~~[1-(2-morpholin-4-ylethyl) 1H-indol-3-yl] (2,2,3,3-tetramethylcyclopropyl) methanone (A-796,260)~~ Indazole carboxylates;

(Q) [3-(3-carbamoylphenyl)phenyl] N-cyclohexylcarbamate (URB597);

(R) 6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one (URB754);

(S)~~1-pentyl-3-(1-adamantylamido)indole(2NE1)~~Indole tetramethylcyclopropanecarbonyls;

(T)~~1-(5-fluoropentyl) N-(tricyclo[3.31.13,7]dec-1-yl) 1H-indole-3-carboxamide (STS-135)~~ Napthoylbenzimidazoles;

(U) 1-naphthalenyl[4-(pentylox)-1-naphthalenyl]-methanone (CB-13);

(V)~~N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide(NNEI);~~ Naphthoylindazoles.

~~(W) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl) 1-pentyl-1H-indole-3-carboxamide (ADBICA);~~

~~(X)(1-(5-fluoropentyl) 1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone (AM-2201 benzimidazole analog);~~

~~(Y) Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22);~~

~~(Z) Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22);~~

~~(AA) Naphthalene-1-yl-1-(5-fluoropentyl) 1H-indole-3-carboxylate (NM2201);~~

~~(BB) (1-(4-fluorobenzyl) 1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (FUB-144);~~

~~(CC) N-(1-amino-3-methyl-1-oxobutan-2-yl) 1-(5-fluoropentyl) 1H-indole-3-carboxamide (5-fluoro-ABICA);~~

~~(DD) 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone (THJ-018).~~"

SECTION 4.

Said chapter is further amended by revising Code Section 16-13-28, relating to Schedule IV controlled substances, as follows:

"16-13-28.

(a) The controlled substances listed in this Code section are included in Schedule IV. Unless specifically excepted or unless listed in another schedule, any material,

compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specified chemical designation, included as having a stimulant or depressant effect on the central nervous system or a hallucinogenic effect:

~~(0.5) Alfaxalone;~~

(1) ~~Alprazolam~~ Alfaxalone;

(1.5) Armodafinil;

(2) Barbital;

(2.1) Bromazepam;

(2.15) Butorphanol;

~~(2.2) Camazepam;~~

(2.25) Carisoprodol;

(2.3) Cathine;

(3) Chloral betaine;

(4) Chloral hydrate;

(5) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clidinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);

(5.1) Clobazam;

(6) ~~Clonazepam~~ Reserved;

~~(7) Clorazepate;~~

~~(7.1)~~(7) Clotiazepam;

~~(7.2) Cloxazolam;~~

~~(7.3) Delorazepam;~~

(8) ~~Desmethyldiazepam~~ Reserved;

(8.5) Dexfenfluramine;

(9) Reserved;

(10) ~~Diazepam~~ Reserved;

(11) Diethylpropion;

(11.05) Difenoxin;

~~(11.1) Estazolam;~~

(11.5) Eluxadoline;

(12) Ethchlorvynol;

(13) Ethinamate;

~~(13.1) Ethyl loflazepate;~~

(13.15) Etizolam;

(13.2) Fencamfamin;

(14) Fenfluramine;

~~(14.1) Flunitrazepam;~~

(14.2) Fenproporex;

~~(15) Flurazepam;~~

~~(15.3)~~(15) Fospropofol;

~~(16) Halazepam;~~
~~(16.1) Haloxazolam;~~
~~(16.15)~~(16) Indiplon;
~~(16.2) Ketazolam;~~
~~(16.3) Lometazepam;~~
~~(16.4) Loprazolam;~~
~~(17) Lorazepam;~~
~~(17.5)~~(17) Lorcaserin;
(18) Mazindol;
(19) Mebutamate;
~~(19.1) Medazepam;~~
(19.2) Mefenorex;
(20) Meprobamate;
(21) Methohexital;
(22) Methylphenobarbital;
~~(22.1) Midazolam;~~
~~(22.15)~~(22.1) Modafinil;
~~(22.2) Nimetazepam;~~
~~(22.3) Nitrazepam;~~
~~(22.4) Nordiazepam;~~
(23) ~~Oxazepam~~ Reserved;
~~(23.1) Oxazolam;~~
(24) Paraldehyde;
(25) Pemoline;
(26) Pentazocine;
(27) Petrichloral;
~~(27.5) Phenazepam;~~
(28) Phenobarbital;
(29) Phentermine;
(29.1) Pipradrol;
~~(30) Prazepam;~~
~~(30.03)~~(30) Propofol;
(30.05) Propoxyphene (including all salts and optical isomers);
(30.07) Pyrazolam;
(30.1) Quazepam;
(30.2) Sibutramine;
(30.3) SPA (-)-1-dimethylamino-1, 2-diphenylethane;
(30.5) Suvorexant;
(31) ~~Temazepam~~ Reserved;
(31.5) Tramadol [2-((dimethylamino)methyl)-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers];
~~(32) Triazolam;~~
~~(32.5)~~(32) Zaleplon;

(33) Zolpidem;
(34) Zopiclone.

(b) The controlled substances in the benzodiazepine structural class include any of the following compounds, derivatives, their salts, isomers, or salts of isomers, halogen analogues, or homologues, unless specifically utilized as part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption, as a prescription administered under medical supervision, or for research at a recognized institution, whenever the existence of these salts, isomers, or salts of isomers, halogen analogues, or homologues is possible within the specific chemical designation or unless specifically excepted or listed in this or another schedule, structurally derived from 1,4-benzodiazepine by substitution at the 5-position with a phenyl ring system (which may itself be further substituted), whether or not the compound is further modified in any of the following ways:

(1) By substitution at the 2-position with a ketone;
(2) By substitution at the 3-position with a hydroxyl group or ester group, which itself may be further substituted;
(3) By a fused triazole ring at the 1,2- position, which itself may be further substituted;
(4) By a fused imidazole ring at the 1,2- position, which itself may be further substituted;
(5) By a fused oxazolidine ring at the 4,5- position, which itself may be further substituted;
(6) By a fused oxazine ring at the 4,5- position, which itself may be further substituted;
(7) By substitution at the 7-position with a nitro group;
(8) By substitution at the 7-position with a halogen group; or
(9) By substitution at the 1-position with an alkyl group, which itself may be further substituted.

~~(b)~~(c) The State Board of Pharmacy may except by rule any compound, mixture, or preparation containing any depressant, stimulant, or hallucinogenic substance listed in subsection (a) or (b) of this Code section from the application of all or any part of this article if the compound, mixture, or preparation contains one or more active, medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant or stimulant effect on the central nervous system."

SECTION 5.

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by revising paragraphs (115.3), (323), (562), (563), and (851.02) of subsection (b) as follows:

"(115.3) Budesonide — See exceptions;"
"(323) Doxylamine ~~succinate~~;"

"(562) ~~Meprednisone~~ Mepivacaine;
(563) ~~Mepivacaine~~ Meprednisone;"
"(851.02) ~~Salvinorin A~~ Reserved;"

SECTION 6.

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by adding new paragraphs to subsection (b) to read as follows:

"(19.57) Alectinib;"
"(19.76) Alirocumab;"
"(66.7) Asfotase;"
"(69.2) Avibactam;"
"(107.2) Brexpaprazole;"
"(131.5) Cangrelor;"
"(143.5) Cariprazine;"
"(190.3) Cholic Acid;"
"(207.7) Cobimetinib;"
"(236.5) Daclatasvir;"
"(240.4) Daratumumab;"
"(243.7) Deferiprone;"
"(247.8) Deoxycholic Acid;"
"(295.5) Dinutuximab;"
"(330.7) Edoxaban;"
"(331.059) Elotuzumab;"
"(380.4) Evolocumab;"
"(386.1) Filgrastim-SNDZ;"
"(387.7) Flibanserin;"
"(464.15) Idarucizumab;"
"(474.3) Insulin degludec;"
"(495.5) Isavuconazonium;"
"(506.72) Ivabradine;"
"(506.95) Ixazomib;"
"(513.74) Lenvatinib;"
"(513.77) Lesinurad;"
"(531.4) Lumacaftor;"
"(562.5) Mepolizumab;"
"(638.47) Necitumumab;"
"(665.55) Osimertinib;"
"(681.35) Palbociclib;"
"(685.65) Panobinostat;"
"(692.29) Patiromer;"
"(844.8) Rolapitant;"
"(849.7) Sacubitril;"
"(852.05) Sebelipase;"

"(852.4) Secukinumab;"
"(853.7) Selexipag;"
"(882.3) Sonidegib;"
"(903.17) Sugammadex;"
"(930.98) Talimogene;"
"(967.56) Tipiracil;"
"(973.6) Trabectedin;"
"(1021.1) Uridine;"

SECTION 7.

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by adding a new subsection to read as follows:

"(b.1) A 'restricted dangerous drug' means any other drug or substance declared by the General Assembly to have no medical use, which cannot be legally prescribed by a practitioner, and which cannot be manufactured, grown, produced, distributed, used, or otherwise possessed in this state; to include any of the following drugs, chemicals, or substances; salts, isomers, esters, ethers, or derivatives of such drugs, chemicals, or substances which have essentially the same pharmacological action; and all other salts, isomers, esters, ethers, and compounds of such drugs, chemicals, or substances unless specifically exempted, identified as 'restricted dangerous drugs':

(1) Salvinorin A; and

(2) Salvia divinorum – except as otherwise provided for in paragraph (4.3) of Code Section 16-13-72.

This subsection shall not prohibit a person from possessing a restricted dangerous drug for the purpose of conducting research approved by the federal Food and Drug Administration."

SECTION 8.

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by adding a new paragraph to subsection (c) to read as follows:

"(6.1) Budesonide – when used as a nasal spray in doses up to 32 mcg per spray;"

SECTION 9.

Said chapter is further amended by revising Code Section 16-13-79, relating to violations of the "Dangerous Drug Act," as follows:

"16-13-79.

(a) Except as provided in subsections (b), (c), and (d) of this Code section, any person who violates this article shall be guilty of a misdemeanor.

(b) Any person who distributes or possesses with the intent to distribute nitrous oxide for any use other than for a medical treatment prescribed by the order of a licensed medical practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and upon conviction thereof shall be

punished by imprisonment for not less than one year nor more than three years or by a fine not to exceed $5,000.00 or both.

(c) Any person who distributes or possesses with the intent to distribute to any person under 18 years of age nitrous oxide for any use other than for a medical treatment prescribed by the order of a licensed medical practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished for not less than two years nor more than six years or by a fine not to exceed $10,000.00 or both.

(d) This article shall not apply to any person who possesses, distributes, sells, or uses nitrous oxide for food preparation in a restaurant, for food service, or in household products.

(e) Any person who knowingly distributes or resells any nonprescription injectable insulin product which was first obtained through an over-the-counter sale made to a patient from any pharmacy, practitioner, or other source shall be guilty of a misdemeanor. All such injectable insulin distributed or sold in this manner is considered to be an adulterated dangerous drug and unsalable, making it subject to seizure under the laws of this state."

SECTION 10.

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

SECTION 11.

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

Representative Broadrick of the 4th moved that the House agree to the Senate substitute to HB 783.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	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	Holmes	Y Parrish	Y Stephenson
Y Bennett, K	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	E Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T

Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y 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	N Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	N 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	Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 167, nays 4.

The motion prevailed.

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

Mr. Speaker:

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

HB 862. By Representatives Knight of the 130th, Powell of the 171st, Harrell of the 106th, Hitchens of the 161st and Houston of the 170th:

A BILL to be entitled an Act to amend Code Section 48-5-48 of the Official Code of Georgia Annotated, relating to the homestead exemption for disabled veterans, so as to clarify the definition of disabled veteran; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 885. By Representatives Jones of the 47th, Price of the 48th, Beskin of the 54th, Raffensperger of the 50th, Willard of the 51st and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to repeal a statute relating to the option for certain counties to create a county board of health and wellness by ordinance; to provide for an effective date; to provide

for transition to county boards of health; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating one or more community improvement districts within DeKalb County, approved May 13, 2008 (Ga. L. 2008, p. 3817), as amended, so as to provide for election of board members and levy of taxes by certain municipal corporations; to change certain provisions relating to administration; to change certain provisions relating to taxes, fees, and assessments; 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 creating one or more community improvement districts within DeKalb County, approved May 13, 2008 (Ga. L. 2008, p. 3817), as amended, is amended by revising subsection (a) of Section 5 to read as follows:

"(a)(1) Except as otherwise provided in paragraph (2) of this subsection, each district created pursuant to this Act shall be administered by a board composed of at least seven board members to be appointed and elected as provided in this section. Two board members shall be appointed by the governing authority of DeKalb County should the district boundaries lie entirely within unincorporated DeKalb County. Should any of the district lie within the incorporated area of DeKalb County, only one board member shall be appointed by the governing authority of DeKalb County. One board member shall be appointed by the governing authority of each municipality within which any portion of the district lies. 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 electors and equity electors shall be elected to serve in post positions 1 through 5, respectively. Each elected board member must 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 terms of office of the members representing Posts 1 and 4 shall be one year. The initial terms of office of the members representing Posts 2 and 5 shall be two years, and the initial term of office of the member representing Post 3 shall be three years. Thereafter, all terms of office shall be for three years. The appointed board members shall serve at the pleasure of the appointing authority.

(2) In addition to the requirements of paragraph (1) of this subsection, the board of any district described in paragraph (2) of subsection (a) of Section 6 of this Act shall include three additional board members representing and elected by the equity electors and serving in post positions 6, 7, and 8 for initial terms of one, two, and three years, respectively. Thereafter, all terms of office for the additional board members shall be for three years."

SECTION 2.

Said Act is further amended by revising subsection (a) of Section 6 to read as follows:

"(a)(1) Except as otherwise provided in paragraph (2) of this subsection, 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 five mills 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 or municipal ad valorem 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 in 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 Act.

(2) Regarding any district composed of property located wholly within a municipality that exceeds 130 acres, but is less than 140 acres, in size and that forms all or part of a tax allocation district of such municipality, the board of such district 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 the limitation provided for by Paragraph III of Section VII of Article IX of the Constitution of the State of Georgia. 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 or municipal ad valorem 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 in 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 Act."

SECTION 3.

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

HB 1115. By Representatives Henson of the 86th, Drenner of the 85th, Oliver of the 82nd, Taylor of the 79th, Holcomb of the 81st and others:

A BILL to be entitled an Act to amend an Act to make provisions for the Magistrate Court of DeKalb County, approved March 28, 1985 (Ga. L. 1985, p. 4819), as amended, so as to allow for service of a citation for or accusation of a violation of an ordinance concerning the condition of real property by leaving a copy at the premises where the violation is allegedly to have occurred, mailing a copy to the owner of the premises, and filing with the clerk of the magistrate court; to limit sanctions for violations when such form of service is used; to provide for related matters; to provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act to make provisions for the Magistrate Court of DeKalb County, approved March 28, 1985 (Ga. L. 1985, p. 4819), as amended, so as to provide for an alternate manner of service of a citation for or accusation of a violation of an ordinance concerning the condition of real property; to limit sanctions for violations when such form of service is used; to provide for related matters; to provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to make provisions for the Magistrate Court of DeKalb County, approved March 28, 1985 (Ga. L. 1985, p. 4819), as amended, is amended by adding a new section to read as follows:

"SECTION 6A.

A citation for or accusation of a violation of an ordinance concerning the condition of real property may be served in an alternate manner consistent with general law related to the service of such actions."

SECTION 2.

This Act shall become effective on July 1, 2016, only if a general law is enacted in the 2016 regular session of the General Assembly to authorize a new manner of service specific to an accusation of a violation of an ordinance concerning the condition of real property and such general law becomes effective on or before July 1, 2016. Otherwise, this Act shall be repealed by operation of law on such date.

SECTION 3.

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

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 Senate amendment was read:

The Senate moves to *amend the House substitute to SB 423 (LC 44 0181S) by inserting after* "expenditures;" *on line 5 the following:*
to provide for an effective date;

By replacing lines 154 through 160 with the following:

(3) Members of the board shall receive reimbursement for actual and necessary expenses incurred as a result of performing their official duties. 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.

By replacing lines 265 through 271 with the following:

(3) The chair shall receive reimbursement for actual and necessary expenses incurred as a result of performing his or her official duties. 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.

By inserting between lines 488 and 489 the following:
This Act shall become effective on January 1, 2017.

SECTION 3.

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

On the agreement to the Senate substitutes or amendment, 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
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	Holmes	Y Parrish	Y Stephenson

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

On the agreement to the Senate substitutes or amendment, the ayes were 166, nays 0.

The House has agreed to the Senate substitutes or amendment.

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

HB 362. By Representatives Clark of the 101st, Cooper of the 43rd, Fleming of the 121st, Coleman of the 97th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize licensed health practitioners to prescribe albuterol sulfate for schools; to authorize pharmacists to fill such prescriptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend HB 362 (LC 33 6032S) by inserting after* "prescriptions;" *on line 11 the following:*

to amend Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to delegation of authority to physician assistants, so as to authorize a physician to delegate to a physician assistant the authority to prescribe hydrocodone compound products under certain conditions; to require additional continuing education;

By inserting between lines 86 and 87 the following:

SECTION 2A.

Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to delegation of authority to physician assistants, is amended by revising paragraph (1) and by adding a new paragraph to subsection (e.1) to read as follows:

"(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section 43-34-23, a physician may delegate to a physician assistant, in accordance with a job description, the authority to issue a prescription drug order or orders for any device as defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code Section 16-13-71, any hydrocodone compound product in accordance with subparagraph (B) of this paragraph, or any Schedule III, IV, or V controlled substance as defined in Code Section 16-13-21 on a prescription drug order or prescription device order form as specified in paragraph (3) of this subsection. Delegation of such authority shall be contained in the job description required by this Code section. The delegating physician shall remain responsible for the medical acts of the physician assistant performing such delegated acts and shall adequately supervise the physician assistant. If an existing job description for a physician assistant does not contain such authority to order a prescription drug or device order as provided by this subsection, that physician assistant may not issue any such prescription drug or device order until a new job description delegating such authority is submitted to and approved by the board. Nothing in this Code section shall be construed to authorize the written prescription drug order of a Schedule I or II controlled substance, with the exception of hydrocodone compound products.

(B)(i) A physician may delegate to a physician assistant, in accordance with a job description, the authority to issue a prescription drug order or orders for any hydrocodone compound product in accordance with any requirements and limitations established by the board.

(ii) A physician shall not delegate to a physician assistant the authority to issue a prescription drug order or orders for any hydrocodone compound product which is not within the scope of practice of such physician."

"(11.1) A physician assistant delegated the authority by the primary supervising physician to issue a prescription drug order for a hydrocodone compound product shall be

required to complete three hours of continuing education biennially in the appropriate ordering and use of hydrocodone compound products."

The following amendment was read and adopted:

Representative Clark of the 101st offers the following amendment:

Amend the Senate amendment (AM 33 1541) to HB 362 by deleting all lines 1 through 39 and inserting in lieu thereof the following:

Amend HB 362 (LC 33 6032S) by striking lines 1 through 88 and inserting in lieu thereof the following:

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 or pseudoephedrine; to provide for definitions; to revise provisions relating to exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, is amended by revising Code Section 16-13-30.3, relating to possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine and restrictions on sales of products containing pseudoephedrine, as follows:

"16-13-30.3.

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

(1) 'Ephedrine~~,~~' or 'pseudoephedrine~~,~~' ~~or 'phenylpropanolamine'~~ means any drug product containing ephedrine~~,~~ or pseudoephedrine~~, or phenylpropanolamine,~~ or any of their salts, isomers, or salts of isomers, alone or in a mixture.

~~(2) 'Personal use' means the sale in a single transaction to an individual customer for a legitimate medical use of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine in quantities at or below that specified in subsection (b) of this Code section, and includes the sale of those products to employers to be dispensed to employees from first-aid kits or medicine chests.~~

~~(3) 'Retail distributor' means a grocery store, general merchandise store, drugstore, convenience store, or other related entity, the activities of which involve the distribution of ephedrine, pseudoephedrine, or phenylpropanolamine products.~~

(2) 'Georgia Meth Watch' means the program entitled Georgia Meth Watch or a similar program which has been promulgated, approved, and distributed by the Georgia Council on Substance Abuse.

(3) 'Pharmacy' has the same meaning as in Code Section 26-4-5.
(4) 'Real-time electronic logging system' means an electronic system approved by the Georgia Bureau of Investigation which is operated in real time and which can track required information and generate a stop sale alert to notify a pharmacy that a purchase of ephedrine or pseudoephedrine which exceeds the quantity limits set forth in this Code section is being attempted. Such system shall:
(A) Contain an override function that will not only allow a pharmacy to complete a sale in violation of this Code section when the person making the sale is in reasonable fear of imminent bodily harm if he or she does not complete the sale but also will track any override sales made;
(B) Be accessible to the state, pharmacies, and law enforcement agencies, without a charge or fee, including a transaction fee; and
(C) Have real-time interstate communicability with similar systems in other states.
(5) 'Required information' means the full name and address of the purchaser; the type of government issued photographic identification presented, including the issuer and identification number; a description of the nonprescription product purchased which contains ephedrine or pseudoephedrine, including the number of grams of pseudoephedrine in the product; and the date and time of the purchase.
(b)(1) It ~~is~~ shall be unlawful for any person, other than a person or entity described in paragraph (22), (28), (29), (30), ~~or~~ (33), or (41) of Code Section 26-4-5 ~~or a retail distributor~~, to ~~knowingly~~ possess any product that contains ephedrine~~,~~ or pseudoephedrine~~, or phenylpropanolamine~~ in an amount which exceeds 300 pills, tablets, gelcaps, capsules, or other individual units or more than 9 grams of ephedrine~~,~~ or pseudoephedrine~~, or phenylpropanolamine, their salts, isomers, or salts of isomers,~~ or a combination ~~of any~~ of these substances, whichever is smaller.
(2) It shall be unlawful for any person to possess any ~~amount of a substance set forth in this Code section~~ product containing ephedrine or pseudoephedrine with the intent to manufacture amphetamine or methamphetamine.
(3) Any person who violates the provisions of this ~~Code section~~ subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.
~~(b.1)~~(c)(1) Products whose sole active ingredient is pseudoephedrine may be offered for retail sale only if sold in blister packaging. ~~Such products may not be offered for retail sale by self-service but only from behind a counter or other barrier so that such products are not directly accessible by the public but only by a retail store employee or agent.~~ Nonprescription products whose sole active ingredient is ephedrine or pseudoephedrine shall only be sold in a pharmacy in a manner which complies with State Board of Pharmacy rules established pursuant to Code Section 16-13-29.2.
(2) No person shall ~~deliver in any single over the counter sale more than three packages of any product containing pseudoephedrine as the sole active ingredient or in combination with other active ingredients or any number of packages that contain a combined total of more than nine grams of pseudoephedrine or its base, salts, optical isomers, or salts of its optical isomers~~ distribute or purchase any nonprescription

product containing more than 3.6 grams of ephedrine or pseudoephedrine per day in dosage form or more than 9 grams of ephedrine or pseudoephedrine per 30 day period in dosage form of any product. The limits set forth in this paragraph shall apply to the total amount of ephedrine or pseudoephedrine contained in the product and not the overall weight of such product.

(3) The pharmacy shall maintain a record of required information for each sale of a nonprescription product which contains ephedrine or pseudoephedrine for a period of two years from the date of each transaction. Except as to law enforcement agencies in this state which shall be provided immediate access by a pharmacy to all written and electronic logs or records upon request, the records maintained by a pharmacy pursuant to this Code section shall not be disclosed. Pharmacies may destroy the required information collected pursuant to this subsection after two years from the date of the transaction.

(4)(A) On and after January 1, 2017, pharmacies shall, before completing a sale of a nonprescription product which contains ephedrine or pseudoephedrine, electronically track all such sales and submit the required information to a real-time electronic logging system. A pharmacy shall not complete the sale of a nonprescription product which contains ephedrine or pseudoephedrine if the real-time electronic logging system generates a stop sale alert except as provided in subparagraph (a)(4)(A) of this Code section.

(B) If a pharmacy selling a nonprescription product which contains ephedrine or pseudoephedrine experiences mechanical or electronic failure of the real-time electronic logging system and is unable to comply with the requirements of this paragraph, the pharmacy shall maintain a written log or an alternative electronic recording mechanism until such time as the pharmacy is able to comply with the electronic logging requirement.

(C) Absent negligence, wantonness, recklessness, or deliberate misconduct, any pharmacy utilizing the real-time electronic logging system in accordance with this paragraph shall not be civilly liable as a result of any act or omission in carrying out the duties required by this paragraph and shall be immune from liability to any third party unless the pharmacy has violated any provision of this paragraph in relation to a claim brought for such violation.

(D) The Georgia Bureau of Investigation shall provide real-time access to records on such logging system through an online portal to law enforcement agencies in this state.

~~(3)~~(5) It shall be unlawful for a ~~retail distributor~~ pharmacy to purchase any product containing ephedrine or pseudoephedrine from any person or entity other than a manufacturer or a wholesale distributor licensed by the State Board of Pharmacy.

~~(4) This subsection shall not apply to:~~

~~(A) Pediatric products labeled pursuant to federal regulation as primarily intended for administration to children under 12 years of age according to label instructions; and~~

~~(B) Products that the State Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors.~~

~~(5)~~(6) This subsection shall preempt all local ordinances or regulations governing the retail sale of ~~over the counter~~ products containing ephedrine or pseudoephedrine ~~by a retail business~~ except such local ordinances or regulations that existed on or before December 31, 2004. Effective January 1, 2006, this subsection shall preempt all local ordinances.

~~(6)(A) Except as otherwise provided herein, it shall be unlawful for any person knowingly to violate any prohibition contained in paragraph (1), (2), or (3) of this subsection.~~

~~(B)~~(7)(A) Any person convicted of a violation of paragraph (1), ~~or~~ (2), (3), or (4) of this subsection shall be guilty of a misdemeanor which, upon the first conviction, shall be punished by a fine of not more than $500.00 and, upon the second or subsequent conviction, shall be punished by not more than six months' imprisonment or a fine of not more than $1,000.00, or both.

~~(C)~~(B) Any person convicted of a violation of paragraph ~~(3)~~ (5) of this subsection shall, upon the first conviction, be guilty of a misdemeanor and, upon the second or subsequent conviction, be guilty of a misdemeanor of a high and aggravated nature.

~~(D)~~(C) It shall be a defense to a prosecution pursuant to this paragraph by law enforcement of a ~~retail business or owner or operator thereof~~ pharmacy for violation of paragraph (1), ~~or~~ (2), (3), (4), or (5) of this subsection that, at the time of the alleged violation, all of the employees of the ~~retail business~~ pharmacy had completed training complying with standards established under Georgia Meth Watch~~,~~ as such standards existed on June 30, 2016, and the ~~retail business~~ pharmacy was in compliance with procedures established by Georgia Meth Watch~~, and the defendant did not knowingly, willfully, or intentionally violate paragraph (1) or (2) of this subsection. For purposes of this subsection only, the term 'Georgia Meth Watch' shall mean that program entitled 'Georgia Meth Watch' or similar program which has been promulgated, approved, and distributed by the Georgia Council on Substance Abuse~~ as such standards existed on June 30, 2016; provided, however, that this subparagraph shall not apply to the State Board of Pharmacy or prevent it from taking disciplinary action for a violation of this subsection.

~~(7) Except as otherwise provided in this subsection, the State Board of Pharmacy may adopt reasonable rules and regulations to effectuate the provisions of this subsection. The board is further authorized to charge reasonable fees to defray expenses incurred in maintaining any records or forms necessitated by this subsection or otherwise administering any other provisions of this subsection.~~

~~(c)~~(d) This Code section shall not apply to~~:~~

~~(1) Pediatric products primarily intended for administration to children under 12 years of age, according to label instructions, either:~~

~~(A) In solid dosage form whose recommended dosage, according to label instructions, does not exceed 15 milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per individual dosage unit; or~~

~~(B) In liquid form whose recommended dosage, according to label instructions, does not exceed 15 milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per five milliliters of liquid product;~~

~~(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce; or~~

~~(3) Products~~ products that the State Board of Pharmacy, upon application of a manufacturer, exempts by rule from this Code section because the product has been formulated in such a way as to prevent effectively the conversion of the active ingredient into methamphetamine or its salts or precursors.

~~(d)~~(e) Except as authorized by this article, it is unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute any ~~substance~~ product containing any amounts of ephedrine~~,~~ or pseudoephedrine~~, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers~~ which have been altered from their original condition so as to be powdered, liquefied, or crushed. This subsection shall not apply to any of the substances identified within this subsection which are possessed or altered for a legitimate medical purpose. Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years."

SECTION 2.

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

Representative Clark of the 101st moved that the House agree to the Senate amendment, as amended by the House, to HB 362.

On the motion, 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	Y Morris	Y Smith, M
N Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Bennett, T	Y Dollar	Y Howard	Y Peake	N Stover
Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	Jackson	N Pezold	Y Tankersley
Y Beskin	Dudgeon	Y Jasperse	Y Pirkle	Tanner

Y Beverly	Y Dukes	Jones, J	Y Powell, A	N Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	E Duncan	Y Jones, L	Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstration	Y Jordan	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	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Knight	Y Reeves	Welch
Y Cantrell	Y Fludd	Y LaRiccia	Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	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	N Rutledge	Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Setzler	Y Williams, E
N Clark, H	Y Gordon	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 motion, the ayes were 143, nays 14.

The motion prevailed.

HB 960. By Representatives Kelley of the 16th, Sims of the 123rd, Dempsey of the 13th, Harrell of the 106th, Houston of the 170th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 48 of the O.C.G.A., relating to state administration and collection of revenue, so as to provide for confidentiality of certain tax information; to provide for an interest rate on delinquent payments that adjusts to reflect changes in the prime rate; to adjust the penalties for nonpayment of ad valorem taxes to offset the reduction in interest rate; to make distribution of penalties equitable between taxing jurisdictions; to provide for additional procedures, conditions, and limitations; to provide for notice to political subdivisions upon the filing of certain tax refund requests; to provide for confidentiality of taxpayer information; to provide for automatic transfer to the Georgia Tax Tribunal in certain cases; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administration and collection of revenue, so as to provide for confidentiality of certain tax information; to provide for an interest rate on delinquent payments that adjusts to reflect changes in the prime rate; to adjust the penalties for nonpayment of ad valorem taxes to offset the reduction in interest rate; to make distribution of penalties equitable between taxing jurisdictions; to provide for additional procedures, conditions, and limitations; to provide for notice to political subdivisions upon the filing of certain tax refund requests; to provide for confidentiality of taxpayer information; to amend Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, so as to provide for automatic transfer to the Georgia Tax Tribunal in certain cases; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administration and collection of revenue, is amended by revising subsection (b) and adding a new subsection to Code Section 48-2-15, relating to confidential information, to read as follows:

"(b) This Code section shall not:

(1) Be construed to prevent the use of confidential information as evidence before any state or federal court in the event of litigation involving tax liability of any taxpayer;

(2) Be deemed to prevent the print or electronic publication of statistics so arranged as not to reveal information respecting an individual taxpayer;

(3) Apply in any way whatsoever to any official finding of the commissioner with respect to any assessment or any information properly entered upon an assessment roll or other public record;

(4) Affect any information which in the regular course of business is by law made the subject matter of a public document in any federal or state office or in any local office in this state; ~~or~~

(5) Apply to information, records, and reports required and obtained under Article 1 of Chapter 9 of this title, which requires distributors of motor fuels to make reports of the amounts of motor fuels sold and used in each county by the distributor, or under Article 2 of Chapter 9 of this title, relating to road tax on motor carriers; or

(6) Be construed to prevent the disclosure of information, so arranged as not to reveal information respecting an individual taxpayer, requested by the House Committee on Ways and Means or the Senate Finance Committee regarding the department's administration of any tax."

"(f) This Code section shall not be construed to prohibit disclosure as required in subsection (h) of Code Section 48-2-35."

SECTION 2.

Said chapter is further amended by revising subsections (a) and (f) and adding new subsections in Code Section 48-2-35, relating to refunds of taxes and fees determined to have been erroneously or illegally assessed and collected, to read as follows:

"(a) A taxpayer shall be refunded any and all taxes or fees which are determined to have been erroneously or illegally assessed and collected from such taxpayer under the laws of this state, whether paid voluntarily or involuntarily, and shall be refunded interest, except as provided in subsection (b) of this Code section, on the amount of the taxes or fees ~~at the rate of 1 percent per month~~ from the date of payment of the tax or fee to the commissioner at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus 3 percent, to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. For the purposes of this Code section, any period of less than one month shall be considered to be one month. Refunds shall be drawn from the treasury on warrants of the Governor issued upon itemized requisitions showing in each instance the person to whom the refund is to be made, the amount of the refund, and the reason for the refund."

"(f) For purposes of all claims for refund of sales and use taxes erroneously or illegally assessed and collected, the term 'taxpayer,' as defined under Code Section 48-2-35.1, shall apply. Such claim for refund shall contain the total refund claimed and the allocation of the local sales and use tax by the political subdivision.

(g) Any taxpayer required to pay taxes electronically in accordance with paragraph (2.1) of subsection (f) of Code Section 48-2-32 shall also file any claims for refund electronically. The department shall make claim for refund forms consistent with this subsection electronically available.

(h)(1) As used in this subsection, the term:

(A) 'Political subdivision designee' means the chief officer or officers designated by the political subdivision to receive information about a refund claim of local significance pursuant to this subsection. Each political subdivision shall certify to the commissioner that any such designee is so authorized on a form and in a manner prescribed by the department.

(B) 'Refund claim of local significance' means a taxpayer's claim for refund of sales and use taxes erroneously or illegally assessed and collected or the department's discovery of any overpayment of such taxes, if such claim for refund or overpayment is for an amount equal to or greater than 10 percent of the total yearly average of aggregate sales and use tax distributions to any single political subdivision based on the average of the three most recent calendar years.

(2) Within 30 business days following the department's receipt of a refund claim of local significance, the department shall notify each affected political subdivision's political subdivision designee that a refund claim of local significance has been received and shall furnish the taxpayer with a copy of such notification. Such notification shall include the date the refund claim of local significance was filed, the

amount in the claim for refund for which the political subdivision itself would be responsible if the request is granted, and a copy of the confidentiality provisions in Code Section 48-2-15 and this Code section. After the department has completed an audit of the claim for refund and determined a final refund amount, the department shall supplement the above notice by transmitting to the political subdivision designee the final refund amount for which the political subdivision is responsible.

(3) Any information supplied to a political subdivision designee pursuant to this subsection shall retain, in the hands of the local official, its privileged and confidential nature to the same extent and under the same conditions as such information is privileged and confidential in the hands of the commissioner, pursuant to Code Section 48-2-15. It shall be the responsibility of the political subdivision designee, and not the department, to protect privileged and confidential information received under this subsection. Any person who divulges any tax information obtained under this subsection shall be subject to the same civil and criminal penalties as provided for divulgence of tax information by employees of the department. Though privileged and confidential information shall not be disclosed, the political subdivision designee may make reasonable budgetary recommendations to elected officials, city managers, and tax officials in political subdivisions based on the confidential information furnished. The department shall not be subject to any criminal or civil liability for the unauthorized divulgence of privileged and confidential information by a political subdivision designee. Notwithstanding the foregoing, in the event all or any portion of the refund claim of local significance is for a tax levied under Part 1 of Article 3 of Chapter 8 of this title, the affected county shall not be in violation of this confidential provision if it notifies all municipal political subdivision designees in the county that such notification has been received from the department.

(4) The commissioner, by rule or regulation, shall establish guidelines for identifying and producing documents to the Department of Audits and Accounts for review relating to the handling of refund claims of local significance. In the event of such review, the Department of Audits and Accounts shall assess whether the department followed proper procedures and used appropriate methodology to reach its final determination on a refund claim of local significance.

(5) Any refund claims of local significance pending with the department for two years after the claim for refund was filed shall be automatically transferred to the Georgia Tax Tribunal as a declaratory judgment of the commissioner requesting a show cause proceeding pursuant to Code Section 50-13A-19.1."

SECTION 3.

Said chapter is further amended by revising Code Section 48-2-40, relating to the rate of interest on past due taxes, as follows:

"48-2-40.

Except as otherwise expressly provided by law, taxes owed the state or any local taxing jurisdiction shall bear interest ~~at the rate of 1 percent per month~~ at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve

System in statistical release H. 15 or any publication that may supersede it, plus 3 percent, to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. For the purposes of this Code section, any period of less than one month shall be considered to be one month. This Code section shall also apply to alcoholic beverage taxes."

SECTION 4.

Said chapter is further amended by revising subsection (b) of Code Section 48-2-44, relating to penalties and interest on failure to file return or timely pay taxes held in trust for the state, as follows:

"(b)(1) In any instance in which any person willfully fails, on or after July 1, 1981, to pay, within ~~90~~ 120 days of the date when due, any ad valorem tax owed the state or any local government, such person shall pay, in the absence of a specific statutory civil penalty for the failure, a penalty of 10 percent of the amount of tax due and not paid at the time such penalty is assessed, together with interest as specified by law. ~~This 10 percent penalty~~ After 120 days from the imposition of the initial penalty, an additional penalty of 5 percent of any tax amount remaining due shall be imposed at each subsequent 120 day period, together with interest as specified by law. The aggregate amount of penalties imposed pursuant to this subsection shall not exceed an amount equal to 20 percent of the principal amount of the tax originally due. These penalties shall not, however, apply in the case of:

(A) Ad valorem taxes of $500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title; or

(B) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

(2) Any city or county authorized as of April 22, 1981, by statute or constitutional amendment to receive a penalty of greater than 10 percent for failure to pay an ad valorem tax is authorized to continue to receive that amount.

(3) With respect to all penalties and interest received by the tax commissioner on or after July 1, 1998, unless otherwise specifically provided for by general law, the tax commissioner shall distribute penalties collected and interest collected or earned as follows:

(A) ~~Penalties collected for failure to return property for ad valorem taxation or for failure to pay ad valorem taxes, and interest earned by the tax commissioner on taxes collected but not yet disbursed, shall be paid into the county treasury in the same manner and at the same time the tax is collected and distributed to the county, and they shall remain the property of the county~~ Interest earned by the tax

commissioner on taxes collected but not yet disbursed shall be distributed pro rata based on each taxing jurisdiction's share of the total amount upon which the interest was computed; and

(B) ~~Interest collected on delinquent ad valorem taxes shall be distributed pro rata based on each taxing jurisdiction's share of the total tax on which the interest was computed~~ Penalties collected for failure to return property for ad valorem taxation or failure to pay ad valorem taxes, and interest collected on delinquent ad valorem taxes, shall be distributed pro rata based on each taxing jurisdiction's share of the total tax on which the penalty or interest was computed."

SECTION 5.

Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, is amended by adding a new Code section to read as follows:

"50-13A-19.1.

(a) The tribunal shall docket the declaratory judgments of the revenue commissioner pursuant to subsection (h) of Code Section 48-2-35 as actions in the tribunal without the filing of a petition for relief.

(b)(1) The tribunal shall determine by interlocutory order the party at fault for the delay in finally determining a claim for refund.

(2) If the tribunal determines that the Department of Revenue is primarily at fault, the order shall require that the Department of Revenue pay all interest due to the taxpayer on the claim for refund, including the interest due on the local sales and use tax deemed to have been illegally or erroneously collected. The tribunal shall thereafter remand the matter back to the Department of Revenue for determination on the underlying claim for refund.

(3) If the tribunal determines that the taxpayer who made the claim for refund is primarily at fault, the order shall prohibit the accrual of any interest due to the taxpayer on the finally determined claim for refund. The tribunal shall thereafter remand the matter back to the Department of Revenue for determination on the underlying claim for refund.

(4) If the tribunal determines that the delay is justified, the order shall remand the matter back to the Department of Revenue for determination and for further hearings at the tribunal's discretion.

(c) The tribunal, at its discretion, may award reasonable attorneys' fees to either party in such proceedings.

(d) Orders of the tribunal issued pursuant to this Code section shall be excluded from the provisions of subsection (d) of Code Section 50-13A-15.

(e) Except as otherwise provided in this Code section, such actions shall follow the procedures and tribunal rules applicable to other proceedings within the tribunal."

SECTION 6.

This Act shall become effective on July 1, 2016. The new penalty and interest rates provided in Sections 2, 3, and 4 of this Act shall apply to penalties and interest accrued on or after the effective date of this Act.

SECTION 7.

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

The following amendment was read and adopted:

Representatives Kelly of the 16th and Powell of the 171st offer the following amendment:

Amend the Senate substitute to HB 960 (LC 43 0398ERS) by deleting all matter from line 1 through the end and inserting in lieu thereof the following:

To amend Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administration and collection of revenue, so as to provide for confidentiality of certain tax information; to provide for an interest rate on delinquent payments that adjusts to reflect changes in the prime rate; to adjust the penalties for nonpayment of ad valorem taxes to offset the reduction in interest rate; to provide for the distribution of penalties between taxing jurisdictions; to provide for additional procedures, conditions, and limitations; to provide for notice to political subdivisions upon the filing of certain tax refund requests; to provide for confidentiality of taxpayer information; to amend Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, so as to provide for automatic transfer to the Georgia Tax Tribunal in certain cases; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administration and collection of revenue, is amended by revising subsection (b) and adding a new subsection to Code Section 48-2-15, relating to confidential information, to read as follows:

"(b) This Code section shall not:

(1) Be construed to prevent the use of confidential information as evidence before any state or federal court in the event of litigation involving tax liability of any taxpayer;

(2) Be deemed to prevent the print or electronic publication of statistics so arranged as not to reveal information respecting an individual taxpayer;

(3) Apply in any way whatsoever to any official finding of the commissioner with respect to any assessment or any information properly entered upon an assessment roll or other public record;

(4) Affect any information which in the regular course of business is by law made the subject matter of a public document in any federal or state office or in any local office in this state; ~~or~~

(5) Apply to information, records, and reports required and obtained under Article 1 of Chapter 9 of this title, which requires distributors of motor fuels to make reports of the amounts of motor fuels sold and used in each county by the distributor, or under Article 2 of Chapter 9 of this title, relating to road tax on motor carriers; or

(6) Be construed to prevent the disclosure of information, so arranged as not to reveal information respecting an individual taxpayer, requested by the House Committee on Ways and Means or the Senate Finance Committee regarding the department's administration of any tax."

"(f) This Code section shall not be construed to prohibit disclosure as required in subsection (h) of Code Section 48-2-35."

SECTION 2.

Said chapter is further amended by revising subsections (a) and (f) and adding new subsections in Code Section 48-2-35, relating to refunds of taxes and fees determined to have been erroneously or illegally assessed and collected, to read as follows:

"(a) A taxpayer shall be refunded any and all taxes or fees which are determined to have been erroneously or illegally assessed and collected from such taxpayer under the laws of this state, whether paid voluntarily or involuntarily, and shall be refunded interest, except as provided in subsection (b) of this Code section, on the amount of the taxes or fees ~~at the rate of 1 percent per month~~ from the date of payment of the tax or fee to the commissioner at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus 3 percent, to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. For the purposes of this Code section, any period of less than one month shall be considered to be one month. Refunds shall be drawn from the treasury on warrants of the Governor issued upon itemized requisitions showing in each instance the person to whom the refund is to be made, the amount of the refund, and the reason for the refund."

"(f) For purposes of all claims for refund of sales and use taxes erroneously or illegally assessed and collected, the term 'taxpayer,' as defined under Code Section 48-2-35.1, shall apply. Such claim for refund shall contain the total refund claimed and the allocation of the local sales and use tax by the political subdivision.

(g) Any taxpayer required to pay taxes electronically in accordance with paragraph (2.1) of subsection (f) of Code Section 48-2-32 shall also file any claims for refund electronically. The department shall make claim for refund forms consistent with this subsection electronically available.

(h)(1) As used in this subsection, the term:

(A) 'Political subdivision designee' means the chief officer or officers designated by the political subdivision to receive information about a refund claim of local significance pursuant to this subsection. Each political subdivision shall certify to the commissioner that any such designee is so authorized on a form and in a manner prescribed by the department.

(B) 'Refund claim of local significance' means a taxpayer's claim for refund of sales and use taxes erroneously or illegally assessed and collected or the department's discovery of any overpayment of such taxes, if such claim for refund or overpayment is for an amount equal to or greater than 10 percent of the total yearly average of aggregate sales and use tax distributions to any single political subdivision based on the average of the three most recent calendar years.

(2) Within 30 business days following the department's receipt of a refund claim of local significance, the department shall notify each affected political subdivision's political subdivision designee that a refund claim of local significance to the political subdivision has been received and shall furnish the taxpayer with a copy of such notification. Such notification shall include the date the refund claim of local significance was filed, the amount in the claim for refund for which the political subdivision itself would be responsible if the request is granted, and a copy of the confidentiality provisions in Code Section 48-2-15 and this Code section. After the department has completed an audit of the claim for refund and determined a final refund amount, the department shall supplement the above notice by transmitting to the political subdivision designee the final refund amount for which the political subdivision is responsible.

(3) Any information supplied to a political subdivision designee pursuant to this subsection shall retain, in the hands of the local official, its privileged and confidential nature to the same extent and under the same conditions as such information is privileged and confidential in the hands of the commissioner, pursuant to Code Section 48-2-15. It shall be the responsibility of the political subdivision designee, and not the department, to protect privileged and confidential information received under this subsection. Any person who divulges any tax information obtained under this subsection shall be subject to the same civil and criminal penalties as provided for divulgence of tax information by employees of the department. Though privileged and confidential information shall not be disclosed, the political subdivision designee may make reasonable budgetary recommendations to elected officials, city managers, and tax officials in political subdivisions based on the confidential information furnished. The department shall not be subject to any criminal or civil liability for the unauthorized divulgence of privileged and confidential information by a political subdivision designee. Notwithstanding the foregoing, in the event all or any portion of the refund claim of local significance is for a tax levied under Part 1 of Article 3 of Chapter 8 of this title, the affected county shall not be in violation of this confidential provision if it notifies all municipal political subdivision designees in the county that such notification has been received from the department.

(4) The commissioner, by rule or regulation, shall establish guidelines for identifying and producing documents to the Department of Audits and Accounts for review relating to the handling of refund claims of local significance. In the event of such review, the Department of Audits and Accounts shall assess whether the department followed proper procedures and used appropriate methodology to reach its final determination on a refund claim of local significance.

(5) Any refund claims of local significance pending with the department for two years after the claim for refund was filed shall be automatically transferred to the Georgia Tax Tribunal as a declaratory judgment of the commissioner requesting a show cause proceeding pursuant to Code Section 50-13A-19.1."

SECTION 3.

Said chapter is further amended by revising Code Section 48-2-40, relating to the rate of interest on past due taxes, as follows:

"48-2-40.

Except as otherwise expressly provided by law, taxes owed the state or any local taxing jurisdiction shall bear interest ~~at the rate of 1 percent per month~~ at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus 3 percent, to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. For the purposes of this Code section, any period of less than one month shall be considered to be one month. This Code section shall also apply to alcoholic beverage taxes."

SECTION 4.

Said chapter is further amended by revising subsection (b) of Code Section 48-2-44, relating to penalties and interest on failure to file return or timely pay taxes held in trust for the state, as follows:

"(b)(1) In any instance in which any person willfully fails, on or after July 1, 1981, to pay, within ~~90~~ 120 days of the date when due, any ad valorem tax owed the state or any local government, such person shall pay, in the absence of a specific statutory civil penalty for the failure, a penalty of ~~10~~ 5 percent of the amount of tax due and not paid at the time such penalty is assessed, together with interest as specified by law. ~~This 10 percent penalty~~ After 120 days from the imposition of the initial penalty, an additional penalty of 5 percent of any tax amount remaining due shall be imposed, together with interest as specified by law. If any tax amount remains due after 120 days from the imposition of such additional penalty, a penalty of 5 percent shall be imposed, together with interest as specified by law. Should any tax amount remain due 120 days after such date, a penalty of 5 percent shall be imposed, together with interest as specified by law. The aggregate amount of penalties imposed pursuant to

this subsection shall not exceed an amount equal to 20 percent of the principal amount of the tax originally due. These penalties shall not, however, apply in the case of:

(A) Ad valorem taxes of $500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title; or

(B) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

(2) Any city or county authorized as of April 22, 1981, by statute or constitutional amendment to receive a penalty of greater than 10 percent for failure to pay an ad valorem tax is authorized to continue to receive that amount.

(3) With respect to all penalties and interest received by the tax commissioner on or after July 1, 1998, unless otherwise specifically provided for by general law, the tax commissioner shall distribute penalties collected and interest collected or earned as follows:

(A) Penalties collected for failure to ~~return property for ad valorem taxation or for failure to pay ad valorem taxes, and interest earned by the tax commissioner on taxes collected but not yet disbursed,~~ pay ad valorem taxes attributable to the Board of Education or independent school district shall be paid into the county treasury in the same manner and at the same time the tax is collected and distributed to the county, and they shall remain the property of the county; ~~and~~

(B) Interest earned by the tax commissioner on taxes collected but not yet disbursed shall be distributed pro rata based on each taxing jurisdiction's share of the total amount upon which the interest was computed; and

~~(B)~~(C) Except as otherwise provided in subparagraph (A) of this paragraph, penalties collected for failure to return property for ad valorem taxation or failure to pay ad valorem taxes, and interest ~~Interest~~ collected on delinquent ad valorem taxes, shall be distributed pro rata based on each taxing jurisdiction's share of the total tax on which the penalty or interest was computed."

SECTION 5.

Chapter 13A of Title 50 of the Official Code of Georgia Annotated, relating to tax tribunals, is amended by adding a new Code section to read as follows:

"50-13A-19.1.

(a) The tribunal shall docket the declaratory judgments of the revenue commissioner pursuant to subsection (h) of Code Section 48-2-35 as actions in the tribunal without the filing of a petition for relief.

(b)(1) The tribunal shall determine by interlocutory order the party at fault for the delay in finally determining a claim for refund.

(2) If the tribunal determines that the Department of Revenue is primarily at fault, the order shall require that the Department of Revenue pay all interest due to the taxpayer

on the claim for refund, including the interest due on the local sales and use tax deemed to have been illegally or erroneously collected. The tribunal shall thereafter remand the matter back to the Department of Revenue for determination on the underlying claim for refund.

(3) If the tribunal determines that the taxpayer who made the claim for refund is primarily at fault, the order shall prohibit the accrual of any interest due to the taxpayer on the finally determined claim for refund. The tribunal shall thereafter remand the matter back to the Department of Revenue for determination on the underlying claim for refund.

(4) If the tribunal determines that the delay is justified, the order shall remand the matter back to the Department of Revenue for determination and for further hearings at the tribunal's discretion.

(c) The tribunal, at its discretion, may award reasonable attorneys' fees to either party in such proceedings.

(d) Orders of the tribunal issued pursuant to this Code section shall be excluded from the provisions of subsection (d) of Code Section 50-13A-15.

(e) Except as otherwise provided in this Code section, such actions shall follow the procedures and tribunal rules applicable to other proceedings within the tribunal."

SECTION 6.

(a) This Act shall become effective on July 1, 2016.

(b) The new penalty and interest rates provided in Sections 2, 3, and 4 of this Act shall apply to penalties and interest accrued on or after the effective date of this Act.

(c) The new notification requirement and the automatic transfer to the Georgia Tax Tribunal requirement contained in Section 2 of this Act regarding a refund claim of local significance shall apply to claims for refund received by the department on or after the effective date of this Act.

SECTION 7.

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

Representative Kelley of the 16th moved that the House agree to the Senate substitute, as amended by the House, to HB 960.

On the motion, 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	N Morris	Y Smith, M
Y Atwood	N Corbett	Y Hawkins	Mosby	Y Smith, R
Ballinger	Y Dawkins-Haigler	Y Henson	N Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Hightower	N Nix	Y Spencer
Y Battles	Y Dempsey	N Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson

Y Bennett, K
Y Bennett, T
Y Bentley
N Benton
Y Beskin
Y Beverly
Y Blackmon
Y Broadrick
Y Brockway
Y Bruce
E Bryant
N Buckner
Y Burns
Y Caldwell, J
N Caldwell, M
Y Cannon
Y Cantrell
Y Carson
N Carter, A
Y Carter, D
Y Casas
Y Chandler
Y Cheokas
Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Dickson
Y Dollar
Y Douglas
E Drenner
N Dudgeon
Y Dukes
N Dunahoo
E Duncan
Y Ealum
N Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
N Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
N Greene
Y Houston
Y Howard
Y Hugley
Jackson
N Jasperse
Y Jones, J
N Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
N LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Parsons
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
Reeves
N Rhodes
Rice
Y Rogers, C
Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Stovall
Y Stover
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
N Werkheiser
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 142, nays 19.

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 408. By Representatives Willard of the 51st, Raffensperger of the 50th, Geisinger of the 48th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to an excise tax on rooms, lodging, and accommodations, so as to clarify the application of certain provisions to certain municipalities; to provide for conditions and limitations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 168. By Senators Jones of the 25th and Harper of the 7th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the Old Governor's Mansion as the official state historic house; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 191. By Senators Tippins of the 37th, Jeffares of the 17th, Gooch of the 51st, McKoon of the 29th, Thompson of the 5th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 25 of the Official Code of Georgia Annotated, relating to blasting or excavating near utility facilities, so as to prohibit local governing authorities from adopting or enforcing ordinances which mandate marking requirements or standards which are different from those contained in state law or the rules and regulations of certain departments of this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 379. By Senators Ginn of the 47th, Wilkinson of the 50th, Harper of the 7th, Mullis of the 53rd, Albers of the 56th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption for fire districts which have elected governing bodies and are supported by ad valorem taxes; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 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.

The Senate has agreed to the House substitute to the following resolution of the Senate:

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

HB 936. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Duncan of the 26th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from income taxes, so as to clarify certain terms in respect to the wages necessary to qualify for a jobs tax credit; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from income taxes, so as to provide for an income tax credit for members of the Georgia State Defense Force; to clarify certain terms in respect to the wages necessary to qualify for a jobs tax credit; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"48-7-29.20.

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

(1) 'Georgia State Defense Force' means the organization established pursuant to Part 3 of Article 1 of Chapter 2 of Title 38.

(2) 'Georgia State Defense Force member' means an individual who is an active member in good standing of the Georgia State Defense Force for at least eight months.

(b) A Georgia State Defense Force member shall be allowed a credit against the tax imposed by Code Section 48-7-20 in an amount not to exceed $500.00 per taxable year. In no event shall the amount of the tax credit exceed the taxpayer's income tax liability for any taxable year, and any unused tax credit shall not be allowed to be carried forward to apply to the taxpayer's succeeding years' tax liability. No such tax credit shall be allowed the taxpayer against prior years' tax liability.

(c) The commissioner shall promulgate any rules and regulations necessary to implement and administer this Code section."

SECTION 2.

Said article is further amended by revising paragraph (1) of subsection (e) of Code Section 48-7-40, relating to designating counties as less developed areas, as follows:

"(e)(1) Business enterprises in counties designated by the commissioner of community affairs as tier 1 counties shall be allowed a tax credit for taxes imposed under this article equal to $3,500.00 annually per eligible new full-time employee job for five years beginning with the first taxable year in which the new full-time employee job is created and for the four immediately succeeding taxable years; provided, however, that where the amount of such credit exceeds a business enterprise's liability for such taxes in a taxable year, the excess may be taken as a credit against such business enterprise's quarterly or monthly payment under Code Section 48-7-103 but not to exceed in any one taxable year $3,500.00 for each new full-time employee job when aggregated with the credit applied against taxes under this article. Each employee whose employer receives credit against such business enterprise's quarterly or monthly payment under Code Section 48-7-103 shall receive credit against his or her income tax liability under Code Section 48-7-20 for the corresponding taxable year for the full amount which would be credited against such liability prior to the application of the credit provided for in this paragraph. Credits against quarterly or monthly payments under Code Section 48-7-103 and credits against liability under Code Section 48-7-20 established by this paragraph shall not constitute income to the taxpayer. Business enterprises in counties designated by the commissioner of community affairs as tier 2 counties shall be allowed a job tax credit for taxes imposed under this article equal to $2,500.00 annually, business enterprises in counties designated by the commissioner of community affairs as tier 3 counties shall be allowed a job tax credit for taxes imposed under this article equal to $1,250.00 annually, and business enterprises in counties designated by the commissioner of community affairs as tier 4 counties shall be allowed a job tax credit for taxes imposed under this article equal to $750.00 annually for each new full-time employee job for five years beginning with the first taxable year in which the new full-time employee job is created and for the four immediately succeeding taxable years. Where a business enterprise is engaged in a competitive project located in a

county designated by the commissioner of community affairs as a tier 2 county and where the amount of the credit provided in this paragraph exceeds such business enterprise's liability for taxes imposed under this article in a taxable year, or where a business enterprise is engaged in a competitive project located in a county designated by the commissioner of community affairs as a tier 3 or tier 4 county and where the amount of the credit provided in this paragraph exceeds 50 percent of such business enterprise's liability for taxes imposed under this article in a taxable year, the excess may be taken as a credit against such business enterprise's quarterly or monthly payment under Code Section 48-7-103 but not to exceed in any one taxable year $2,500.00 for each new full-time employee job when aggregated with the credit applied against taxes under this article. Each employee whose employer receives credit against such business enterprise's quarterly or monthly payment under Code Section 48-7-103 shall receive credit against his or her income tax liability under Code Section 48-7-20 for the corresponding taxable year for the full amount which would be credited against such liability prior to the application of the credit provided for in this paragraph. Credits against quarterly or monthly payments under Code Section 48-7-103 and credits against liability under Code Section 48-7-20 established by this paragraph shall not constitute income to the taxpayer. The number of new full-time employee jobs shall be determined by comparing the monthly average number of full-time employees subject to Georgia income tax withholding for the taxable year with the corresponding period of the prior taxable year. In tier 1 counties, those business enterprises that increase employment by two or more shall be eligible for the credit. In tier 2 counties, only those business enterprises that increase employment by ten or more shall be eligible for the credit. In tier 3 counties, only those business enterprises that increase employment by 15 or more shall be eligible for the credit. In tier 4 counties, only those business enterprises that increase employment by 25 or more shall be eligible for the credit. The ~~average~~ wage of ~~the~~ each new ~~jobs~~ job created must be above the average wage of the county that has the lowest average wage of any county in the state to qualify as reported in the most recently available annual issue of the Georgia Employment and Wages Averages Report of the Department of Labor. To qualify for a credit under this paragraph, the employer must make health insurance coverage available to the employee filling the new full-time employee job; provided, however, that nothing in this paragraph shall be construed to require the employer to pay for all or any part of health insurance coverage for such an employee in order to claim the credit provided for in this paragraph if such employer does not pay for all or any part of health insurance coverage for other employees. Credit shall not be allowed during a year if the net employment increase falls below the number required in such tier. The state revenue commissioner shall adjust the credit allowed each year for net new employment fluctuations above the minimum level of the number required in such tier."

SECTION 3.

Said article is further amended by revising subsections (a) and (e) of Code Section 48-7-40.1, relating to tax credits for business enterprises in less developed areas, as follows:

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

(1) 'Broadcasting' means the transmission or licensing of audio, video, text, or other programming content to the general public, subscribers, or to third parties via radio, television, cable, satellite, or the Internet or Internet Protocol and includes motion picture and sound recording, editing, production, postproduction, and distribution. 'Broadcasting' is limited to establishments classified under the 2007 North American Industry Classification System Codes 515, broadcasting; 519, Internet publishing and broadcasting; 517, telecommunications; and 512, motion picture and sound recording industries.

(2) 'Business enterprise' means any business or the headquarters of any such business which is engaged in manufacturing, including, but not limited to, the manufacturing of alternative energy products for use in solar, wind, battery, bioenergy, biofuel, and electric vehicle enterprises, warehousing and distribution, processing, telecommunications, broadcasting, tourism, biomedical manufacturing, and research and development industries. Such term shall not include retail businesses. Businesses are eligible for the tax credit provided by this Code section at an individual establishment of the business based on the classification of the individual establishment under the North American Industry Classification System. For purposes of this Code section, the term 'establishment' means an economic unit at a single physical location where business is conducted or where services or industrial operations are performed. If more than one business activity is conducted at the establishment, then only those jobs engaged in the qualifying activity will be eligible for the tax credit provided by this Code section.

(3) 'New full-time employee job' means a newly created position of employment that was not previously located in this state, requires a minimum of 35 hours a week, and pays at or above the average wage earned in the county with the lowest average wage earned in this state, as reported in the most recently available annual issue of the Georgia Employment and Wages Averages Report of the Department of Labor."

"(e) Business enterprises in areas designated by the commissioner of community affairs as less developed areas shall be allowed a job tax credit for taxes imposed under this article equal to $3,500.00 annually per eligible new full-time employee job for five years beginning with the first taxable year in which the new full-time employee job is created and for the four immediately succeeding taxable years; provided, however, that where the amount of such credit exceeds a business enterprise's liability for such taxes in a taxable year, the excess may be taken as a credit against such business enterprise's quarterly or monthly payment under Code Section 48-7-103 but not to exceed in any one taxable year $3,500.00 for each new full-time employee job when aggregated with the credit applied against taxes under this article. Each employee whose employer receives credit against such business enterprise's quarterly or monthly payment under Code Section 48-7-103 shall receive credit against his or her income tax liability under

Code Section 48-7-20 for the corresponding taxable year for the full amount which would be credited against such liability prior to the application of the credit provided for in this subsection. Credits against quarterly or monthly payments under Code Section 48-7-103 and credits against liability under Code Section 48-7-20 established by this subsection shall not constitute income to the taxpayer. The number of new full-time employee jobs shall be determined by comparing the monthly average number of full-time employees subject to Georgia income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those business enterprises that increase employment by five or more in a less developed area shall be eligible for the credit; provided, however, that within areas of pervasive poverty as designated under paragraphs (2) and (4) of subsection (c) of this Code section businesses shall only have to increase employment by two or more jobs in order to be eligible for the credit, provided that, if a business only increases employment by two jobs, the persons hired for such jobs shall not be married to one another. The ~~average~~ wage of ~~the~~ each new ~~jobs~~ job created must be above the average wage of the county that has the lowest wage of any county in the state to qualify as reported in the most recently available annual issue of the Georgia Employment and Wages Averages Report of the Department of Labor. To qualify for a credit under this subsection, the employer must make health insurance coverage available to the employee filling the new full-time employee job; provided, however, that nothing in this subsection shall be construed to require the employer to pay for all or any part of health insurance coverage for such an employee in order to claim the credit provided for in this subsection if such employer does not pay for all or any part of health insurance coverage for other employees. Credit shall not be allowed during a year if the net employment increase falls below five or two, as applicable. The state revenue commissioner shall adjust the credit allowed each year for net new employment fluctuations above the minimum level of five or two."

SECTION 4.

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

The following amendment was read and adopted:

Representative Fludd of the 64th et al. offer the following amendment:

Amend the substitute to HB 936 (LC 34 4944ERS) by deleting line 3 and inserting in lieu thereof the following:

clarify

By deleting line 5 and inserting in lieu thereof the following:

an income tax credit for employers who hire certain qualified parolees for full-time jobs; to provide for rules and regulations related to such income tax credit; to provide for certain conditions and limitations; to require annual reporting of certain statistics related to such credit; to provide for definitions; to provide for an effective date and

applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

By deleting lines 7 through 24 and renumbering Section 2 on line 25 and Section 3 on line 93 as Sections 1 and 2, respectively.

By deleting line 26 and inserting in lieu thereof the following:
Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from income taxes, is amended by revising paragraph (1) of subsection (e) of Code Section

By replacing line 160 with the following:

SECTION 3.

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

"48-7-40.31.

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

(1) 'Employer' means an enterprise or organization, whether corporation, partnership, limited liability company, proprietorship, association, trust, business trust, real estate trust, or other form of organization, and its affiliates, which is registered and authorized to use the federal employment verification system known as 'E-Verify' or any successor federal employment verification system and is engaged in or carrying on any business activities within this state.

(2) 'Full-time job' means employment which:

(A) Is located in this state;

(B) Involves a regular work week of 30 hours or more;

(C) Has no predetermined end date; and

(D) Pays at or above the average hourly wage of the county with the lowest average hourly wage in the state, as reported in the most recently available annual issue of the Georgia Employment and Wages Averages Report of the Department of Labor.

(3) 'Qualified parolee' means an individual who has been granted parole in accordance with Code Section 42-9-45 within 12 months preceding his or her date of hire for a full-time job.

(b)(1) For the period beginning on or after January 1, 2017, and before January 1, 2020, an employer that employs a qualified parolee in a full-time job for at least 40 weeks during a 12 month period shall be eligible for an income tax credit in the amount of $2,500.00 for each qualified parolee so employed against the tax imposed under this article during such 12 month period; provided, however, that a qualified parolee first employed in a full-time job by such employer before January 1, 2017, shall not qualify.

(2) An employer shall only be eligible to receive credits provided by this subsection in an amount up to $50,000.00 per taxable year.

(3) An employer shall only be eligible to receive the credit provided by this subsection once per individual.

(c) In no event shall the credit provided by subsection (b) of this Code section for a taxable year exceed the employer's income tax liability. Any unused portion of the credit provided by subsection (b) of this Code section shall be permitted to be carried forward and applied to the employer's tax liability for the subsequent three years. The credit provided by subsection (b) of this Code section shall not be applied against the employer's prior years' tax liabilities.

(d) On or before September 1 of 2018, 2019, and 2020, the commissioner shall issue a report to the chairpersons of the Senate Finance Committee and the House Committee on Ways and Means concerning the tax credit created by this Code section, which shall include the following statistics for the preceding taxable year:

(1) The total number of employers that claimed a credit provided by this Code section; and

(2) The number and total value of all credits earned and all credits applied during such tax year pursuant to this Code section.

(e) The commissioner shall promulgate rules and regulations and forms necessary to implement and administer the provisions of this Code section."

SECTION 4.

(a) This Act shall become effective on July 1, 2016.

(b) Section 3 of this Act shall be applicable to taxable years beginning on or after January 1, 2017.

SECTION 5.

Representative Harrell of the 106th moved that the House agree to the Senate substitute, as amended by the House, to HB 936.

On the motion, 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	Y Morris	Y Smith, M
N Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	Hightower	Y Nix	Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley

Y Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	E 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
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	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	N Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	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	Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 158, nays 7.

The motion prevailed.

HB 937. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Williamson of the 115th 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 tax, so as to change the sunset provision for the exemption for projects of regional significance; 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 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to change the sunset provision for the exemption for projects of regional significance; to amend Article 8 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to regional economic assistance projects, so as to provide for the qualification of certain projects as regional economic assistance projects; to provide for criteria for such qualification; to provide for refunds of sales and use taxes for such projects; to provide for the continuance of certain levies for financing construction or improvement of facilities adjacent to such projects; 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 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, is amended by revising paragraph (93) as follows:

"(93)(A) For the period commencing January 1, 2012, until June 30, ~~2016~~ 2019, sales of tangible personal property used for and in the construction of a competitive project of regional significance.

(B) The exemption provided in subparagraph (A) of this paragraph shall apply to purchases made during the entire time of construction of the competitive project of regional significance so long as such project meets the definition of a ~~'competitive~~ competitive project of regional ~~significance'~~ significance within the period commencing January 1, 2012, until June 30, ~~2016~~ 2019.

(C) The department shall not be required to pay interest on any refund claims filed for local sales and use taxes paid on purchases made prior to the implementation of this paragraph.

(D) As used in this paragraph, the term 'competitive project of regional significance' means the location or expansion of some or all of a business enterprise's operations in this state where the commissioner of economic development determines that the project would have a significant regional impact. The commissioner of economic development shall promulgate regulations in accordance with the provisions of this paragraph outlining the guidelines to be applied in making such determination;"

SECTION 2.

Article 8 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to regional economic assistance projects, is amended by adding a new subsection to Code Section 50-8-191, relating to application for REAP designation, minimum criteria, and reciprocal use agreements with adjacent facilities, to read as follows:

"(f) The owner of a project having a minimum of $400 million in projected capital investment for the redevelopment of an area certified by the commissioner to have been chronically underdeveloped for a period of 20 years or more, and its lessees, shall collectively qualify to enter into an agreement to be deemed an approved company with an approved project for purposes of Code Sections 48-8-273 and 48-8-274. Such agreement and the refund provided for by such Code sections shall not be limited by paragraphs (8) and (11) of Code Section 48-8-271 or by subsections (c) and (f) of Code Section 48-8-273. Any such refund claim qualified under this subsection shall be made by the owner and shall not be made by a lessee. A political subdivision utilizing a levy authorized by Article 5 of Chapter 13 of Title 48, in whole or in part, to finance construction or improvement of facilities adjacent to such project may extend the duration of such levy to not more than 30 years from the date of issue of any bonds issued for such purposes. This subsection shall not apply to projects involving or related to casino gambling."

SECTION 3.

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

The following amendment was read and adopted:

Representative Harrell of the 106th offers the following amendment:

Amend the substitute to HB 937 (LC 34 4945ERS) by deleting lines 3 through 8 and inserting in lieu thereof the following:

exemption for projects of regional significance; to amend Code Section 48-13-93 of the Official Code of Georgia Annotated, relating to the excise tax on rental car charges, so as to extend the sunset on the excise tax on rental cars; to provide for related

By deleting lines 32 through 48 and inserting in lieu thereof the following:

Code Section 48-13-93 of the Official Code of Georgia Annotated, relating to the excise tax on rental car charges, is amended by revising paragraph (4) of subsection (a) as follows:

"(4) Any tax levied pursuant to this article shall terminate not later than December 31, ~~2038~~ 2047. Following the termination of the tax, any county or municipality which has levied a tax pursuant to this article shall not thereafter be again authorized to levy a tax under this article."

Pursuant to Rule 133, Representative Ehrhart of the 36th was excused from voting on HB 937.

Representative Harrell of the 106th moved that the House agree to the Senate substitute, as amended by the House, to HB 937.

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

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

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

On the motion, the ayes were 131, nays 27.

The motion prevailed.

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

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

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to require a driver who refused blood alcohol concentration testing as required by implied consent laws or an offender convicted of DUI with a blood alcohol concentration of 0.15 grams or higher to install and maintain ignition interlock devices on his or her vehicle; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to uniform rules of the road, so as to provide for the probation of terms of imprisonment for DUI offenders in certain instances; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as condition of probation, so as to provide for the court issuance of a certificate of installation of ignition interlock devices; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 205

The Committee of Conference on HB 205 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 205 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Stone Senator, 23rd District	/s/ Tom Rice Representative, 95th District
/s/ Kennedy Senator, 18th District	/s/ Dusty Hightower Representative, 68th District
/s/ Bethel Senator, 45th District	/s/ Golick Representative, 40th District

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 40 and Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to drivers' licenses and ignition interlock devices as condition of probation, respectively, so as to provide for changes to licensing and driving privileges for individuals arrested for driving under the influence; to provide for the issuance of an optional ignition interlock device limited driving permit upon arrest for driving under the influence under certain circumstances; to provide for submission of a report by the Department of Driver Services; to provide for procedures, conditions, fees, and limitations for the issuance of an ignition interlock device limited driving permit; to change the time frame for requesting hearings after an arrest for driving under the influence; to provide for cancellation of restrictions upon successful completion of complying with an ignition interlock device limited driving permit or other circumstances; to provide for conditions of maintaining ignition interlock devices and use of such devices; to revise and correct cross-references; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-64, relating to limited driving permits for certain offenders, by revising subsections (a), (c) through (e), and (g) as follows:

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

(1) Notwithstanding any contrary provision of this Code section or Code Section 40-5-57, ~~or~~ 40-5-63, ~~or any other Code section of this chapter~~ 40-5-75, 40-5-121, or 42-8-111, any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest ~~for which a conviction is obtained or a plea of nolo contendere is accepted~~, may apply for a limited driving permit when ~~and only when~~ that person's driver's license had a suspension imposed prior to July 1, 2015, under Code Section 40-5-22 or that person's driver's license has been suspended in accordance with subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or older and his or her license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable to issue a limited driving permit.

(2) ~~Any person whose driver's license has been suspended as a result of a second conviction for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, may apply for an ignition interlock limited driving permit after serving at least 120 days of the suspension required for such conviction and providing either a certificate of eligibility from a drug court program in the court in which he or she was convicted of the offense for which such suspension was imposed or by submitting proof of enrollment in clinical treatment as provided in Code Section 40-5-63.1.~~ No person who has been granted an exemption from the ignition interlock device requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship under Code Section 42-8-111 shall be eligible for a limited driving permit, an ignition interlock device limited driving permit, or any other driving privilege for a period of one year.

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

"(c) **Standards for approval.** The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the purposes of this Code section, 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 imposed prior to July 1, 2015, under ~~paragraph (2) of subsection (a.1) of~~ Code Section 40-5-22.

~~(2) An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely for the following purposes:~~

~~(A) Going to his or her place of employment or performing the normal duties of his or her occupation;~~

~~(B) Attending a college or school at which he or she is regularly enrolled as a student;~~

~~(C) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and~~

~~(D) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider.~~

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

(1) Specific places between which the permittee may be allowed to operate a motor vehicle;
(2) Routes to be followed by the permittee;
(3) Times of travel;
(4) The specific vehicles which the permittee may operate; and
~~(4.1) The installation and use of an ignition interlock device in accordance with Article 7 of Chapter 8 of Title 42, which shall be required for any permittee who is applying for an ignition interlock limited driving permit; and~~
(5) Such other restrictions as the department may require.

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

~~(1)~~ A limited driving permit issued pursuant to this Code section shall be $25.00 and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57 or a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, or upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the ~~citation~~ administrative driver's license suspension form or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit. ~~Permits~~ Limited driving permits issued pursuant to this Code section are renewable upon payment of a renewal fee of $5.00. ~~Permits~~ 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 permit may be renewed for additional periods of two months as provided in paragraph (1) of this subsection.~~"

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

(1)~~(A)~~ Any limited driving permittee who is convicted of violating any state law ~~or local ordinance~~ relating to the movement of vehicles or any limited driving permittee

who is convicted of violating the conditions endorsed on his or her limited driving permit shall have ~~his or her~~ such permit revoked by the department. Any court in which such conviction is had shall require ~~the~~ such permittee to surrender ~~the~~ his or her limited driving permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction.

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

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

(2) Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department. In any case of revocation of a limited driving permit pursuant to ~~subparagraph (A) of~~ paragraph (1) of this subsection, the department may impose an additional period of suspension for the conviction upon which revocation of the permit was based."

SECTION 1-2.

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

"40-5-64.1.

(a) **To whom issued.**

(1) Any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest, and whose driver's license is subject to an administrative driver's license suspension pursuant to subsection (c) of Code Section 40-5-67.1, may apply for an ignition interlock device limited driving permit with the department.

(2) Any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest, and whose driver's license is subject to an

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

(3) Any person whose driver's license has been suspended as a result of a second conviction for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, may apply for an ignition interlock device limited driving permit after serving at least 120 days of the suspension required for such conviction.

(4) The department shall not issue an ignition interlock device limited driving permit to any person:

(A) Under 21 years of age;

(B) Who is not currently licensed to operate a motor vehicle in this state;

(C) Who currently holds a license to drive a commercial motor vehicle;

(D) Whose driver's license is subject to an administrative suspension for involvement in a traffic accident resulting in injuries or fatalities; or

(E) Whose driver's license is subject to a suspension, revocation, or cancellation for any reason other than as contemplated by this Code section.

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

(c) **Standards for approval.**

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

(A) For an applicant eligible for an ignition interlock device limited driving permit pursuant to paragraph (1) or (2) of subsection (a) of this Code section:

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

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

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

(B) For an applicant eligible for an ignition interlock device limited driving permit pursuant to paragraph (3) of subsection (a) of this Code section, upon the submission of a certificate of eligibility from an accountability court, as such term is defined in Code Section 15-1-18, or the submission of proof of enrollment in a substance abuse treatment program as provided in Code Section 40-5-63.1 and the surrender of his or her driver's license to such court or to the department if the department has processed the administrative driver's license suspension form or conviction.

(2) No person who has been granted an exemption from the ignition interlock device requirements of Article 7 of Chapter 8 of Title 42 due to undue financial hardship

under Code Section 42-8-111 shall be eligible for a limited driving permit pursuant to Code Section 40-5-64 or any other driving privilege for a period of one year.

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

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

(2) Ignition interlock device limited driving permits issued pursuant to this Code section shall be renewable upon payment of a renewal fee of $5.00. Such permits may be renewed for additional periods of two months 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.

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

(e) **Conditions upon use of ignition interlock device limited driving permit.** 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;

(C) Attending a college or school at which he or she is regularly enrolled as a student;

(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;

(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

(I) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider.

(f) **Revocation of ignition interlock device limited driving permit.**

(1)(A) The department shall revoke the ignition interlock device limited driving permit of any permittee issued such permit pursuant to paragraph (1) or (2) of subsection (a) of this Code section who is convicted of violating any state law relating to the movement of vehicles or convicted of driving a motor vehicle in violation of an ignition interlock device limited driving permit. Any court in which such conviction is had shall require such permittee to surrender the ignition interlock device limited driving permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction.

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

(C) The department shall revoke the ignition interlock device limited driving permit of a permittee upon receipt of notice from an ignition interlock device service provider that an ignition interlock device has been tampered with, a permittee has failed to report for monitoring as required by law, or an ignition interlock device has been removed from any motor vehicle to be driven by a permittee prior to successful completion of the required term of monitoring under Code Section 42-8-110.1.

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

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

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

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

(i) **Penalty.** Any person issued an ignition interlock device limited driving permit who operates a motor vehicle in violation of the terms of such permit, as described in Code Section 42-8-110.1 or subsection (e) or (f) of this Code section, commits the offense of violation of an ignition interlock device limited driving permit. Any person who commits the offense of violation of an ignition interlock device limited driving permit shall be guilty of a misdemeanor.

40-5-64.2.
(a) The commissioner shall submit a report to the Senate Public Safety Committee and the House Committee on Motor Vehicles detailing the annual number of optional ignition interlock device limited driving permits issued under paragraph (1) or (2) of subsection (a) of Code Section 40-5-64.1. Such report shall be made no later than the last day of December of each year.
(b) This Code section shall stand repealed on January 1, 2020."

SECTION 1-3.

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

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

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

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

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

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

SECTION 1-4.

Said chapter is further amended in Code Section 40-5-67.1, relating to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit, suspensions

and denials, and right to a hearing and review, by revising paragraph (1) of subsection (f) and paragraphs (1), (3), and (4) of subsection (g) as follows:

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

"(g)(1) A person whose driver's license is suspended or who is disqualified from ~~operating~~ driving a commercial motor vehicle pursuant to this Code section shall remit to the department a $150.00 filing fee together with a request, in writing, for a hearing within ~~ten business~~ 30 days from the date of personal notice or receipt of notice sent by certified mail or statutory overnight delivery, return receipt requested, or the right to said hearing shall be deemed waived. The issuance of an ignition interlock device limited driving permit to a person eligible for such permit under paragraph (1) or (2) of subsection (a) of Code Section 40-5-64.1 shall constitute a waiver of the right to a hearing under this subsection. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as is provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded."

"(3) The hearing officer shall, within five calendar days after such hearing, forward a decision to the department to rescind or sustain the driver's license suspension or disqualification. If no hearing is requested within the ~~ten business~~ 30 days specified ~~above~~ in paragraph (1) of this subsection, and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the person, the right to a hearing shall have been waived. The issuance of an ignition interlock device limited driving permit to a person eligible for such permit under paragraph (1) or (2) of subsection (a) of Code Section 40-5-64.1 shall constitute a waiver of the right to a hearing under this subsection. The request for a hearing shall not stay the suspension of the driver's license; provided, however, that if the hearing is timely requested and is not held before the expiration of the temporary driving permit and the delay is not due in whole or in part to the reasonably avoidable fault of the person, the suspension

shall be stayed until such time as the hearing is held and the hearing officer's decision is made.

(4)(A) Except as where provided to the contrary in subparagraph (B) of this paragraph, in ~~In~~ the event the person is acquitted of a violation of Code Section 40-6-391 or such charge is initially disposed of other than by a conviction or plea of nolo contendere, then the suspension shall be terminated and deleted from the driver's license record. An accepted plea of nolo contendere shall be entered on the driver's license record and shall be considered and counted as a conviction for purposes of any future violations of Code Section 40-6-391. In the event of an acquittal or other disposition other than by a conviction or plea of nolo contendere, the driver's license restoration fee shall be promptly returned by the department to the licensee.

(B)(i) If any person who has obtained an ignition interlock device limited driving permit under paragraph (1) of subsection (a) of Code Section 40-5-64.1 is acquitted of the violation of Code Section 40-6-391 upon which the underlying driver's license suspension was based or if such charge is initially disposed of other than by a conviction or plea of nolo contendere, then such permit shall be revoked and the driver's license shall be reinstated without a fee. The department shall terminate the driver's license suspension of any such person and shall delete the suspension from the driver's license record.

(ii) Any person who has obtained an ignition interlock device limited driving permit under paragraph (2) of subsection (a) of Code Section 40-5-64.1 shall maintain such permit for the required term of monitoring under Code Section 42-8-110.1, regardless of whether such person is acquitted of the violation of Code Section 40-6-391 upon which the underlying driver's license suspension was based or such charge is initially disposed of other than by a conviction or plea of nolo contendere."

SECTION 1-5.

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

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

SECTION 1-6.

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

"42-8-110.1.

(a)(1) Any person issued an ignition interlock device limited driving permit under paragraph (1) of subsection (a) of Code Section 40-5-64.1 shall, upon issuance thereof

and within no less than ten days of such issuance, have installed and shall maintain in any motor vehicle to be driven by such person for a period of not less than four months a functioning, certified ignition interlock device, and such person shall not drive any motor vehicle whatsoever that is not so equipped during such period.

(2) Any person issued an ignition interlock device limited driving permit under paragraph (2) of subsection (a) of Code Section 40-5-64.1 shall, upon issuance thereof and within no less than ten days of such issuance, have installed and shall maintain in any motor vehicle to be driven by such person for a period of not less than 12 months a functioning, certified ignition interlock device, and such person shall not drive any motor vehicle whatsoever that is not so equipped during such period.

(b) The restriction for maintaining and using an ignition interlock device shall be cancelled by the department upon payment to the department of a $100.00 fee or $90.00 when such fee is processed by mail and upon successful completion of the term of monitoring on an ignition interlock device required under subsection (a) of this Code section.

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

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

SECTION 1-7.

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

"(a) Upon a second or subsequent conviction of a resident of this state for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, for which such person is granted probation, the court shall issue a certificate of eligibility for an ignition interlock device limited driving permit or probationary license, subject to the following conditions:

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

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

(3) Such person shall participate in a substance abuse treatment program as defined in paragraph (16.2) of Code Section 40-5-1, ~~or~~ a drug court division ~~program~~ in compliance with Code Section 15-1-15, a mental health court division in compliance with Code Section 15-1-16, or a veterans court division in compliance with Code Section 15-1-17 for a period of not less than 120 days.

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

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

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

SECTION 1-8.

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

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

PART II

SECTION 2-1.

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

"(d) The department is authorized to issue a limited driving permit to an applicant whose license is currently under suspension or revocation in any other jurisdiction upon grounds which would authorize the suspension or revocation of a license under this chapter, provided that the applicant is otherwise eligible for such limited driving permit in accordance with ~~paragraph (1) of~~ subsection (a) of Code Section 40-5-64 <u>and paragraph (1) or (2) of subsection (a) of Code Section 40-5-64.1</u>."

SECTION 2-2.

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

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

SECTION 2-3.

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

"(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be three years. At the end of 120 days, the person may apply to the department for reinstatement of his or her driver's license; except that if such license was suspended as a result of a second conviction of a violation of Code Section 40-6-391 within five years, the person shall not be eligible to apply for license reinstatement until the end of 18 months. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of $210.00 or $200.00 when such reinstatement is processed by mail, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving course approved by the commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, provides proof of installation and maintenance of an ignition interlock device for a period of one year coinciding with the issuance of an ignition interlock device limited driving permit as provided in Code Section ~~40-5-64~~ <u>40-5-64.1</u> unless waived due to financial hardship, and pays the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in

Code Section 40-5-54 within such five-year period of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions; or"

SECTION 2-4.

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

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

SECTION 2-5.

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

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

SECTION 2-6.

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

"(a) A judge presiding in ~~a drug court division, mental health court division, or veterans court division~~ an accountability court, as such term is defined in Code Section 15-1-18, 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, issue a defendant an ignition interlock device limited driving permit in accordance with Code Section 40-5-64.1, or issue a defendant a limited driving permit in accordance with the provisions set forth in subsections (c) and (d) of Code Section

40-5-64 or with whatever conditions the court determines to be appropriate under the circumstances as a reward or sanction to the defendant's behavior in such court division. The court shall determine what fees, if any, shall be paid to the department for such reward or sanction, provided that such fee shall not be greater than the fee normally imposed for such services."

PART III

SECTION 3-1.

This Act shall become effective on July 1, 2017.

SECTION 3-2.

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

Representative Rice of the 95th moved that the House adopt the report of the Committee of Conference on HB 205.

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	N Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	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
Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	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	E Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E 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
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	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A

Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Williams, E
N Clark, H	Y Gordon	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 motion, the ayes were 160, nays 6.

The motion prevailed.

SB 199. By Senators Jeffares of the 17th, Mullis of the 53rd, Jones of the 25th, Dugan of the 30th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a definition; to prohibit certain activities within close proximity to polling places; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 199

The Committee of Conference on SB 199 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 199 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Dean Burke
Senator, 11th District

/s/ Rick Jeffares
Senator, 17th District

/s/ Mike Dugan
Senator, 30th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Edward Rynders
Representative, 152nd District

/s/ Micah Gravely
Representative, 67th District

/s/ Barry A. Flemming
Representative, 121st District

A BILL TO BE ENTITLED
AN ACT

To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide a definition; to revise the qualifying times for municipal elections; to provide for the reopening of qualifications in municipal elections under certain conditions; to revise the period of time for advance voting with regard to Saturday voting; to prohibit certain activities within close proximity to polling places; to change certain provisions relating to punishment for ethics violations; to change certain provisions relating to disclosure reports relative to campaign contributions; to change certain provisions relating to filing of financial disclosure statements by public officers, filing by candidates for public office, filing by elected officials and members of the General Assembly, electronic filing, and transfer of filings from the Secretary of State to the Georgia Government Transparency and Campaign Finance Commission; to change certain provisions relating to definitions relative to public officials' conduct and lobbyist disclosure; to change certain provisions relating to registration required for lobbyists, application for registration, supplemental registration, expiration, docket, fees, identification cards, public rosters, and exemptions; to amend Code Section 45-2-1 of the Official Code of Georgia Annotated, relating to persons ineligible to hold office, vacation of office, and validity of acts performed while in office, so as to authorize counties and municipalities to provide by local law for district durational residency requirements; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended in Code Section 21-2-2, relating to definitions, by adding a new paragraph to read as follows:

"(3.1) 'Campaign material' means any newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter referring to:

(A) A candidate whose name appears on the ballot in a primary or election;

(B) A referendum which appears on the ballot in a primary or election; or

(C) A political party or body which has a nominee or nominees on the ballot in a primary or election.

Campaign material shall not include any written or printed matter that is used exclusively for the personal and private reference of an individual elector during the course of voting."

SECTION 2.

Said title is further amended by revising paragraph (3) of subsection (c) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit and qualifying petition for exemption from qualifying fee; and military service, as follows:

"(3)(A) Each candidate for a nonpartisan municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's nonpartisan qualifying period. Each municipal superintendent shall designate the days of such qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the ~~last~~ third Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal nonpartisan qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election~~; and~~.

(B) In any case in which no individual has filed a notice of candidacy and paid the prescribed qualifying fee to fill a particular office in a nonpartisan municipal election, the governing authority of the municipality shall be authorized to reopen qualifying for candidates at 9:00 A.M. on the Monday next following the close of the preceding qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately following such Monday, notwithstanding the fact that such days may be legal holidays; and"

SECTION 3.

Said title is further amended by revising paragraph (3) of subsection (d) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit and qualifying petition for exemption from qualifying fee; and military service, as follows:

"(3) Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall commence no earlier than 8:30 A.M. on the ~~last~~ third Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election; and"

SECTION 4.

Said title is further amended in Code Section 21-2-385 of the Official Code of Georgia Annotated, relating to procedure for voting by absentee ballot and advance voting, by revising paragraph (1) of subsection (d) as follows:

"(d)(1) There shall be a period of advance voting that shall commence:

(A) On the fourth Monday immediately prior to each primary or election;

(B) On the fourth Monday immediately prior to a runoff from a general primary;

(C) On the fourth Monday immediately prior to a runoff from a general election in which there are candidates for a federal office on the ballot in the runoff; and

(D) As soon as possible prior to a runoff from any other general election in which there are only state or county candidates on the ballot in the runoff

and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections in which there are no federal or state candidates on the ballot, no Saturday voting hours shall be required; and provided, further, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary, election, or runoff. Except as otherwise provided in this paragraph, counties and municipalities may extend the hours for voting beyond regular business hours and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option."

SECTION 5.

Said title is further amended by revising subsection (a) of Code Section 21-2-414, relating to restrictions on campaign activities and public opinion polling within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates from entering certain polling places, and penalty, as follows:

"(a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or display any campaign ~~literature, newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter of any kind~~ material, nor shall any person solicit signatures for any petition or conduct any exit poll or public opinion poll with voters on any day in which ballots are being cast:

(1) Within 150 feet of the outer edge of any building within which a polling place is established;

(2) Within any polling place; or

(3) Within 25 feet of any voter standing in line to vote at any polling place.

These restrictions shall not apply to conduct occurring in private offices or areas which cannot be seen or heard by such electors."

SECTION 6.

Said title is further amended by revising Code Section 21-5-9 of the Official Code of Georgia Annotated, relating to penalties for violation of provisions of Chapter 5 of said title, as follows:

"21-5-9.

Except as otherwise provided in this chapter, any person who knowingly fails to comply with or who knowingly violates this chapter shall be guilty of a misdemeanor. The provisions of this Code section shall not preclude prosecution and punishment for the commission of any felony offense as otherwise provided by law."

SECTION 7.

Said title is further amended by revising paragraph (2) of subsection (d.1) of Code Section 21-5-34, relating to disclosure reports relative to campaign contributions, as follows:

"(2) If such candidate or campaign committee exceeds the $2,500.00 limit for either accepting contributions or making expenditures for such campaign during such election cycle as specified in paragraph (1) of this subsection but does not accept a combined total of contributions exceeding $5,000.00 in such election cycle nor make expenditures exceeding $5,000.00 in such election cycle, then such candidate or campaign committee shall be required to file only the June 30 and ~~October 25~~ December 31 reports required by paragraph (2) of subsection (c) of this Code section. The first such report shall include all contributions received and expenditures made beginning January 1 of such calendar year."

SECTION 8.

Said title is further amended by revising paragraph (8) of subsection (b) of Code Section 21-5-50, relating to filing of financial disclosure statements by public officers, filing by candidates for public office, filing by elected officials and members of the General Assembly, electronic filing, and transfer of filings from the Secretary of State to the Georgia Government Transparency and Campaign Finance Commission, as follows:

"(8)(A) As used in this paragraph, the term 'agency' has the meaning provided by Code Section 45-10-20.

(B) All annual payments in excess of $10,000.00 received by the filer or any business entity identified in paragraph (3) of this subsection from the state, any agency, department, commission, or authority created by the state, and authorized and exempted from disclosure under Code Section 45-10-25, and the agency, department, commission, or authority making the payments, and the general nature of the consideration rendered for the source of the payments. This paragraph shall not require the disclosure of payments which have already been disclosed for purposes of any other provision of this chapter."

SECTION 9.

Said title is further amended by revising subparagraph (G) of paragraph (4.1) of Code Section 21-5-70, relating to definitions relative to public officials' conduct and lobbyist disclosure, as follows:

"(G) Anything which:

(i) Does not qualify as a lobbying expenditure under subparagraphs (A) through (F) of this paragraph; and

(ii) Would qualify as an expenditure under subparagraph (B.1) of paragraph (1) of this Code section except that it does not exceed an amount or value of $75.00 per person."

SECTION 10.

Said title is further amended by revising subparagraph (F) of paragraph (5) of Code Section 21-5-70, relating to definitions relative to public officials' conduct and lobbyist disclosure, as follows:

"(F) Any natural person who as an employee ~~of the executive branch or judicial branch~~ of local government engages in any activity covered under subparagraph (D) of this paragraph;"

SECTION 11.

Said title is further amended in Code Section 21-5-71, relating to registration required for lobbyists, application for registration, supplemental registration, expiration, docket, fees, identification cards, public rosters, and exemptions, by adding a new paragraph in subsection (i) to read as follows:

"(6.1) Any employee of the executive or judicial branch of state government; provided, however, that when such an employee is acting on behalf of such government employer, meeting with or appearing before a public officer other than one from the same branch of government which employs such employee, and engaged in activity for which registration would otherwise be required under this Code section, such employee shall be required to display an identification card, issued by such employer, which shall have printed thereon the employee's name and the name of the employer;"

SECTION 12.

Code Section 45-2-1 of the Official Code of Georgia Annotated, relating to persons ineligible to hold office, vacation of office, and validity of acts performed while in office, is amended by revising paragraph (1) as follows:

"(1) Persons who are not citizens of this state and persons under the age of 21 years; provided, however, that upon passage of appropriate local ordinances, citizens of this state who are otherwise qualified and who have attained 18 years of age shall be eligible to hold any county or municipal office, except such offices of a judicial nature. The residency requirement for a candidate for any county office, except offices of a judicial nature, shall be 12 months residency within the county. The residency requirement for a candidate for any municipal office, except offices of a judicial nature, shall be 12 months residency within the municipality; provided, however, that municipalities may by charter provide for lesser residency requirements for candidates for municipal office, except offices of a judicial nature. Notwithstanding anything in this paragraph to the contrary, the General Assembly

may provide by local law for a period of district residency for candidates for any county or municipal governing authority or board of education who are elected from districts not to exceed 12 months residency within the district from which each such candidate seeks election. Any local law previously enacted by the General Assembly providing for a period of district residency for candidates for county or municipal office which does not exceed 12 months shall be granted full force and effect;"

SECTION 13.

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

SECTION 14.

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

Representative Fleming of the 121st moved that the House adopt the report of the Committee of Conference on SB 199.

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
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 Cooke
Y Coomer
Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Harden
Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
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
Y Martin
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
E Rice
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
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
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 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 motion, the ayes were 168, nays 0.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 262. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change provisions relating to when a judge, judicial officer, grand juror, or trial juror may be disqualified from presiding or serving, as applicable, due to being related by consanguinity or affinity to a party; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 347. By Senator Bethel of the 54th:

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

The Senate has agreed to the House amendment to the following bill of the Senate:

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 Senate has agreed to the House substitute to the following resolution of the Senate:

SR 1038. By Senator Mullis of the 53rd:

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

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

HB 885. By Representatives Jones of the 47th, Price of the 48th, Beskin of the 54th, Raffensperger of the 50th, Willard of the 51st and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to repeal a statute relating to the option for certain counties to create a county board of health and wellness by ordinance; to provide for an effective date; to provide for transition to county boards of health; 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 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to repeal a statute relating to the option for certain counties to create a county board of health and wellness by ordinance; to provide for an effective date; to provide for transition to county boards of health; 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 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, is amended by repealing in its entirety Code Section 31-3-2.1, relating to the option for certain counties to create a board of health and wellness by ordinance.

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval; provided, however, that for any county board of health and wellness which was established by county ordinance pursuant to the former provisions of Code Section 31-3-2.1 and which is still in existence as of the effective date of this Act, the members of such board shall remain in office and such board shall remain in existence until a county board of health is constituted pursuant to Code Section 31-3-2 for such county or until June 30, 2017, whichever occurs first.

SECTION 3.

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

Representative Jones of the 47th moved that the House agree to the Senate substitute to HB 885.

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
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 Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Harden
Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Kaiser
Y Kelley
Y Kendrick
Y Kidd
Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
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
Pirkle
Y Powell, A
Powell, J
Y Price
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
E Rice
Y Rogers, C
Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Smith, E
Y Smith, L
Y 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
Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson

Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 161, nays 0.

The motion prevailed.

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

A BILL to be entitled an Act to amend Code Section 15-11-710, Title 19, and Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to exchange of information, domestic relations, and programs and protection for children and youth, so as to change provisions relating to child abuse; to correct a cross-reference; to change and provide for defined terms; to change provisions relating to protocol committees on child abuse; to remove certain reporting requirements to the child abuse registry; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 3 of Title 16, Title 19, and Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to justification and excuse, domestic relations, and programs and protection for children and youth, respectively, so as to change provisions relating to child abuse and the protection of children and youth; to provide for immunity from criminal liability for possession of certain materials or images under certain circumstances; to change and provide for defined terms; to change provisions relating to protocol committees on child abuse; to establish a public scorecard for child welfare agencies under the Department of Human Services; to define certain terms; to increase fines for certain offenses; to provide that the department shall coordinate contract and licensure compliance inspections for any affected agency or division including the Division of Family and Children Services, the Department of Juvenile Justice, the Department of Behavioral Health and Developmental Disabilities, and the Department of Community Health; to remove certain reporting requirements to the child abuse registry; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse, is amended by adding a new Code section to read as follows:

"16-3-22.1.

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

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

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

SECTION 2.

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

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

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

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

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

(4) 'Child abuse' means:

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

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

(C) Endangering a child;

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

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

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

(5) 'Child service organization personnel' means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not

for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.

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

(6.1) 'Endangering a child' means:

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

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

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

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

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

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

(B) Does not provide or refer for abortions;

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

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

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

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

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

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

(B) Bestiality;

(C) Masturbation;

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

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

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

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

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

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

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

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

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

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

SECTION 3.

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

"19-15-1.

As used in this chapter, the term:

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

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

(3) 'Child abuse' means:

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

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

(C) Sexual abuse of a child; or

(D) Sexual exploitation of a child.

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

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

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

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

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

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

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

(B) Has been approved by a protocol committee.

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

~~(5) Reserved.~~

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

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

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

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

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

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

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

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

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

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

(B) Bestiality;

(C) Masturbation;

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

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

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

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

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

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

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

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

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

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

SECTION 4.

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

"19-15-2.

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

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

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

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

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

(A) The sheriff;

(B) The county department of family and children services;

(C) The district attorney for the judicial circuit;

(D) The presiding juvenile court judge;

(E) The chief magistrate;

(F) The county board of education;

(G) The county mental health organization;

(H) The chief of police of a county in counties which have a county police department;

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

(J) The county public health department~~, which shall designate a physician to serve on the protocol committee~~; and

(K) The coroner or county medical examiner.

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

(A) The sheriff of each county in the judicial circuit;

(B) The county department of family and children services of each county in the judicial circuit;

(C) The district attorney for the judicial circuit;

(D) The presiding juvenile court judge of each county in the judicial circuit;

(E) The chief magistrate of each county in the judicial circuit;

(F) Each board of education in the judicial circuit;

(G) The county mental health organization of each county in the judicial circuit;

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The protocol committee shall issue a report no later than the first day of July each year. Such report shall evaluate the extent to which investigations of child abuse during the 12 months prior to the report have complied with the protocols of the protocol

committee, recommend measures to improve compliance, and describe which measures taken within the county or circuit, as the case may be, to prevent child abuse have been successful. The report shall be transmitted to the county governing authority, the fall term grand jury of the judicial circuit, the ~~panel~~ Office of the Child Advocate for the Protection of Children, and the chief superior court judge of the circuit.

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

(k) The protocol committee shall ~~adopt~~ include a written sexual abuse and sexual exploitation section within its protocol which shall be filed with the Division of Family and Children Services of the Department of Human Services and the Office of the Child Advocate for the Protection of Children, a copy of which shall be furnished to each agency in the county handling the cases of sexually abused or exploited children. The sexual abuse and sexual exploitation section of the protocol shall ~~be a written document outlining~~ outline in detail the procedures to be used in investigating and prosecuting cases arising from alleged sexual abuse and sexual exploitation and the procedures to be followed concerning the obtainment of and payment for sexual assault examinations. ~~Each protocol committee shall adopt or amend its written sexual abuse and sexual exploitation protocol.~~ The sexual abuse and sexual exploitation section of the protocol ~~adopted~~ shall be consistent with the policies and procedures of the Division of Family and Children Services of the Department of Human Services. ~~A~~ The sexual abuse and sexual exploitation section of the protocol is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. Such section of the protocol shall not limit or otherwise restrict a prosecuting attorney in the exercise of his or her discretion nor in the exercise of any otherwise lawful litigative prerogatives."

SECTION 5.

Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children and youth, is amended by adding a new Code section to read as follows:

"49-5-4.1.

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

(1) 'Affected agency' means any state agency, department, division, or office which requires a license or commission from the department for child welfare agencies, including, but not limited to, the Division of Family and Children Services, Department of Human Services, Department of Juvenile Justice, Department of Behavioral Health and Developmental Disabilities, or Department of Community Health.

(2) 'Child welfare agency' means any child-caring institution, child-placing agency, children's transition care center, or maternity home.

(3) 'Services' means direct care, treatment, custodial responsibilities, or any combination thereof provided for children.

(b) The Department of Human Services, in conjunction with other affected agencies and representatives of child welfare agencies, shall establish a child welfare agency public scorecard to score child welfare agencies. Affected agencies shall cooperate with the department to develop and establish the child welfare agency public scorecard.
(c) The public scorecard for child welfare agencies and any explanation for the basis of any score on the scorecard shall be published in a single location on a website for public review. Such website shall provide scores for each child welfare agency by the affected agency that is responsible for the regulation of or contracting with each particular child welfare agency. The score shall be posted within 30 days of the completion of an inspection or, if appealed pursuant to subsection (e) of this Code section, the revised score, if any, shall be posted within 30 days of the conclusion of the appeal.
(d) The scores shall be based on an established published formula with weight appropriately given for each agency's compliance or noncompliance with applicable laws; rules; contracts; court orders; measures of treatment; behavioral, vocational, and educational outcomes for persons receiving services; and other pertinent information, based on empirical evidence to the greatest extent possible.
(e) The department shall provide child welfare agencies with advanced written notice of the scores to be posted. A child welfare agency may contest a score in accordance with department rules by filing a written appeal with the department within ten days from receipt of such notice. If a child welfare agency contests such score, the department shall note on the website that the score is under appeal, until such appeal is concluded. Within ten days of receipt of a child welfare agency's written contest of a score, the department shall hold a meeting with the child welfare agency and any affected agency whose score is contested. The meeting shall be for the parties to discuss the score and basis for the score. Within 30 days after the meeting, the commissioner's designee shall issue written notice confirming or revising the score. After issuance of such written notice, the child welfare agency may contest the score as a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that hearings held relating to such action by the department may be closed to the public if the hearing officer determines that an open hearing would be detrimental to the physical or mental health of any child who will testify at such hearing.
(f) In consultation with other affected agencies, the department shall promulgate rules and regulations consistent with this Code section, including establishing criteria which must be met in order for a child welfare agency to contest or appeal a score.
(g) Nothing in this Code section shall be construed to affect the ability of any affected agency, in its sole discretion, to contract with any child welfare agency or to exercise the rights of the affected agency under the terms and conditions of any existing contract with a child welfare agency."

SECTION 6.

Said chapter is further amended by revising subsections (p) and (q) of Code Section 49-5-12, relating to licensing and inspection of child welfare agencies, standards, revocation or refusal to license, penalties, and violations, as follows:

"(p) Any child welfare agency that shall operate without a license or commission issued by the department shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ~~$50.00~~ $500.00 nor more than ~~$200.00~~ $1,000.00 for each such offense. Each day of operation without a license or commission shall constitute a separate offense.

(q) No person, official, agency, hospital, maternity home, or institution, public or private, in this state shall receive or accept a child under 17 years of age for placement or adoption or place such a child, either temporarily or permanently, in a home other than the home of the child's relatives without having been licensed or commissioned by the department. Notwithstanding the provisions of Code Section 49-5-12.1, violation of this subsection shall be punishable by a fine of not less than ~~$100.00~~ $500.00 nor exceeding ~~$500.00~~ $1,000.00 for each offense. Nothing in this Code section shall be construed to prohibit a properly licensed attorney at law from providing necessary legal services and counsel to parties engaged in or contemplating adoption proceedings. Nothing in this Code section shall be construed to prohibit an individual seeking to:

(1) Adopt a child or children from receiving or accepting a child or children in the individual's home in anticipation of filing a petition for adoption under Article 1 of Chapter 8 of Title 19; or

(2) Have that individual's child or children placed for adoption from placing that individual's child or children in the home of an individual who is not related to the child or children in anticipation of the individual's initiation of adoption proceedings pursuant to Article 1 of Chapter 8 of Title 19."

SECTION 7.

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

"49-5-12.3.

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

(1) 'Affected agency' means any state agency, department, division, or office which requires a license or commission from the department for child welfare agencies, including, but not limited to, the Division of Family and Children Services, the Department of Juvenile Justice, the Department of Behavioral Health and Developmental Disabilities, or the Department of Community Health.

(2) 'Annual inspection' means an inspection of a child welfare agency's facility, books, minutes, financial statements, files, employees, programs, and contracts to ensure contract compliance and licensure compliance.

(3) 'Child welfare agency' means any child-caring institution, child-placing agency, children's transition care center, or maternity home.

(4) 'Contract compliance' means adherence to the terms of a contract a child welfare agency has with an affected agency to provide child welfare services.

(5) 'Licensure compliance' means adherence to licensing or commissioning requirements established pursuant to and in accordance with Code Section 49-5-12.

(b) The department shall ensure that the annual inspection of each child welfare agency is performed by all affected agencies in a singular coordinated manner. Affected agencies shall not duplicate the annual inspection but shall cooperate and assist the department with the annual inspection. Affected agencies shall share the results of annual inspection with other applicable affected agencies.

(c) The annual inspection shall not occur sooner than 330 days or later than 390 days after the date on which the last annual inspection began and shall not exceed five days. Affected agencies may reduce the extent of the annual inspection by reducing the frequency or the extent of the inspection for contract compliance when the child welfare agency has shown an exceptional history of contract compliance as determined upon past scores; provided, however, that such reduction does not violate federal law, court order, or settlement agreement.

(d) A child welfare agency may contest the results of an annual inspection, in accordance with department rules, by filing a written appeal with the affected agency within ten days of receipt of the affected agency's annual inspection report. Within ten days of receipt of a child welfare agency's written appeal of the annual inspection, the affected agency shall hold a meeting with the child welfare agency. The meeting shall be for the parties to discuss the annual inspection.

(e) The annual inspection shall not limit the ability of affected agencies and other state departments, divisions, and agencies to ensure the safety and well-being of children in the care of child welfare agencies or to inspect, investigate, or respond as required by court order, settlement agreement, or federal law.

(f) In consultation with other affected agencies, the department shall promulgate rules and regulations consistent with this Code section, including establishing criteria which must be met in order for a child welfare agency to contest or appeal an evaluation.

(g) Nothing in this Code section shall be construed to affect the ability of any affected agency, in its sole discretion, to contract with any child welfare agency or to exercise the rights of the affected agency under the terms and conditions of any existing contract with a child welfare agency."

SECTION 8.

Said chapter is further amended by revising Article 8, relating to the central child abuse registry, as follows:

"ARTICLE 8

49-5-180.

As used in this article, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(B) First offender treatment without adjudication of guilt pursuant to the charge was granted. The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime.~~

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

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

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

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

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

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

49-5-181.

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

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

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

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

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

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

49-5-182.

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

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

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

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

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

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

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

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

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

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

49-5-183.

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

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

(2) Shall mail to such alleged child abuser in such report a notice regarding the substantiated case via certified mail, return receipt requested. It shall be a rebuttable presumption that any such notice has been received if the return receipt has been received by the division. The notice shall further inform such alleged child abuser of ~~such person's~~ his or her right to a hearing to appeal such determination. The notice shall further inform such alleged child abuser of the procedures for obtaining the hearing and that an opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence on all issues involved.

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

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

(d) If the division receives a timely written request for a hearing under subsection (c) of this Code section, it shall transmit that request to the Office of State Administrative Hearings within ten days after such receipt. Notwithstanding any other provision of law, the Office of State Administrative Hearings shall conduct a hearing upon that request in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules of the Office of State Administrative Hearings adopted pursuant thereto, except as otherwise provided in this article. The hearing shall be for the purpose of an administrative determination regarding whether, based on a preponderance of evidence, there was child abuse committed by the alleged child abuser to justify the investigator's determination of a substantiated case. The Office of State Administrative Hearings shall give notice of the time and place of the hearing to the alleged child abuser by first-class mail to the address specified in the written request

for a hearing and to the division by first-class mail at least ten days prior to the date of the hearing. It shall be a rebuttable presumption that any such notice is received five days after deposit in the United States mail with the correct address of the alleged child abuser and the division, respectively, and proper postage affixed. Unless postponed by mutual consent of the parties and the administrative law judge or for good cause shown, ~~that~~ such hearing shall be held within 30 business days following receipt by the Office of State Administrative Hearings of the request for a hearing, and a decision shall be rendered within five business days following such hearing. A motion for an expedited hearing may be filed in accordance with rules and regulations promulgated by the Office of State Administrative Hearings. The hearing may be continued as necessary to allow the appointment of counsel. A telephone hearing may be conducted concerning this matter in accordance with standards prescribed in paragraph (5) of Code Section 50-13-15. Upon the request of any party to the proceeding or the assigned administrative law judge, venue may be transferred to any location within ~~the~~ this state if all parties and the administrative law judge consent to such a change of venue. Otherwise, the hearing shall be conducted in the county in which the alleged act of child abuse was committed. The doctrines of collateral estoppel and res judicata as applied in judicial proceedings are applicable to the administrative hearings held pursuant to this article.

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

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

(g) The administrative law judge shall transmit to the division his or her decision regarding the alleged child abuser and the investigator's report regarding such individual within ten days following that decision unless a petition for judicial review

of that decision is filed within the permitted time period. If a timely petition for judicial review is filed within the permitted time period, the superior court shall transmit to the division its decision regarding the alleged child abuser and the investigator's report regarding such individual within ten days following that decision.

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

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

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

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

49-5-184.

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

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

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

~~(d)~~(c) Notwithstanding any other provision of law, the decision of the Office of State Administrative Hearings pursuant to subsection ~~(c)~~ (b) of this Code section shall constitute the final agency decision. Any party shall have the right of judicial review of that decision in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the petition for review shall be filed within 30 days after

such decision and may only be filed with and the decision appealed to the superior court of the county where the hearing took place or, if the hearing was conducted by telephone, the Superior Court of Fulton County. The procedures for such appeal shall be the same as those for judicial review of contested cases under Code Section 50-13-19. The review and records thereof shall be closed to the public and not subject to public inspection.

49-5-185.

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

(1) An abuse investigator who has investigated or is investigating a case of possible child abuse and who shall only be provided information relating to ~~that~~ such case for purposes of using ~~that~~ such information in such investigation;

(2) State or other government agencies of this state or any other state which license entities that have interactions with children or are responsible for providing care for children or licensed entities in this state which interact with children or are responsible for providing care for children and which shall only be provided information for purposes of licensing or employment of a specific individual;

(3) A licensing entity, which may disclose information from the child abuse registry in a written notice to an applicant or licensed entity whose license is denied or revoked as a result of information found in the registry, to the extent that such information is required in such notice by a federal or state law, regulation, or policy~~,~~ or in a proceeding arising from an adverse action taken against a licensed entity or individual as a result of information found in the registry; ~~and~~

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

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

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

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

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

49-5-186.

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

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

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

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

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

49-5-187.

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

SECTION 9.

(a) This Act shall become effective on July 1, 2016, except as otherwise provided in subsection (b) of this section.

(b) Section 5 of this Act shall become effective on March 1, 2017.

SECTION 10.

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

Representative Ballinger of the 23rd moved that the House agree to the Senate substitute to HB 905.

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

Y Abrams
Y Alexander
Allison
Y Atwood
Y Ballinger
Y Barr
Y Battles
Y Beasley-Teague
Belton
Y Bennett, K
Y Bennett, T
Y Bentley
Y Benton
Y Beskin
Y Beverly
Y Blackmon
Y Broadrick
Y Brockway
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
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Jasperse
Y Jones, J
Y Jones, J.B.
Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Knight
Y LaRiccia
Y 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
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
E Rice
Y Rogers, C
Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
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
Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 160, nays 0.

The motion prevailed.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

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 following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 876

The Committee of Conference on HB 876 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 876 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ John Wilkinson Senator, 50th District	/s/ Clay Pirkle Representative, 155th District
/s/ Tyler Harper Senator, 7th District	/s/ Chad Nimmer Representative, 178th District
/s/ Greg Kirk Senator, 13th District	/s/ Regina Quick Representative, 117th District

A BILL TO BE ENTITLED
AN ACT

To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, 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 provide for liability protection for certain activities related to livestock; to provide for limitations; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 4 of the Official Code of Georgia Annotated, relating to livestock dealers and auctions, is amended by revising Code Section 4-6-1, relating to definitions relative to livestock dealers, as follows:

"4-6-1.

As used in this chapter, the term:

~~(1) 'Bond' means a written instrument issued or executed by a bonding, surety, or insurance company licensed to do business in this state, guaranteeing that the person bonded shall faithfully fulfill the terms of the contract of purchases and guarantee the payment of the purchase price of all livestock purchased by him, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase.~~

~~(2)~~(1) 'Cash' includes only currency, cashier's checks, and money orders.

~~(3)~~(2) 'Dealer' ~~is synonymous with the term 'broker' and means any person, firm, or corporation, including a packer, engaged in the business of buying livestock of any kind for resale or in selling livestock of any kind bought for the purpose of resale or in buying livestock of any kind for slaughter. Every agent acting for or on behalf of any dealer, broker, or livestock market operator is a dealer or broker.~~ means any person or agent of such person who engages in or facilitates, including by electronic means, the business of buying, selling, exchanging, or otherwise transferring ownership of livestock within this state for his or her own account or for that of another. The term 'dealer' shall not include:

(A) Farmers acquiring livestock solely for the purpose of grazing and feeding as a part of their farm operations ~~are not encompassed by the definition of 'dealer' or 'broker'~~; ~~and~~

(B) Packers whose total annual purchases of livestock are less than $50,000.00 who buy only from licensed dealers and licensed sales establishments ~~are not included in the definition of 'dealer' or 'broker.'~~;

(C) Persons selling only livestock of their own production or buying only for their own production; or

(D) Auctioneers that do not take ownership of livestock.

~~(4)~~(3) 'Livestock' means cattle, swine, equines, sheep, and goats of all kinds and species.

~~(5)~~(4) 'Livestock market operator' means any person~~, firm, or corporation~~ engaged in the business of operating a sales establishment, public auctions or sales of livestock, or barns and yards for the containment of livestock held for the purpose of auction or sale.

~~(6)~~(5) 'Person' means any person, firm, corporation, association, cooperative, or combination thereof.

~~(7)~~(6) 'Sales establishment' means any yard, barn, or other premises where livestock is sold at auction.

(7) 'Surety' means a letter of credit, certificate of deposit, or other written instrument issued or executed by a lending institution or bonding, surety, or insurance company licensed to do business in this state, guaranteeing the faithful performance of the terms of the contract of purchase, including the payment of the purchase price of all livestock purchased by the holder of such instrument, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase."

SECTION 2.

Said chapter is further amended by revising Code Section 4-6-2, relating to the sale, auction, transfer, or movement of infected livestock, as follows:

"4-6-2.

No dealer~~, broker,~~ or livestock market operator shall sell, auction, transfer, or move any livestock which are infected with any disease or which have been placed under quarantine by the authority of the Commissioner. Until all such livestock have been inspected by a veterinarian approved by the Commissioner, no dealer~~, broker,~~ or livestock market operator shall sell, auction, transfer, or move any livestock which have been infected, which are suspected of being infected, or which are likely to have been exposed to infection. No dealer~~, broker,~~ or livestock market operator shall sell, auction, transfer, or move any livestock from any barn, yard, or premises unless all sanitary practices and precautions prescribed by the rules and regulations of the Commissioner have been observed in the premises, barn, or yard."

SECTION 3.

Said chapter is further amended by revising Code Section 4-6-3, relating to livestock dealer licenses, as follows:

"4-6-3.

(a) No livestock market operator shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner. The triennial fee for a livestock market operator license shall be proportionate to the surety acquired by such operator, but shall not exceed $200.00.

(b) No ~~livestock dealer or broker~~ dealer who buys or sells through a livestock market operator or directly from producers shall engage in or carry on such business without

first applying for and obtaining a license from the Commissioner. ~~There shall be no fee for such license.~~ The annual fee for a dealer license shall be no more than $25.00.

(c) No ~~such~~ license shall be issued to any person pursuant to this Code section unless the applicant therefor furnishes to the Commissioner the ~~required bond~~ surety required under this article and such surety is approved by the Commissioner. ~~The bonds shall be executed by a surety corporation authorized to transact business in this state and approved by the Commissioner.~~ Any and all ~~bond~~ surety applications shall be accompanied by a certificate of 'good standing' issued by the Commissioner of Insurance. If any company issuing a ~~bond~~ surety shall ~~be removed from doing~~ become unauthorized to do business in this state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner of Agriculture within 30 days. Such ~~bonds shall be upon forms prescribed by the Commissioner and~~ sureties shall be conditioned to secure the faithful performance of ~~such~~ a person's obligations as a livestock market operator~~, livestock dealer, or livestock broker~~ or dealer under this article and the rules and regulations prescribed ~~under this article~~ pursuant thereto. ~~Whenever the Commissioner shall determine that a previously approved bond has for any cause become insufficient, the Commissioner may require an additional bond or bonds to be given, conforming with the requirements of this Code section. Unless the additional bond or bonds are given within the time fixed by written demand therefor, or if the bond~~ If the surety of a dealer~~, broker,~~ or livestock market operator is canceled, then the license of such person shall immediately be revoked by operation of law without notice or hearing."

SECTION 4.

Said chapter is further amended by revising Code Section 4-6-4, relating to cancellation, revocation, or suspension of licenses, as follows:

"4-6-4.

Every licensed dealer~~, broker,~~ and livestock market operator who shall violate this chapter or rules and regulations established by the Commissioner pursuant to this chapter shall have his or her license revoked, canceled, or suspended, upon a notice and hearing."

SECTION 5.

Said chapter is further amended by revising Code Section 4-6-5, relating to maintenance of records, as follows:

"4-6-5.

No dealer~~, broker,~~ or livestock market operator shall buy, store, or otherwise receive any livestock without first recording the name and address of the person or persons bringing in the livestock and recording the license tag number of the vehicle used ~~by the person or persons~~ to transport the livestock."

SECTION 6.

Said chapter is further amended by revising Code Section 4-6-10, relating to penalties for violations, as follows:

"4-6-10.

(a) Any dealer~~, broker,~~ or livestock market operator who violates any of the provisions of this chapter, any quarantine provision, or any rule or regulation established by the Commissioner under the authority of this or any other law for the protection of the general public in the prevention of livestock diseases shall be guilty of a misdemeanor.

(b) Any dealer~~, broker,~~ or livestock market operator who violates Code Section 4-6-5, relating to maintenance of records, for a third or subsequent time shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed $10,000.00 or by imprisonment for not less than one nor more than three years, or both, and any person so convicted shall have any license issued under this article permanently revoked and shall be ineligible to apply for a subsequent license under this article.

(c) Any dealer~~, broker,~~ or livestock market operator who violates Code Section 4-6-2, relating to the sale, auction, or transfer of known infected livestock, or Code Section 4-6-6, relating to quarantines, for the third or subsequent time shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed $10,000.00 or by imprisonment for not less than one nor more than three years, or both, and any person so convicted shall have any license issued under this article permanently revoked and shall be ineligible to apply for a subsequent license under this article."

SECTION 7.

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

"4-6-12.

The Commissioner shall publish in print or electronically the names and locations of duly licensed dealers and livestock market operators."

SECTION 8.

Said chapter is further amended by revising Code Section 4-6-42, relating to surety bonds generally, as follows:

"4-6-42.

~~(a)~~ No person shall operate a sales establishment for the sale of livestock at auction unless he or she has then in force a ~~bond~~ surety in an amount ~~calculated as follows:~~ established in a memorandum of agreement with the department sufficient to secure the performance of the obligations of the holder of such surety.

~~(1) If the annual sales of the establishment are $2,600,000.00 or less, the amount of the bond shall be one fifty-second of the amount of annual sales but not less than $10,000.00; or~~

~~(2) If the annual sales of the establishment are more than $2,600,000.00, the amount of the bond shall be $50,000.00 plus one fifty-second of the amount of annual sales in excess of $2,600,000.00 times a factor of 0.20.~~

~~(b) An amount calculated under subsection (a) of this Code section, if not a multiple of $5,000.00, shall be rounded to nearest higher multiple of $5,000.00.~~"

SECTION 9.

Said chapter is further amended by revising Code Section 4-6-43, relating to surety bonds relative to dealers and brokers generally, as follows:

"4-6-43.

(a) No dealer ~~or broker~~ shall purchase livestock at any sales establishment or directly from producers unless he or she has then in force a ~~bond~~ surety in an amount ~~calculated as follows:~~ established in a memorandum of agreement with the department sufficient to secure the performance of the obligations of the holder of such surety.

~~(1) Determine a number which is the number of days during the preceding year on which the dealer or broker did business;~~

~~(2) Divide the total dollar value of livestock purchased by the dealer or broker during the preceding year by the lesser of:~~

~~(A) One-half of the number determined under paragraph (1) of this subsection; or~~

~~(B) One hundred thirty; and~~

~~(3) Adjust the amount obtained under paragraph (2) of this subsection as follows:~~

~~(A) If the amount obtained under paragraph (2) of this subsection is $10,000.00 or less then the amount of the bond shall be $10,000.00;~~

~~(B) If the amount obtained under paragraph (2) of this subsection is more than $10,000.00 but not more than $75,000.00 then that amount shall be the amount of the bond; or~~

~~(C) If the amount obtained under paragraph (2) of this subsection is more than $75,000.00 then the amount of the bond shall be the sum of $75,000.00 plus 10 percent of the amount by which the amount obtained under paragraph (2) of this subsection exceeds $75,000.00.~~

(b) ~~An amount calculated under subsection (a) of this Code section, if not a multiple of $5,000.00, shall be rounded up to the nearest multiple of $5,000.00.~~

~~(c)~~ This Code section shall not be applicable to nor shall a ~~bond~~ surety be required of a dealer who purchases livestock at sales establishments for cash only. No livestock market operator shall permit a dealer ~~or broker~~ who is not properly licensed and ~~bonded~~ holding surety to purchase livestock other than for cash."

SECTION 10.

Said chapter is further amended by repealing in its entirety Code Section 4-6-44, relating to calculation of bonds, and designating said Code section as reserved.

SECTION 11.

Said chapter is further amended by repealing in its entirety Code Section 4-6-49, relating to annual sale and purchase reports and proof of bonding requirements, and designating said Code section as reserved.

SECTION 12.

Said chapter is further amended by revising Code Section 4-6-49.1, relating to denial of licenses and required statements and records, as follows:

"4-6-49.1.

(a) No license shall be issued to or allowed to be maintained by any sales establishment or dealer if:

(1) Any beneficial interest in the business of the sales establishment or dealer is directly or indirectly owned by a defaulter; or

(2) Any defaulter is employed in a management position by the sales establishment or dealer.

(b) As used in this Code section, the term 'defaulter' means any person who has, within the past five years, been employed in a managerial position by or owned any beneficial interest in the business of a sales establishment or dealer which business has ceased operations without satisfying all liabilities of the business either from assets of the business or from any ~~bond or bonds~~ surety.

(c) The Commissioner shall have full authority to require disclosure from licensees and applicants of information sufficient to determine whether the licensee or applicant is qualified to be licensed under this Code section. The Commissioner shall have full authority to examine the records and accounts of all licensees in order to determine whether any proceeds of the business are being paid to any defaulter.

(d) This Code section shall not prohibit the Commissioner from allowing a defaulter to operate as a dealer who purchases livestock for cash only.

(e) All applicants for licensure shall submit to the Commissioner a current financial statement; and all licensees shall submit a current financial statement annually."

SECTION 13.

Said chapter is further amended by revising Code Section 4-6-52, relating to special sales, as follows:

"4-6-52.

(a) As used in this Code section, 'special sale' means any livestock sale, except a regular sale at an establishment and any sale by a farmer of livestock owned by the farmer, with payment made directly to the farmer.

(b) The Commissioner is authorized to prescribe rules and regulations for the operation of special sales. No person shall hold a special sale without obtaining a permit therefor from the Commissioner or his or her duly authorized representative, which shall be granted without charge upon submission of proof satisfactory to the Commissioner that the person applying for the permit ~~is bonded~~ has procured a surety in an amount equal to one-fourth of the anticipated proceeds of the sale; provided, however, that such ~~bond~~ surety shall be not less than $10,000.00 and not more than $150,000.00 in amount.

(c) Associations holding sales of animals consigned by members of the association only shall not be required to procure a ~~bond~~ surety if the directors of the association accept full responsibility for financial obligations of sale and release the Commissioner, in writing, from any responsibility.

~~(c.1)~~(d) Georgia 4-H clubs and Georgia Future Farmers of America chapters shall not be required to procure a ~~bond~~ surety.
~~(d) Any person who violates this Code section shall be guilty of a misdemeanor.~~"

SECTION 14.

Said title is further amended by revising Chapter 12, relating to injuries from equine or llama activities, as follows:

"CHAPTER 12

4-12-1.

The General Assembly recognizes that persons who participate in equine activities, livestock activities, or llama activities may incur injuries as a result of the risks involved in such activities. The General Assembly also finds that the state and its citizens derive numerous economic and personal benefits from such activities. The General Assembly finds, determines, and declares that this chapter is necessary for the immediate preservation of the public peace, health, and safety. It is, therefore, the intent of the General Assembly to encourage equine activities, livestock activities, and llama activities by limiting the civil liability of those involved in such activities.

4-12-2.

As used in this chapter, the term:

(1) 'Engages in a llama activity' means riding, training, assisting in providing medical treatment of, driving, or being a passenger upon a llama, whether mounted or unmounted, or any person assisting a participant or show management. The term 'engages in a llama activity' does not include being a spectator at a llama activity, except in cases where the spectator places himself or herself in an unauthorized area and in immediate proximity to the llama activity.

(2) 'Engages in an equine activity' means riding, training, assisting in providing medical treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, or any person assisting a participant or show management. The term 'engages in an equine activity' does not include being a spectator at an equine activity, except in cases where the spectator places himself or herself in an unauthorized area and in immediate proximity to the equine activity.

(3) 'Equine' means a horse, pony, mule, donkey, or hinny.

(4) 'Equine activity' means:

(A) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting;

(B) Equine training or teaching activities, or both;

(C) Boarding equines;

(D) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine;

(E) Rides, trips, hunts, or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor;

(F) Placing or replacing horseshoes on an equine; and

(G) Examining or administering medical treatment to an equine by a veterinarian.

(5) 'Equine activity sponsor' means an ~~individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit,~~ entity which sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to, pony clubs; 4-H clubs; hunt clubs; riding clubs; school and college sponsored classes, programs, and activities; therapeutic riding programs; and operators, instructors, and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held.

(6) 'Equine professional' means ~~a person~~ an entity engaged for compensation in:

(A) Instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine;

(B) Renting equipment or tack to a participant; or

(C) Examining or administering medical treatment to an equine as a veterinarian.

(7) 'Inherent risks of ~~equine~~ animal activities' ~~or 'inherent risks of llama activities'~~ means those dangers or conditions which are an integral part of equine activities, livestock activities, or llama activities, as the case may be, including, but not limited to:

(A) The propensity of the animal to behave in ways that may result in injury, harm, or death to persons on or around them;

(B) The unpredictability of the animal's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals;

(C) Certain hazards such as surface and subsurface conditions;

(D) Collisions with other animals or objects; and

(E) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

(7.1) 'Livestock' means swine, cattle, sheep, and goats.

(7.2) 'Livestock activity' means any not for profit event in which participants are engaged in the grazing, herding, feeding, branding, boarding, milking, inspecting, or evaluating livestock, or taking part in any other activity that involves the care or maintenance of livestock.

(7.3) 'Livestock activity sponsor' means an entity sponsoring, organizing, or providing facilities for a livestock activity, and includes all employees of such entity.

(7.4) 'Livestock facility' means a property or facility at which a livestock activity is held.

(7.5) 'Livestock professional' means an entity owning livestock that is involved in a livestock activity.

(8) 'Llama' means a South American camelid which is an animal of the genus lama, commonly referred to as a 'one llama,' including llamas, alpacas, guanacos, and vicunas.

(9) 'Llama activity' means:

(A) Llama shows, fairs, competitions, performances, packing events, or parades that involve any or all breeds of llamas;

(B) Using llamas to pull carts or to carry packs or other items;

(C) Using llamas to pull travois-type carriers during rescue or emergency situations; (D) Llama training or teaching activities or both;

(E) Taking llamas on public relations trips or visits to schools or nursing homes;

(F) Participating in commercial packing trips in which participants pay a llama professional to be a guide on a hike leading llamas;

(G) Boarding llamas;

(H) Riding, inspecting, or evaluating a llama belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the llama or is permitting a prospective purchaser of the llama to ride, inspect, or evaluate the llama;

(I) Using llamas in wool production;

(J) Rides, trips, or other llama activities of any type however informal or impromptu that are sponsored by a llama activity sponsor; and

(K) Trimming the nails of a llama.

(10) 'Llama activity sponsor' means an ~~individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit,~~ entity which sponsors, organizes, or provides the facilities for a llama activity, including, but not limited to llama clubs; 4-H clubs; hunt clubs; riding clubs; school and college-sponsored classes, programs, and activities; therapeutic riding programs; and operators, instructors, and promoters of llama facilities, including, but not limited to stables, clubhouses, fairs, and arenas at which the activity is held.

(11) 'Llama professional' means ~~a person~~ an entity engaged for compensation:

(A) In instructing a participant or renting to a participant a llama for the purpose of riding, driving, or being a passenger upon the llama; or

(B) In renting equipment or tack to a participant.

(12) 'Participant' means any person, whether amateur or professional, who engages in an equine activity, a livestock activity, or ~~who engages in~~ a llama activity, whether or not a fee is paid to participate in such activity.

4-12-3.

(a) Except as provided in subsection (b) of this Code section, an equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama activity sponsor, a llama professional, or any other person, which shall include a corporation or partnership, shall not be liable for an

injury to or the death of a participant resulting from the inherent risks of ~~equine~~ animal activities ~~or from the inherent risks of llama activities~~ and, except as provided in subsection (b) of this Code section, no participant or participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama activity sponsor, a llama professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of ~~equine~~ animal activities ~~or resulting from any of the inherent risks of llama activities~~ during the course of any equine activity, livestock activity, or llama activity.

(b) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama activity sponsor, a llama professional, or any other person if the equine activity sponsor, equine professional, livestock activity sponsor, livestock professional, owner of the livestock facility, llama activity sponsor, llama professional, or person:

(1)(A) Provided ~~the~~ equipment or tack for the activity, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it ~~did cause~~ caused the injury.

(B) Provided the animal and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the ~~equine activity or llama~~ activity and to safely manage the particular animal based on the participant's representations of his or her ability;

(2) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the equine activity sponsor, equine professional, livestock activity sponsor, livestock professional, owner of a livestock facility, llama activity sponsor, llama professional, or person and for which warning signs have not been conspicuously posted;

(3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury; or

(4) Intentionally injures the participant.

(c) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an equine activity sponsor, equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, llama activity sponsor, or llama professional under liability provisions as set forth in the products liability laws.

(d) Nothing in this Code Section nor any provision of the laws of this State recognizing equine activity, livestock activity, or llama activity as inherently dangerous shall serve as a basis for liability on the part of any person who encourages, promotes, or instructs others in equine activities, livestock activities, or llama activities.

4-12-4.

(a) Every equine professional and every equine activity sponsor shall post and maintain signs which contain the warning notice specified in subsection (b) of this Code section. Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine professional or the equine activity sponsor conducts equine activities. The warning notice specified in subsection (b) of this Code section shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional or by an equine activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on ~~or off~~ the location or site of the equine professional's or the equine activity sponsor's business, shall contain in clearly readable print the warning notice specified in subsection (b) of this Code section.

(b) The signs and contracts described in subsection (a) of this Code section shall contain language substantially similar to the following warning notice:

WARNING

Under Georgia law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of e~~quine~~ animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of Georgia Annotated.

(c) Failure to comply with the requirements concerning warning signs and notices provided in this Code section shall prevent an equine activity sponsor or equine professional from invoking the privileges of immunity provided by this chapter.

4-12-5.

(a) Every llama professional and every llama activity sponsor shall post and maintain signs which contain the warning notice specified in subsection (b) of this Code section. Such signs shall be placed in a clearly visible location on or near stables, corrals, pens, or arenas where the llama professional or the llama activity sponsor conducts llama activities. The warning notice specified in subsection (b) of this Code section shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by a llama professional or by a llama activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or a llama to a participant, whether or not the contract involves llama activities on ~~or off~~ the location or site of the llama professional's or the llama activity sponsor's business, shall contain in clearly readable print the warning notice specified in subsection (b) of this Code section.

(b) The signs and contracts described in subsection (a) of this Code section shall contain language substantially similar to the following warning notice:

WARNING

Under Georgia law, a llama activity sponsor or llama professional is not liable for an injury to or the death of a participant in llama activities resulting from the inherent

risks of ~~llama~~ animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of Georgia Annotated.

(c) Failure to comply with the requirements concerning warning signs and notices provided in this Code section shall prevent a llama activity sponsor or llama professional from invoking the privileges of immunity provided by this chapter.

4-12-6.

(a) Every livestock activity sponsor, livestock professional, and owner of a livestock facility shall post and maintain signs which contain the warning notice specified in subsection (b) of this Code section. Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas where the livestock activity sponsor conducts livestock activities. The warning notice specified in subsection (b) of this Code section shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by a livestock activity sponsor, livestock professional, or livestock owner for the providing of professional services, instruction, or the rental of equipment, tack, or livestock to a participant, whether or not the contract involves livestock activities on the business location or site of such livestock activity sponsor, livestock professional, or livestock owner, shall contain in clearly readable print the warning notice specified in subsection (b) of this Code section.

(b) The signs and contracts described in subsection (a) of this Code section shall contain language substantially similar to the following warning notice:

WARNING

Under Georgia law, a livestock activity sponsor, livestock professional, or owner of a livestock facility is not liable for an injury to or the death of a participant in livestock activities resulting from the inherent risks of animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of Georgia Annotated.

(c) Failure to comply with the requirements concerning warning signs and notices provided in this Code section shall prevent a livestock activity sponsor, livestock professional, or owner of a livestock facility from invoking the privileges of immunity provided by this chapter.

4-12-7.

Nothing in this chapter shall be construed so as to abrogate or otherwise affect the provisions of Chapter 3 of this title."

SECTION 15.

This Act shall become effective on July 1, 2016, and shall not apply to any cause of action arising prior to such date.

SECTION 16.

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

Representative Pirkle of the 155th moved that the House adopt the report of the Committee of Conference on HB 876.

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

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	N 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	Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	Y Stephens, M
Beasley-Teague	N Dickerson	Y Holcomb	N Pak	Y Stephens, R
Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
N Bennett, T	N Dollar	Y Howard	Y Peake	N Stover
Y Bentley	Y Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	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	Ealum	N Jones, S	Y Prince	Y Teasley
N Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	N 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	N Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	N Fleming	Y Kirby	Y Randall	Y Watson
Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	N Wilkerson
Y Carter, D	Y Gardner	N Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	Y Rutledge	N Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	N Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	E Setzler	N Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 145, nays 20.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 304. By Senators Parent of the 42nd and Jones II of the 22nd:

A BILL to be entitled an Act to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, so as to allow for the preservation of a person's involuntary hospitalization information received by the Georgia Crime Information Center; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 327. By Senators Hill of the 32nd, Hill of the 6th, McKoon of the 29th, Crane of the 28th, Thompson of the 14th and others:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, so as to prohibit the state, including all of its subdivisions and instrumentalities, from entering into certain contracts with an individual or company unless such contracts contain a certification that such individual or company does not presently conduct a boycott of Israel and will not conduct such a boycott for the duration of such contract; to exclude certain contracts from these requirements; to provide for definitions; to repeal conflicting laws; and for other purposes.

SB 383. By Senators Ginn of the 47th, Mullis of the 53rd, Black of the 8th, Williams of the 27th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 32 of the O.C.G.A., relating to the regulation of maintenance and use of public roads, so as to provide for the purpose of the Roadside Enhancement and Beautification Council; to provide for the issuance of permits for the removal or trimming of vegetation on state rights of way when such vegetation obstructs the target viewing zone of a building, sign, or structure upon commercial property; to provide for procedures, conditions, and limitations for the issuance of such permits; to provide for the department to set standards for applications and fees for such permits; to prohibit the removal or certain types of vegetation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitutes to the following resolutions of the Senate:

SR 892. By Senators Walker III of the 20th, Hill of the 4th, Kennedy of the 18th, Lucas of the 26th, Black of the 8th and others:

A RESOLUTION recognizing Governor Sonny Perdue and dedicating a road in his honor; and for other purposes.

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.

SR 955. By Senators Jeffares of the 17th, VanNess of the 43rd, Jones of the 25th, Kennedy of the 18th and Hill of the 6th:

A RESOLUTION authorizing the conveyance and lease of various state owned real properties; to provide 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 883. By Representatives Taylor of the 173rd, Smith of the 134th, Atwood of the 179th, Meadows of the 5th, Brockway of the 102nd and others:

A BILL to be entitled an Act to amend Chapter 37 of Title 33 of the O.C.G.A., relating to insurers rehabilitation and liquidation, so as to change certain provisions relating to insurers rehabilitation and liquidation; to change provisions related to reciprocal states and domiciliary liquidators; to provide for the Commissioner to transfer title under his or her control to a domiciliary receiver; to modify certain provisions relating to the rights of nonresident claimants in proceedings against domiciliary insurers; to change certain provisions relating to the rights of resident claimants in proceedings in other states against nondomiciliary insurers; to remove the use of

reciprocal in superiority of order of distribution in liquidation proceedings; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend HB 883 (LC 37 2115S) by inserting after* "proceedings;" *on line 9* "to amend Chapter 10 of Title 33 of the Official Code of Georgia Annotated, relating to assets and liabilities, so as to provide for certain updates to the standard valuation law as it relates to the reserve requirements for companies allowed to opt out of the principal based reserves standards;

By inserting after line 243 the following:
Chapter 10 of Title 33 of the Official Code of Georgia Annotated, relating to assets and liabilities, is amended in Code Section 33-10-13, relating to standard valuation, by revising subsection (t) as follows:

"(t)(1) An insurer that has less than $300 million of ordinary life premiums and that is licensed and doing business in this state and that is subject to the requirements of subsections (o) through (r) of this Code section ~~is deemed to pass the exclusion tests associated with life insurance reserve requirements incorporated in the valuation manual~~ may hold reserves based on the mortality tables and interest rates defined by the valuation manual for net premium reserves and using the methodologies described in subsections (g) through (m) of this Code section as they apply to ordinary life insurance in lieu of the reserves required by subsections (o) and (p) of this Code section, provided that:

(A) If the insurer is a member of a group of life insurers, the group has combined ordinary life premiums of less than $600 million;

(B) The insurer reported total adjusted capital of at least 450 percent of authorized control level risk based capital in the risk based capital report for the prior calendar year;

(C) The appointed actuary has provided an unqualified opinion on the reserves for the prior calendar year; and

(D) The insurer has provided a certification by a qualified actuary that any universal life policy with a secondary guarantee issued by the insurer after the operative date of the valuation manual meets the definition of a nonmaterial secondary guarantee universal life product as defined in the valuation manual.

(2) For purposes of paragraph (1) of this subsection, ordinary life premiums are measured as direct premium plus reinsurance assumed from an unaffiliated company, as reported in the annual statement for the prior calendar year.

~~(3) A company that meets the requirements under paragraph (1) of this subsection is also subject to the requirements of subsection (l) of this Code section.~~

~~(4)~~(3) A domestic company meeting all of the conditions provided in this subsection may file, prior to July 1 of the current calendar year, a statement with the Commissioner certifying that such conditions are met for the current calendar year

based on premiums and other values from the financial statements for the prior calendar year. The Commissioner may reject such statement prior to September 1 and require a company to comply with the valuation manual requirements for life insurance reserves."

SECTION 9.

Representative Taylor of the 173rd moved that the House agree to the Senate amendment to HB 883.

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

Y Abrams
Y Alexander
Allison
Y Atwood
Y Ballinger
Y Barr
Y Battles
Y Beasley-Teague
Belton
Bennett, K
Y Bennett, T
Y Bentley
Y Benton
Y Beskin
Y Beverly
Y Blackmon
Y Broadrick
Y Brockway
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
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y 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
E Rice
Y Rogers, C
Rogers, T
Y Rutledge
Y Rynders
Y Scott
E Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Smith, L
Y 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
Taylor, T
Y Teasley
Y Thomas, A.M.
Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 163, nays 0.

The motion prevailed.

The following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

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

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

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 64

The Committee of Conference on SB 64 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 64 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Chuck Hufstetler Senator, 52nd District	/s/ Tom Weldon Representative, 3rd District
/s/ Bruce Thompson Senator, 14th District	/s/ J. A. Atwood Representative, 179th District
/s/ Emanuel Jones Senator, 10th District	/s/ Andy Welch Representative, 110th District

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-11-2, Title 19, and Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code, domestic relations, and vital records, respectively, so as to repeal voluntary acknowledgments of legitimation; to provide for conforming cross-references relating to the elimination of administrative legitimation; to provide for and revise definitions; to clarify provisions

relating to judicial petitions for legitimation; to provide for witnesses to the signing of acknowledgments of paternity; to provide for access to signed acknowledgments of paternity and voluntary acknowledgments of legitimation; to change provisions relating to hospital programs for establishing paternity; to provide for the repeal of a certain power of attorney; to change provisions relating to vital records; to provide for a savings clause; to provide for an effective date and contingent effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code, is amended by revising paragraph (43) as follows:

"(43) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted ~~a~~ such child;

(B) Was married to the biological mother of ~~a~~ such child at the time such child ~~was conceived or~~ was born or within the usual period of gestation, unless paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19;

(C) Married the legal mother of ~~a~~ such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19; or

~~(D) Has been determined to be the father of a child by a final paternity order pursuant to Article 3 of Chapter 7 of Title 19;~~

~~(E)~~(D) Has legitimated ~~a~~ such child by a final order pursuant to Code Section 19-7-22~~; or~~

~~(F) Has legitimated a child pursuant to Code Section 19-7-21.1~~."

SECTION 2.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by repealing in its entirety Code Section 19-7-21.1, relating to acknowledgment of legitimation.

SECTION 3.

Said title is further amended by revising Code Section 19-7-22, relating to the petition for legitimation of a child, requirements therefor, the effect of such, claims for custody or visitation, and third-party actions for legitimation, as follows:

"19-7-22.

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

(1) 'Biological father' means the male who impregnated the biological mother resulting in the birth of a child.

(2) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted such child;

(B) Was married to the biological mother of such child at the time such child was born or within the usual period of gestation, unless paternity was disproved by a final order pursuant to Article 3 of this chapter;

(C) Married the legal mother of such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order pursuant to Article 3 of this chapter; or

(D) Has legitimated such child pursuant to this Code section.

~~(a)~~(b) The biological ~~A~~ father of a child born out of wedlock may render his relationship with the child legitimate by petitioning the superior court of the county of the residence of the child's mother or other party having legal custody or guardianship of the child; provided, however, that if the mother or other party having legal custody or guardianship of the child resides outside ~~the~~ this state or cannot, after due diligence, be found within ~~the~~ this state, the petition may be filed in the county of the biological father's residence or the county of the child's residence. If a petition for the adoption of the child is pending, the biological father shall file the petition for legitimation in the county in which the adoption petition is filed.

~~(b)~~(c) A legitimation ~~The~~ petition shall set forth the name, age, and sex of the child, the name of the mother, and, if the biological father desires the name of the child to be changed, the new name. If the mother is alive, she shall be named as a party and shall be served and provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9, the 'Georgia Civil Practice Act.' If there is a legal father who is not the biological father, he shall be named as a party by the petitioner and shall be served and provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9, the 'Georgia Civil Practice Act.'

~~(c)~~(d) Upon the presentation and filing of ~~the~~ a legitimation petition, and after a hearing for which notice was provided to all interested parties, the court may ~~pass~~ issue an order declaring the biological father's relationship with the child to be legitimate, ~~and that the~~ provided that such order is in the best interests of the child. If such order is issued, the biological father and child shall be capable of inheriting from each other in the same manner as if born in lawful wedlock ~~and specifying~~. Such order shall specify the name by which the child shall be known.

~~(d)~~(e) A legitimation petition may be filed, pursuant to Code Section 15-11-11, in the juvenile court of the county in which a dependency proceeding regarding the child is pending; provided, however, that if either parent has demanded a jury trial as to child support, that issue of the case shall be transferred to superior court for a jury trial. Such petition shall contain the same information and require the same service and opportunity to be heard as set forth in subsection (c) of this Code section. After a hearing, the juvenile court may issue the same orders as set forth in subsection (d) of this Code section.

~~(e)~~(f) A superior court shall, after notice and hearing, enter an order establishing the obligation to support a ~~Except as provided by subsection (f) of this Code section, the court shall upon notice to the mother further establish such duty as the father may have~~

~~to support the child, considering the facts and circumstances of the mother's obligation of support and the needs of the~~ child as provided under Code Section 19-6-15.

~~(f) After a petition for legitimation is granted, if a demand for a jury trial as to support has been properly filed by either parent, then the case shall be transferred from juvenile court to superior court for such jury trial.~~

~~(f.1)~~(g) A ~~The petition for~~ legitimation petition may also include claims for visitation, parenting time, or custody. If such claims are raised in the legitimation action, the court may order, in addition to legitimation, visitation, parenting time, or custody based on the best interests of the child standard. In a case involving allegations of family violence, the provisions of paragraph (4) of subsection (a) of Code Section 19-9-3 shall also apply.

~~(g)(1)~~(h) In any petition to establish paternity pursuant to paragraph (4) of subsection (a) of Code Section 19-7-43, the alleged biological father's response may assert a third-party action for the legitimation of the child born out of wedlock if the alleged biological father is, in fact, the biological father. Upon the determination of paternity or if a voluntary acknowledgment of paternity has been made and has not been rescinded pursuant to Code Section 19-7-46.1, the court or trier of fact as a matter of law and pursuant to the provisions of Code Section 19-7-51 may enter an order or decree legitimating a child born out of wedlock, provided that such is in the best ~~interest~~ interests of the child. In determining the best interests of the child, the court should ensure that the petitioning alleged biological father is, in fact, the biological father and may order the mother, the alleged biological father, and the child to submit to genetic testing in accordance with Code Section 19-7-45. Whenever a petition to establish the paternity of a child is brought by the Department of Human Services, issues of name change, visitation, and custody shall not be determined by the court until such time as a separate petition is filed by one of the parents or by the legal guardian of the child, in accordance with Code Section 19-11-8; if the petition to establish paternity is brought by a party other than the Department of Human Services or if the alleged biological father seeks legitimation, the court may determine issues of name change, visitation, and custody in accordance with subsections ~~(b) and (f.1)~~ (c) and (g) of this Code section. Custody of the child shall remain in the mother unless or until a court order is entered addressing the issue of custody.

~~(2) In any voluntary acknowledgment of paternity which has been made and has not been rescinded pursuant to Code Section 19-7-46.1, when both the mother and father freely agree and consent, the child may be legitimated by the inclusion of a statement indicating a voluntary acknowledgment of legitimation.~~"

SECTION 4.

Said title is further amended by revising Code Section 19-7-25, relating to in whom parental power over a child born out of wedlock lies, as follows:

"19-7-25.

Only the mother of a child born out of wedlock is entitled to custody of the child, unless the father legitimates the child as provided in Code Section ~~19-7-21.1 or~~ 19-7-22. Otherwise, the mother may exercise all parental power over the child."

SECTION 5.

Said title is further amended by revising Code Section 19-7-27, relating to hospital program for establishing paternity, as follows:

"19-7-27.

(a) Except in the event of a medical emergency, prior to ~~Upon~~ the birth of a child to an unmarried woman in a public or private hospital, the hospital that provides ~~perinatal~~ labor and delivery services shall~~:~~

~~(1) Provide the child's mother and alleged father if he is present at the hospital the opportunity to acknowledge paternity consistent with the requirements of Code Section 19-7-46.1; and~~

~~(2) Provide~~ provide to the mother and alleged father:

~~(A)~~(1) Written materials about administratively establishing paternity ~~establishment~~;

~~(B)~~(2) The forms necessary to voluntarily acknowledge paternity;

~~(C)~~(3) A written description of the rights and responsibilities of voluntarily acknowledging paternity, the differences between paternity and legitimation, and the duty to support a child upon acknowledgment of paternity; and

~~(D)~~(4) The opportunity, prior to discharge from the hospital, to speak with staff, either by telephone or in person, who are trained to clarify information and answer questions about administratively establishing paternity ~~establishment~~ and the availability of judicial determinations of paternity.

(b) Providing the written materials describing rights and responsibilities shall not constitute the unlawful practice of law.

(c) After the birth of a child to an unmarried woman in a public or private hospital, the hospital that provides labor and delivery services shall:

(1) Provide the child's mother and alleged father if he is present at the hospital the opportunity to execute a voluntary acknowledgment of paternity if a notary public is available at such hospital;

(2) File the signed voluntary acknowledgment of paternity with the State Office of Vital Records within 30 days of its execution, provided that such acknowledgment is signed at the hospital on or before the mother is discharged; and

(3) Provide to the child's mother and alleged father copies of the signed voluntary acknowledgment of paternity."

SECTION 6.

Said title is further amended by revising subsection (d) of Code Section 19-7-43, relating to petition to establish paternity and genetic testing, as follows:

"(d) In any case in which the paternity of a child or children has not been established, ~~any party may make a motion for the court to~~ the court, either on its own motion or on

the motion of any party, may order the mother, the alleged father, and the child or children to submit to genetic tests as specified in Code Section 19-7-45. Such motion, if made by a party, shall be supported by a sworn statement ~~(1)~~ alleging paternity and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties~~;~~ or ~~(2)~~ denying paternity and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties. Appropriate orders shall be issued ~~in accordance with the provisions of this article~~ by the court. The court shall grant ~~the~~ a party's motion unless it finds ~~good cause as defined by the federal Social Security Act or if other~~ a good excuse for noncooperation ~~is established~~."

SECTION 7.

Said title is further amended by revising Code Section 19-7-46.1, relating to name or social security number on birth certificate or other record as evidence of paternity and signed voluntary acknowledgment of paternity, as follows:

"19-7-46.1.

(a) The appearance of the name or social security account number of the father, entered with his written consent, on the certificate of birth or a certified copy of such certificate or records on which the name of the alleged father was entered with his written consent from the vital records department of another state or the registration of the father, entered with his written consent, in the putative father registry of this state, pursuant to subsection (d) of Code Section 19-11-9, shall constitute a prima-facie case of establishment of paternity and the burden of proof shall shift to the putative father to rebut such in a proceeding for the determination of paternity.

(b) When both the mother and father have signed a voluntary acknowledgment of paternity in the presence of a notary public swearing or affirming the statements contained in the acknowledgment are true and such acknowledgment is filed with the State Office of Vital Records within 30 days of its execution and ~~the acknowledgment~~ is recorded in the putative father registry established by subsection (d) of Code Section 19-11-9, the acknowledgment shall constitute a legal determination of paternity, subject to the right of any signatory to rescind the acknowledgment prior to the date of the support order, any other order adjudicating paternity, or 60 days from the signing of the agreement, whichever is earlier. Recording such information in the putative father registry shall constitute a legal determination of paternity for purposes of establishing a future order for support~~, visitation privileges,~~ and other matters under Code Section 19-7-51. Acknowledgment of paternity shall establish the biological father, as such term is defined in Code Section 19-7-22, but shall not constitute a legal determination of legitimation pursuant to Code Section ~~19-7-21.1 or~~ 19-7-22.

(c) After the 60 day rescission period specified in subsection (b) of this Code section, the signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the person challenging the acknowledgment. The legal responsibilities of any signatory,

including child support obligations, arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

(d) A copy of a signed voluntary acknowledgment of paternity shall be provided to any signatory upon request.

(e)(1) As used in this subsection, the term:

(A) 'Child-placing agency' means an agency licensed as such pursuant to Chapter 5 of Title 49.

(B) 'Legal custodian' shall have the same meaning as set forth in Code Section 15-11-2.

(C) 'Local custodian' shall have the same meaning as set forth in Code Section 31-10-1.

(D) 'State registrar' shall have the same meaning as set forth in Code Section 31-10-1.

(2) The state registrar or local custodian, upon receipt of a written application, shall issue a certified copy of voluntary acknowledgment of paternity in the state registrar's or local custodian's custody to:

(A) The person who signed such acknowledgment and his or her guardian or temporary guardian;

(B) The person whose paternity was acknowledged, if he or she is at least 18 years of age;

(C) The guardian, temporary guardian, or legal custodian of the person whose paternity was acknowledged;

(D) The living legal spouse or next of kin, the legal representative, or the person who in good faith has applied and produced a record of such application to become the legal representative of the person whose paternity is registered;

(E) A court of competent jurisdiction upon its order or subpoena;

(F) Any governmental agency, state or federal, provided that such certificate shall be needed for official purposes;

(G) A member in good standing of the State Bar of Georgia, provided that such certificate shall be needed for purposes of legal investigation on behalf of a client; and

(H) A child-placing agency, provided that such certificate shall be needed for official purposes."

SECTION 8.

Said title is further amended by revising Code Section 19-7-51, relating to order of support, visitation privileges, and other provisions, as follows:

"19-7-51.

The decree or order establishing paternity may contain any other provisions concerning the duty to support the child by periodic or lump sum payments, ~~visitation privileges with the child~~ as provided in Code Section 19-6-15, or any other matter in the best ~~interest~~ interests of the child."

SECTION 9.

Said title is further amended by revising paragraph (6) of Code Section 19-8-1, relating to definitions relating to adoption, as follows:

"(6) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted ~~a~~ such child;

(B) Was married to the biological mother of ~~that~~ such child at the time ~~the~~ such child ~~was conceived or~~ was born or within the usual period of gestation, unless ~~such~~ paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of this title;

(C) Married the legal mother of ~~the~~ such child after ~~the~~ such child was born and recognized ~~the~~ such child as his own, unless ~~such~~ paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of this title; or

(D) Has legitimated ~~the~~ such child by a final order pursuant to Code Section 19-7-22~~; or~~

~~(E) Has legitimated the child pursuant to Code Section 19-7-21.1~~

~~and who has not surrendered or had terminated his rights to the child~~."

SECTION 10.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-4, relating to when surrender or termination of parental or guardian's rights is required, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 11.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-5, relating to surrender or termination of parental or guardian's rights when child to be adopted by a third party, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 12.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-7, relating to surrender or termination of parental or guardian's rights when child to be adopted by a relative, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 13.

Said title is further amended by revising subsection (c) of Code Section 19-8-9, relating to surrender of parental rights when legal mother puts up for adoption a child that she previously adopted herself, as follows:

"(c) If a legal mother has voluntarily and in writing surrendered all of her parental rights pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 and has not withdrawn her surrender within the ten-day period after signing as permitted by the provisions of subsection (b) of this Code section, she shall have no right or authority to sign ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1 regarding the same child."

SECTION 14.

Said title is further amended by revising subsection (e) of Code Section 19-8-12, relating to notice to biological father, as follows:

"(e) When notice is to be given pursuant to subsection (b) of this Code section, it shall advise such biological father who is not the legal father that he loses all rights to the child and will neither receive notice nor be entitled to object to the adoption of the child unless, within 30 days of receipt of such notice, he files:

(1) A petition to legitimate the child pursuant to Code Section 19-7-22 ~~or an acknowledgment of legitimation pursuant to Code Section 19-7-21.1~~; and

(2) Notice of the filing of the petition to legitimate ~~or acknowledgment of legitimation~~ with the court in which the action under this Code section, if any, is pending and to the person who provided such notice to such biological father."

SECTION 15.

Said title is further amended by repealing Article 5 of Chapter 9, relating to a power of attorney relating to children.

SECTION 16.

Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, is amended by revising subsections (a) and (d) of Code Section 31-10-25, relating to disclosure of information contained in vital records, as follows:

"(a) To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital records, it shall be unlawful for any person to permit inspection of, or to disclose information contained in,

vital records or to copy or issue a copy of all or part of any such record except as authorized by this chapter, Code Section 19-7-46.1, and ~~by~~ regulation or by order of a court of competent jurisdiction. Regulations adopted under this Code section shall provide for adequate standards of security and confidentiality of vital records. The provisions of this subsection shall not apply to court records or indexes of marriage licenses, divorces, and annulments of marriages filed as provided by law."

"(d) Information in vital records indicating that a birth occurred out of wedlock shall not be disclosed except as ~~provided by regulation or upon the~~ authorized by this chapter, Code Section 19-7-46.1, and regulation or by order of a court of competent jurisdiction."

SECTION 17.

Said chapter is further amended by revising subsection (a) of Code Section 31-10-26, relating to certified copies of vital records, issuance, and use for statistical purposes, as follows:

"(a) In accordance with Code Section 31-10-25 and the regulations adopted pursuant thereto:

(1) The state registrar or local custodian, ~~of vital records appointed by the state registrar to issue certified copies~~ upon receipt of a written application, shall issue:

(A) A ~~a~~ certified copy of a vital record in that registrar's or custodian's custody or abstract thereof to any applicant having a direct and tangible interest in the vital record~~, except that certified~~;

(B) Certified copies of voluntary acknowledgments of paternity as provided in subsection (e) of Code Section 19-7-46.1;

(C) Certified copies of voluntary acknowledgments of legitimation executed on or before June 30, 2015, to the same individuals and entities specified in subsection (e) of Code Section 19-7-46.1; and

(D) Certified copies of certificates ~~shall only be issued~~ to:

~~(A)~~(i) The person whose record of birth is registered;

~~(B)~~(ii) Either parent, guardian, or temporary guardian of the person whose record of birth or death is registered;

~~(C)~~(iii) The living legal spouse or next of kin, ~~or~~ the legal representative, or the person who in good faith has applied and produced a record of such application to become the legal representative of the person whose record of birth or death is registered;

~~(D)~~(iv) A ~~The~~ court of competent jurisdiction upon its order or subpoena; or

~~(E)~~(v) Any governmental agency, state or federal, provided that such certificate shall be needed for official purposes~~.~~; and

(2) Each certified copy issued shall show the date of registration and duplicates issued from records marked 'delayed' or 'amended' shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate of birth shall be shown on all duplicates issued. All forms and procedures used in the

issuance of certified copies of vital records in this state shall be provided or approved by the state registrar."

SECTION 18.

This Act shall not be construed to affect a voluntary acknowledgment of legitimation that was valid under the former provisions of Code Section 19-7-21.1, nor any of the rights or responsibilities flowing therefrom, if it was executed on or before June 30, 2016.

SECTION 19.

This Act shall become effective on July 1, 2016, provided that Section 15 of this Act shall become effective only if Article 5 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to a power of attorney relating to children, as would be enacted by HB 887, as passed by the General Assembly during the 2016 legislative session, becomes law prior to this Act; otherwise, Section 15 of this Act shall not become effective.

SECTION 20.

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

Representative Weldon of the 3rd moved that the House adopt the report of the Committee of Conference on SB 64.

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
Belton
Y Bennett, K
Y Bennett, T
N 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
N Cannon
Y Cooke
Y Coomer
Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
N Kendrick
Y Kidd
Y Kirby
Y Knight
Y Metze
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
Y Peake
Petrea
Y Pezold
Y Pirkle
Y Powell, A
Y Powell, J
Price
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Rakestraw
Y Ramsey
Y Randall
Y Reeves
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
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 Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E 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	Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	N Scott	Y Williams, C
Y Clark, D	Y Golick	Mayo	E 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 motion, the ayes were 158, nays 4.

The motion prevailed.

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

HB 408. By Representatives Willard of the 51st, Raffensperger of the 50th, Geisinger of the 48th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to an excise tax on rooms, lodging, and accommodations, so as to clarify the application of certain provisions to certain municipalities; to provide for conditions and limitations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to an excise tax on rooms, lodging, and accommodations, so as to clarify the application of certain provisions to certain municipalities; to provide for conditions and limitations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to an excise tax on rooms, lodging, and accommodations, is amended by revising paragraph

(5) of subsection (a) of Code Section 48-13-51, relating to county and municipal levies on public accommodations, as follows:

"(5)(A)(i) Notwithstanding any other provision of this subsection, a county (within the territorial limits of the special district located within the county) or municipality is authorized to levy a tax under this Code section at a rate of 7 percent. A county or municipality levying a tax pursuant to this paragraph shall expend an amount equal to at least 51.4 percent of the total taxes collected prior to July 1, 1990, at the rate of 7 percent and an amount equal to at least 32.14 percent of the total taxes collected on or after July 1, 1990, at the rate of 7 percent for the purpose of: (I) promoting tourism, conventions, and trade shows; (II) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes; (III) supporting a facility owned or operated by a local authority or local government for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987; (IV) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded in whole or in part by a grant of state funds; or (V) for some combination of such purposes. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, or a private sector nonprofit organization or through a contract or contracts with some combination of such entities, except that amounts expended for those purposes specified in subdivisions (III) and (IV) of this division may be so expended in any otherwise lawful manner.

(ii) In addition to the amounts required to be expended under division (i) of this subparagraph, a county or municipality levying a tax pursuant to this paragraph shall further expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to 14.3 percent of the total taxes collected prior to July 1, 1990, at the rate of 7 percent and an amount equal to 39.3 percent of the total taxes collected on or after July 1, 1990, at the rate of 7 percent toward funding a multipurpose domed stadium facility. Amounts so expended shall be expended only through a contract originally with the state, a department or agency of the state, or a state authority or through a contract or contracts with some combination of the above. Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2020, unless extended as provided in subparagraph (B) of this paragraph, provided that during any period during which there remains outstanding any obligation which is incurred prior to January 1, 1991, issued to fund a multipurpose domed stadium as contemplated by this paragraph, and secured in whole or in part by a pledge of a tax authorized under this Code section, or any such obligation which is incurred to refund such an obligation incurred before January 1, 1991, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not

be diminished or impaired by the state and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interest and rights of the holders of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by an authority of the state, shall constitute a contract with the holder of such obligations.

(B) Notwithstanding the termination date stated in division (ii) of subparagraph (A) of this paragraph, notwithstanding paragraph (6) of this subsection, and notwithstanding subsection (b) of this Code section, a tax levied under this paragraph may be extended by resolution of the levying county or municipality and continue to be collected through December 31, 2050, if a state authority certifies: (i) that the same portion of the proceeds will be used to fund a successor facility to the multipurpose domed facility as is currently required to fund the multipurpose domed facility under division (ii) of subparagraph (A) of this paragraph; (ii) that such successor facility will be located on property owned by the state authority; and (iii) that the state authority has entered into a contract with a national football league team for use of the successor facility by the national football league team through the end of the new extended period of the tax collection. During the extended period of collection provided for in this subparagraph, the county or municipality levying the tax shall continue to comply with the expenditure requirements of division (i) of subparagraph (A) of this paragraph. During the extended period of collection, the county or municipality shall further expend (in each fiscal year during which the tax is collected during the extended period of collection) an amount equal to 39.3 percent of the total taxes collected at the rate of 7 percent toward funding the successor facility certified by the state authority. Amounts so expended shall be expended only through a contract with the certifying state authority. Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2050, provided that during any period during which there remains outstanding any obligation which is incurred to fund the successor facility certified by the state authority, and secured in whole or in part by a pledge of a tax authorized under this Code section, or any such obligation which is incurred to refund such an obligation, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interest and rights of the holders of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by an authority of the state, shall constitute a contract with the holder of such obligations.

<u>(C) Notwithstanding any provision of the law to the contrary, and subject to the limitations contained in this subparagraph, a municipality levying a tax a percentage of which is dedicated to financing a multipurpose domed stadium pursuant to division (ii) of subparagraph (A) of this paragraph shall be further authorized to expend in each fiscal year during which the tax is collected under this paragraph an</u>

amount equal to 39.3 percent of the total taxes collected at the rate of 7 percent toward funding any of the purposes permitted for tourism product development contained in paragraph (6) of Code Section 48-13-50.2. Any funding pursuant to this paragraph shall not commence until the municipality has terminated its obligations under division (ii) of subparagraph (A) of this paragraph and so long as there remains outstanding any obligation which is incurred prior to January 1, 1991, issued to fund a multipurpose domed stadium as contemplated by this paragraph, and secured in whole or in part by a pledge of a tax authorized under this Code section, or any such obligation which is incurred to refund such an obligation incurred before January 1, 1991."

SECTION 2.

This Act shall become effective on July 1, 2016.

SECTION 3.

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

Representative Willard of the 51st moved that the House agree to the Senate substitute to HB 408.

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

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

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

On the motion, the ayes were 121, nays 34.

The motion prevailed.

HB 862. By Representatives Knight of the 130th, Powell of the 171st, Harrell of the 106th, Hitchens of the 161st and Houston of the 170th:

A BILL to be entitled an Act to amend Code Section 48-5-48 of the Official Code of Georgia Annotated, relating to the homestead exemption for disabled veterans, so as to clarify the definition of disabled veteran; 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 provisions of the Official Code of Georgia Annotated relating to disabled veterans; to amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, so as to clarify the definition of disabled veteran; to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to clarify the definition of disabled veteran; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, is amended by revising subsection (a) of Code Section 40-2-69, relating to free license plates and revalidation decals for disabled veterans, as follows:

"(a) Any disabled veteran who is a citizen and resident of this state shall, upon application therefor, be issued a free motor vehicle license plate. As used in this Code section, the term 'disabled veteran' ~~means any veteran who was discharged under~~

~~honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as being 100 percent totally disabled or as being less than 100 percent totally disabled but is compensated at the 100 percent level due to individual unemployability and is entitled to receive a statutory award from the United States Department of Veterans Affairs for:~~

~~(1) Loss or permanent loss of use of one or both feet;~~

~~(2) Loss or permanent loss of use of one or both hands;~~

~~(3) Loss of sight in one or both eyes; or~~

~~(4) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye~~ shall have the same meaning as that term is defined in paragraph (1) of subsection (a) of Code Section 48-5-48."

SECTION 2.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by revising paragraph (1) of subsection (a) of Code Section 48-5-48, relating to the homestead exemption for disabled veterans, as follows:

"(a) As used in this Code section, the term 'disabled veteran' means:

(1) Any veteran who is a citizen and a resident of this state who was discharged under honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as having a service related disability that renders such veteran as being 100 percent totally disabled or as being less than 100 percent totally disabled but is compensated at the 100 percent level due to individual unemployability ~~and~~ or is entitled to receive a statutory award from the United States Department of Veterans Affairs for:

(A) Loss or permanent loss of use of one or both feet;

(B) Loss or permanent loss of use of one or both hands;

(C) Loss of sight in one or both eyes; or

(D) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye;"

SECTION 3.

Said chapter is further amended by revising subsection (a) of Code Section 48-5-478, relating to the exemption from ad valorem taxation for motor vehicles owned or leased by a disabled veteran, as follows:

"(a) A motor vehicle owned by or leased to a disabled veteran who is a citizen and resident of this state and on which such disabled veteran actually places the free

disabled veteran motor vehicle license plate he or she receives pursuant to Code Section 40-2-69 is hereby exempted from all ad valorem taxes for state, county, municipal, and school purposes. As used in this Code section, the term 'disabled veteran' ~~means any veteran who was discharged under honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as being 100 percent totally disabled or as being less than 100 percent totally disabled but is being compensated at the 100 percent level due to individual unemployability and is entitled to receive service connected benefits and any veteran who is receiving or who is entitled to receive a statutory award from the United States Department of Veterans Affairs for:~~

~~(1) Loss or permanent loss of use of one or both feet;~~

~~(2) Loss or permanent loss of use of one or both hands;~~

~~(3) Loss of sight in one or both eyes; or~~

~~(4) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye~~ shall have the same meaning as that term is defined in paragraph (1) of subsection (a) of Code Section 48-5-48."

SECTION 4.

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

SECTION 5.

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

Representative Knight of the 130th moved that the House agree to the Senate substitute to HB 862.

On the motion, 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	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
Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner

Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E 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	Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	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 motion, the ayes were 166, nays 0.

The motion prevailed.

HB 808. By Representatives Willard of the 51st, Jones of the 47th, Burns of the 159th, Oliver of the 82nd, Meadows of the 5th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to courts, so as to create a new Judicial Qualifications Commission; to provide for the powers, composition, and appointment of such commission; to amend Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to certain proceedings exempted from open meetings requirements, so as to remove any exemptions for meetings of the Judicial Qualifications Commission; to provide effective dates; to provide for contingent automatic repeal; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to courts, so as to create a new Judicial Qualifications Commission; to provide for the powers, composition, and appointment of such

commission; to provide for a commission member's term and removal; to provide for procedures and confidentiality; to provide for related matters; to provide a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to courts, is amended by adding a new Code section to read as follows:

"15-1-19.

(a) Pursuant to Paragraph VI of Section VII of Article VI of the Constitution, there is hereby created the Judicial Qualifications Commission, which shall have the power to discipline, remove, and cause involuntary retirement of judges in accordance with such Paragraph.

(b) The Judicial Qualifications Commission shall consist of seven members, each of whom shall serve for a term of three years, subject to confirmation by the Senate, as follows:

(1) Two judges of any court of record, appointed by the Supreme Court;

(2) Two members of the State Bar of Georgia, each of whom shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the board of governors of the State Bar of Georgia;

(3) One citizen member, who shall be a registered voter of this state but shall not be a member of the State Bar of Georgia, appointed by the Speaker of the House of Representatives;

(4) One citizen member, who shall be a registered voter of this state but shall not be a member of the State Bar of Georgia, appointed by the President of the Senate; and

(5) One member of the State Bar of Georgia, who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the Governor to serve as chairperson of the commission.

(c) The Judicial Qualifications Commission may adopt procedures for its own governance which are not otherwise provided by the Constitution or this Code section.

(d) Members of the commission shall be subject to removal from the commission by an affirmative vote of six members of the commission, with the member who is subject to removal being disqualified from any such vote.

(e) No person shall serve more than two consecutive terms as a member of the commission.

(f) Notwithstanding Chapter 14 of Title 50, unless otherwise waived by the judge involved, all papers filed with and proceedings before the commission, including any investigation that the commission may undertake, shall be confidential, and no person shall disclose information obtained from commission proceedings or papers filed with

or by the commission, except as provided in this Code section. Such papers shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50.

(g) Information submitted to the commission or its staff, and testimony given in any proceeding before the commission, shall be absolutely privileged, and no civil action predicated upon such information or testimony shall be instituted against any complainant, witness, or his or her counsel.

(h) If, after an investigation is completed, the commission concludes that a letter of caution is appropriate, it shall issue a letter of caution to the judge in lieu of any further proceeding in the matter. The issuance of a letter of caution shall be confidential in accordance with subsection (f) of this Code section.

(i) If, after an investigation is completed, the commission concludes that disciplinary proceedings should be instituted, the notice and statement of charges filed by the commission, along with the answer and all other pleadings, shall remain confidential in accordance with subsection (f) of this Code section. Disciplinary hearings ordered by the commission shall be confidential, and recommendations of the commission to the Supreme Court, along with the record filed in support of such recommendations, shall be confidential in accordance with subsection (f) of this Code section. Testimony and other evidence presented to the commission shall be privileged in any action for defamation. At least four members of the commission shall concur in any recommendation to issue a public reprimand against or to censure, suspend, retire, or remove any judge. A respondent who is recommended for public reprimand, censure, suspension, retirement, or removal shall be entitled to a copy of the proposed record to be filed with the Supreme Court, and if the respondent has objections to it, to have the record settled by the commission's chairperson. The respondent shall also be entitled to present a brief and to argue the respondent's case, in person and through counsel, to the Supreme Court. A majority of the members of the Supreme Court voting shall concur in any order of public reprimand, censure, suspension, retirement, or removal. The Supreme Court may approve the recommendation, remand for further proceedings, or reject the recommendation. A member of the commission who is a judge shall be disqualified from acting in any case in which he or she is a respondent.

(j) Upon issuance of a public reprimand, censure, suspension, retirement, or removal by the Supreme Court, the notice and statement of charges filed by the commission along with the answer and all other pleadings, including the recommendation of the commission to the Supreme Court and the record filed in support of such recommendation, shall no longer be confidential."

SECTION 2.

This Act shall become effective on July 1, 2017, only if an amendment to the Constitution abolishing the existing Judicial Qualifications Commission and requiring the General Assembly to create and provide by general law for the composition and manner of appointment of a new Judicial Qualifications Commission, with such commission having the power to discipline, remove, and cause involuntary retirement of judges, is ratified by the voters at the November, 2016, state-wide general election. If such an amendment is

not so ratified, then this Act shall not become effective and shall stand repealed on January 1, 2017.

SECTION 3.

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

The following amendment was read and adopted:

Representative Willard of the 51st offers the following amendment:

Amend the Senate substitute to HB 808 (HB808/SCSFA/1) by replacing lines 1 through 85 with the following:

To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to courts, so as to create a new Judicial Qualifications Commission; to provide for the powers, composition, and appointment of such commission; to provide for a commission member's term and removal; to provide for procedures and confidentiality; to provide for related matters; to provide a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to courts, is amended by adding a new Code section to read as follows:

"15-1-19.

(a) Pursuant to Paragraph VI of Section VII of Article VI of the Constitution, there is hereby created the Judicial Qualifications Commission, which shall have the power to discipline, remove, and cause involuntary retirement of judges in accordance with such Paragraph.

(b) The Judicial Qualifications Commission shall consist of seven members who shall be subject to confirmation by the Senate.

(c) From January 1, 2017, until June 30, 2017, the members of the commission shall be as follows:

(1) Two judges of any court of record, appointed by the Supreme Court;

(2) One member of the State Bar of Georgia who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the President of the Senate from a list of at least ten nominees from the board of governors of the State Bar of Georgia; provided, however, that if a nominee is not selected from such list, the board of governors shall submit another slate of ten nominees;

(3) One member of the State Bar of Georgia who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered

voter of this state, appointed by the Speaker of the House of Representatives from a list of at least ten nominees from the board of governors of the State Bar of Georgia; provided, however, that if a nominee is not selected from such list, the board of governors shall submit another slate of ten nominees;

(4) One citizen member, who shall be a registered voter of this state but shall not be a member of the State Bar of Georgia, appointed by the Speaker of the House of Representatives;

(5) One citizen member, who shall be a registered voter of this state but shall not be a member of the State Bar of Georgia, appointed by the President of the Senate; and

(6) One member of the State Bar of Georgia, who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the Governor to serve as chairperson of the commission.

(d) From July 1, 2017, through December 31, 2020, the members of the commission shall be as follows:

(1) Two judges of any court of record, appointed by the Supreme Court;

(2) One member of the State Bar of Georgia who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the President of the Senate from a list of at least ten nominees from the board of governors of the State Bar of Georgia; provided, however, that if a nominee is not selected from such list, the board of governors shall submit another slate of ten nominees;

(3) One member of the State Bar of Georgia who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the Speaker of the House of Representatives from a list of at least ten nominees from the board of governors of the State Bar of Georgia; provided, however, that if a nominee is not selected from such list, the board of governors shall submit another slate of ten nominees;

(4) One citizen member, who shall be a registered voter of this state but shall not be a member of the State Bar of Georgia, appointed by the Speaker of the House of Representatives;

(5) One citizen member, who shall be a registered voter of this state but shall not be a member of the State Bar of Georgia, appointed by the President of the Senate; and

(6) One member of the State Bar of Georgia, who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the Governor to serve as chairperson of the commission.

(e) On and after January 1, 2021, the members of the commission shall serve for a term of three years and until their successors are appointed and shall be as follows:

(1) Two judges of any court of record, appointed by the Supreme Court;

(2) One member of the State Bar of Georgia who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the President of the Senate from a list of at least ten

nominees from the board of governors of the State Bar of Georgia; provided, however, that if a nominee is not selected from such list, the board of governors shall submit another slate of ten nominees;

(3) One member of the State Bar of Georgia who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the Speaker of the House of Representatives from a list of at least ten nominees from the board of governors of the State Bar of Georgia; provided, however, that if a nominee is not selected from such list, the board of governors shall submit another slate of ten nominees;

(4) One citizen member, who shall be a registered voter of this state but shall not be a member of the State Bar of Georgia, appointed by the Speaker of the House of Representatives;

(5) One citizen member, who shall be a registered voter of this state but shall not be a member of the State Bar of Georgia, appointed by the President of the Senate; and

(6) One member of the State Bar of Georgia, who shall have been an active status member of the State Bar of Georgia for at least ten years and shall be a registered voter of this state, appointed by the Governor to serve as chairperson of the commission.

(f) Any list of nominees required by this Code section shall be submitted to the Senate no later than the third Monday in January. Any member appointed to the commission shall serve until the Senate confirms such nominee and if an individual's name is not submitted by such deadline, he or she shall not be eligible for appointment.

(g) The Judicial Qualifications Commission may adopt procedures for its own governance which are not otherwise provided by the Constitution or this Code section; provided, however, that such procedures shall not allow an individual member to initiate an investigation without presenting such proposal to the other members of the commission at a commission meeting.

(h) Members of the commission shall be subject to removal from the commission by an affirmative vote of six members of the commission, with the member who is subject to removal being disqualified from any such vote.

(i) No person shall serve more than two consecutive terms as a member of the commission; provided, however, that any person appointed pursuant to subsection (c) of this Code section may serve for three consecutive terms as a member of the commission.

(j) Notwithstanding Chapter 14 of Title 50, unless otherwise waived by the judge involved, all papers filed with and proceedings before the commission, including any investigation that the commission may undertake, shall be confidential, and no person shall disclose information obtained from commission proceedings or papers filed with or by the commission, except as provided in this Code section. Such papers shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50.

(k) Information submitted to the commission or its staff, and testimony given in any proceeding before the commission, shall be absolutely privileged, and no civil action

predicated upon such information or testimony shall be instituted against any complainant, witness, or his or her counsel.

(l) If, after an investigation is completed, the commission concludes that a letter of caution is appropriate, it shall issue a letter of caution to the judge in lieu of any further proceeding in the matter. The issuance of a letter of caution shall be confidential in accordance with subsection (j) of this Code section.

(m) If, after an investigation is completed, the commission concludes that disciplinary proceedings should be instituted, the notice and statement of charges filed by the commission, along with the answer and all other pleadings, shall remain confidential in accordance with subsection (j) of this Code section. Disciplinary hearings ordered by the commission shall be confidential, and recommendations of the commission to the Supreme Court, along with the record filed in support of such recommendations, shall be confidential in accordance with subsection (j) of this Code section. Testimony and other evidence presented to the commission shall be privileged in any action for defamation. At least four members of the commission shall concur in any recommendation to issue a public reprimand against or to censure, suspend, retire, or remove any judge. A respondent who is recommended for public reprimand, censure, suspension, retirement, or removal shall be entitled to a copy of the proposed record to be filed with the Supreme Court, and if the respondent has objections to it, to have the record settled by the commission's chairperson. The respondent shall also be entitled to present a brief and to argue the respondent's case, in person and through counsel, to the Supreme Court. A majority of the members of the Supreme Court voting shall concur in any order of public reprimand, censure, suspension, retirement, or removal. The Supreme Court may approve the recommendation, remand for further proceedings, or reject the recommendation. A member of the commission who is a judge shall be disqualified from acting in any case in which he or she is a respondent.

(n) Upon issuance of a public reprimand, censure, suspension, retirement, or removal by the Supreme Court, the notice and statement of charges filed by the commission along with the answer and all other pleadings, including the recommendation of the commission to the Supreme Court and the record filed in support of such recommendation, shall no longer be confidential.

(o) The findings and records of the commission during an open meeting shall not be exempt from disclosure under Article 4 of Chapter 18 of Title 50."

SECTION 2.

This Act shall become effective on January 1, 2017, only if an amendment to the Constitution abolishing the existing Judicial Qualifications Commission and requiring the General Assembly to create and provide by general law for the composition and manner of appointment of a new Judicial Qualifications Commission, with such commission having the power to discipline, remove, and cause involuntary retirement of judges, and providing for exceptions to certain disclosures is ratified by the voters at the November, 2016, state-wide general election. If such an amendment is not so ratified, then this Act shall not become effective and shall stand repealed on January 1, 2017.

SECTION 3.

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

Representative Willard of the 51st moved that the House agree to the Senate substitute, as amended by the House, to HB 808.

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

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

On the motion, the ayes were 127, nays 32.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 128. By Senators Kennedy of the 18th, Bethel of the 54th, Hill of the 32nd, Jones II of the 22nd and Parent of the 42nd:

A BILL to be entitled an Act to amend Article 8 of Chapter 2 of Title 14 of the O.C.G.A., relating to directors and officers, so as to enact reforms consistent with the Model Act; to change provisions relating to the functions of a board of directors; to change provisions relating to elections of directors; to change provisions relating to terms for directors; to change provisions relating to actions without meetings; to change provisions relating to committees; to change provisions relating to derivative actions; to change provisions relating to officers; to change provisions relating to functions of officers; to change provisions relating to resignation and removal of officers; to enact provisions relating to business opportunities; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 302. By Senators Martin of the 9th, Burke of the 11th, Unterman of the 45th, Watson of the 1st and Parent of the 42nd:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to require health carriers to maintain accurate provider directories; to provide for definitions; to provide for electronic and printed provider directories; to require certain information in provider directories; to grant enforcement authority to the Commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 320. By Senators Watson of the 1st, Harper of the 7th, Beach of the 21st, Ginn of the 47th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of licenses, so as to revise the exemptions afforded to nonresidents who have in their immediate possession a valid driver's license issued to them in their home state or country; to provide for certain presumptions of validity of a driver's license issued by the driver's licensing authority of a foreign county; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 332. By Senators Kennedy of the 18th, VanNess of the 43rd, Dugan of the 30th, Cowsert of the 46th, Walker III of the 20th and others:

A BILL to be entitled an Act to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, so as to clarify the judges and Justices who are exempt from various weapons carry laws and prohibitions; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the issuance of personal identification cards to certain judges and Justices of the federal and state judiciary who are exempt from various weapons carry laws and prohibitions; to provide for rules and regulations; to provide for fees; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the following bill of the Senate:

SB 420. By Senators Tippins of the 37th, Hill of the 32nd, Unterman of the 45th, Jones of the 25th and Thompson of the 14th:

A BILL to be entitled an Act to amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, so as to require referendum approval prior to the expenditure of public funds for the establishment of a fixed guideway transit; to provide for definitions; to provide for submission of the question to qualified voters; to provide for ballot language; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 555. By Representatives Chandler of the 105th, Taylor of the 173rd, Cantrell of the 22nd, Setzler of the 35th, Clark of the 101st and others:

A BILL to be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for the reporting of certain statistics regarding juveniles seeking abortions without parental notice; to amend Article 5 of Chapter 12 of Title 16 of the O.C.G.A., relating to abortion, so as to make reporting requirements applicable to all abortions performed; to amend Chapter 9A of Title 31 of the O.C.G.A., relating to the "Woman's Right to Know Act," so as to make reporting requirements applicable to all abortions performed; to amend Part 1 of Article 1 of Chapter 18 of Title 45 of the O.C.G.A., relating to State Employees' Health Insurance Plan, so as to clarify that elective abortions are not covered under the state health insurance plan; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

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.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 727

The Committee of Conference on HB 727 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 727 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Tyler Harper Senator, 7th District	/s/ Rep. Paul Battles Representative, 15th District
/s/ Ben Watson Senator, 1st District	/s/ Howard Maxwell Representative, 17th District
/s/ Jeff Mullis Senator, 53rd District	/s/ Scot Turner Representative, 21st District

A BILL TO BE ENTITLED
AN ACT

To amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, so as to revise requirements for the issuance of certificates of compliance for fire departments; to revise and to provide for definitions; to expand the functions and powers of the Georgia Firefighter Standards and Training Council; to revise qualifications for firefighters; to revise the standard of compliance from explosion to ignition; to provide for definitions; to provide that certain sparkling items are consumer fireworks; to revise provisions relating to the sale, use, or ignition of consumer fireworks; to revise the days, times, locations, situations, and circumstances in which consumer fireworks can be lawfully used or ignited; to revise places within this state where the use or ignition of consumer fireworks is prohibited; to create the criminal offense of using or igniting or causing to be ignited consumer fireworks while under the influence; to provide for criminal penalties; to revise the licensing standards and procedures which shall be applied by the Safety Fire Commissioner and the governing authorities of counties and municipal corporations toward distributors; to revise licensing fees and requirements; to expand enforcement and regulatory mechanisms of the Safety Fire Commissioner regarding fireworks and consumer fireworks; to provide for the forfeiture of fireworks and consumer fireworks contraband; to provide for criminal penalties; to provide for civil enforcement; 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is amended by revising Code section 25-3-22, relating to notification that organization meets requirements and issuance of certificate of compliance, as follows:

"25-3-22.

In order for a fire department to be legally organized to operate in the State of Georgia, the chief administrative officer of the fire department shall notify <u>and submit all required documentation to</u> the executive director that <u>demonstrates that</u> the organization meets the minimum requirements specified in Code Section 25-3-23 and the rules and regulations of the Georgia Firefighter Standards and Training Council to function as a fire department. If the ~~council~~ <u>executive director</u> is satisfied that the fire department meets the minimum requirements contained in Code Section 25-3-23 and the rules and regulations of the Georgia Firefighter Standards and Training Council, he or she shall recommend to the Georgia Firefighter Standards and Training Council that a certificate of compliance be issued by the council to the fire department. If the council issues such certificate of compliance, the fire department shall be authorized to exercise the general and emergency powers set forth in Code Sections 25-3-1 and 25-3-2."

SECTION 2.

Said title is further amended by in Code section 25-4-2, relating to definitions, by revising paragraph (6) and adding a new paragraph as follows:

"(6) 'Firefighter' means a recruit or a trained individual who is a full-time employee, part-time employee, or volunteer for a municipal, county, state, or private incorporated fire department and as such has duties of responding to mitigate a variety of emergency and nonemergency situations where life, property, or the environment is at risk, which may include without limitation fire suppression; fire prevention activities; emergency medical services; hazardous materials response and preparedness; technical rescue operations; search and rescue; disaster management and preparedness; community service activities; response to civil disturbances and terrorism incidents; nonemergency functions including training, preplanning, communications, maintenance, and physical conditioning; and other related emergency and nonemergency duties as may be assigned or required; provided, however, that a firefighter's assignments may vary based on geographic, climatic, and demographic conditions or other factors including training, experience, and ability."

"(8.1) 'Recruit' means a prospective firefighter who has not yet been certified or registered by the council as having met the requirements of Code Section 25-4-8 and the rules and regulations to be a firefighter as provided for by the council."

SECTION 3.

Said title is further amended by in Code section 25-4-7, relating to the functions and powers of the Georgia Firefighter Standards and Training Council, by revising paragraphs (4) and (9) as follows:

"(4) To establish uniform minimum standards for the employment and training of full-time, part-time, or volunteer firefighters, airport firefighters, fire and life safety educators, fire inspectors, ~~and~~ fire investigators, and other such firefighting service professionals as determined by the council including qualifications, certifications, recertifications, decertifications, and probations for certified individuals and suspensions for noncertified individuals, and requirements, which are consistent with this chapter;"

"(9) To establish basic firefighter training requirements for full-time, part-time, contract, and volunteer firefighters, including airport firefighters;"

SECTION 4.

Said title is further amended in Code section 25-4-8, relating to qualifications of firefighters generally, by revising subsection (a) as follows:

"(a) Except as provided in Code Section 25-4-12, any ~~person employed~~ employee, volunteer, or private contractor of a fire department operating in this state or certified as a firefighter shall, as prescribed by the council:

(1) Be at least 18 years of age;

(2) Not have been convicted of, or pleaded guilty to, a felony in any jurisdiction or of a crime which if committed in this state would constitute a felony under the laws of

this state within ten years prior to employment, provided that a person who has been convicted of a felony more than five but less than ten years prior to employment may be certified and employed as a firefighter when the person has:

(A) Successfully completed a training program following the Georgia Fire Academy curriculum and sponsored by the Department of Corrections;

(B) Been recommended to a fire department by the proper authorities at the institution at which the training program was undertaken; and

(C) Met all other requirements as set forth in this chapter.

The council shall be the final authority with respect to authorizing the employment, appointment, and certification of a person who has been convicted of a felony more than five but less than ten years prior to seeking employment when the person is seeking employment as a firefighter for any municipal, county, or state fire department which employs three or more firefighters who work a minimum of 40 hours per week and has the responsibility of preventing and suppressing fires, protecting life and property, and enforcing municipal, county, and state codes, as well as enforcing any law pertaining to the prevention and control of fires;

(3) Have a good moral character as determined by investigation under procedure approved by the council;

(4) Be fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record;

(5) Be in good physical condition as determined by a medical examination and successfully pass the minimum physical agility requirements as established by the council; and

(6) Possess or achieve within 12 months after employment a high school diploma or a general education development equivalency."

SECTION 5.

Said title is further amended by revising Code Section 25-10-1, relating to definitions, as follows:

"25-10-1.

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

(1) 'Consumer fireworks' means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.

(2) 'Consumer fireworks retail sales facility' shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.

(3) 'Consumer fireworks retail sales stand' shall have the same meaning as provided for by NFPA 1124.

(4) 'Distributor' means any person, firm, corporation, association, or partnership which sells consumer fireworks.

(4.1) 'Electric plant' shall have the same meaning as provided for in Code Section 46-3A-1.

(5) 'Fireworks' means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

(6) 'NFPA 1124' means the National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 Edition.

(7) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a public or private elementary or secondary school in this state.

(8) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Safety Fire Commissioner.

(9) 'Pyrotechnics' means fireworks.

~~(10) 'Retail chain' means a person, firm, corporation, association, or partnership with more than one store, where all such stores are collectively known to the public by the same name or share central management.~~

~~(11)~~(10) 'Store' shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall only include such buildings with at least 4,000 square feet of retail display space and wherefrom:

(A) No more than 25 percent of such retail display space is used for consumer fireworks and items or products as provided for under paragraph (2) of subsection (b) of this Code section; and

(B) Other items or products which are not consumer fireworks or items or products as provided for under paragraph (2) of subsection (b) of this Code section are sold;

and provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known to the public by the same name or share central management.

(11) 'Waste-water treatment plant' shall have the same meaning as provided for in Code Section 43-51-2.

(12) 'Water treatment plant' shall have the same meaning as provided for in Code Section 43-51-2.

(b) As used in this chapter, the term 'consumer fireworks' or 'fireworks' shall not include:

(1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for sporting and hunting purposes; and

(2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture."

SECTION 6.

Said title is further amended by revising Code Section 25-10-2, relating to prohibited fireworks activities, as follows:

"25-10-2.

(a) It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or ~~explode~~ ignite or cause to be ~~exploded~~ ignited, or to possess, manufacture, transport, or store any consumer fireworks or fireworks, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful for any person, firm, corporation, association, or partnership to sell consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person under 18 years of age.

(2) It shall be unlawful to sell consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person by any means other than an in-person, face-to-face sale. Such person shall provide proper identification to the seller at the time of such purchase. For purposes of this paragraph, the term 'proper identification' means any document issued by a governmental agency containing a description of the person or such person's photograph, or both, and giving such person's date of birth and includes without being limited to a passport, military identification card, driver's license, or identification card authorized under Code Sections 40-5-100 through 40-5-104.

(3)(A) It shall be unlawful to use fireworks, consumer fireworks, or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors or within the right of way of a public road, street, highway, or railroad of this state.

(B) Except as provided for in subparagraph (D) or (E) of this paragraph and subject to paragraph (4) of this subsection and Code Section 25-10-2.1, it shall be lawful for any person, firm, corporation, association, or partnership to use or ~~explode~~ ignite or cause to be ~~exploded~~ ignited any consumer fireworks ~~on~~:

(i) On any day ~~between~~ beginning at the ~~hours~~ time of 10:00 A.M. and ~~12:00 Midnight only; provided, however, that it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks on January 1, July 3, July 4, and December 31 of each year between the hours of 12:00 Midnight and 2:00 A.M.~~ up to and including the ending time of 9:00 P.M.;

(ii) On any day after the time of 9:00 P.M. and up to and including the time of 11:59 P.M. if such use or ignition is lawful pursuant to any noise ordinance of the county or municipal corporation of the location in which such use or ignition occurs, except as otherwise provided for under this subparagraph; provided, however, that a county or municipal corporation may additionally require the issuance of a special use permit pursuant to subparagraph (D) of this paragraph for use or ignition;

(iii) On January 1, July 3, July 4, and December 31 of each year after the time of 9:00 P.M. and up to and including the time of 11:59 P.M.; and

(iv) On January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 A.M.

(C) Subject to subparagraph (D) of this paragraph, paragraph (4) of this subsection, and Code Section 25-10-2.1, it shall be lawful for any person, firm, corporation, association, or partnership to use or ~~explode~~ ignite or cause to be ~~exploded~~ ignited any consumer fireworks anywhere in this state except:

(i) As provided for under subparagraph (A) of this paragraph;

(ii) In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or ~~explode~~ ignite or cause to be ~~exploded~~ ignited any consumer fireworks; ~~or~~

(iii) Within 100 yards of ~~a nuclear power facility or~~ an electric plant; water treatment plant; waste-water treatment plant; a facility engaged in the retail sale of gasoline or other flammable or combustible liquids or gases where the volume stored is in excess of 500 gallons for the purpose of retail sale; a facility engaged in the production, refining, processing, or blending of ~~gasoline~~ any flammable or combustible liquids or gases for ~~such~~ retail purposes; any public or private electric substation; or a jail or prison;

(iv) Within 100 yards of the boundaries of any public use air facility provided for under Title 6 or any public use landing area or platform marked and designed for landing use by helicopters;

(v) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of a governing authority of a county or municipal corporation, except pursuant to a special use permit as provided for in subparagraph (D) of this paragraph;

(vi) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the State of Georgia, except pursuant to any rules and regulations of the agency or department

having control of such property which may allow for such use or ignition of consumer fireworks;

(vii) Within 100 yards of a hospital, nursing home, or other health care facility regulated under Chapter 7 of Title 31; provided, however, that an owner or operator of such facility may use or ignite or cause to be ignited consumer fireworks on the property of such facility or may grant written permission to any person, firm, corporation, association, or partnership to use or ignite or cause to be ignited consumer fireworks on the property of such facility; or

(viii) While under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is less safe or unlawful for such person to ignite consumer fireworks as provided for in Code Section 25-10-2.1.

(D) Any person, firm, corporation, association, or partnership may use or ~~explode~~ ignite or cause to be ~~exploded~~ ignited any consumer fireworks ~~on any day at a time not~~ as provided for under ~~subparagraph (B) of this paragraph~~ divisions (3)(B)(ii) and (3)(C)(v) of this subsection if such person, firm, corporation, association, or partnership is issued a special use permit pursuant to the law of a governing authority of a county or municipal corporation for the use or ~~explosion~~ ignition of consumer fireworks in a location within such county or municipality ~~at a time not~~ as provided for under ~~subparagraph (B) of this paragraph~~ divisions (3)(B)(ii) and (3)(C)(v) of this subsection, provided that such special use permit is required for such use or ignition. Such special use permit shall designate the time or times and location that such person, firm, corporation, association, or partnership may use or ~~explode~~ ignite or cause to be ~~exploded~~ ignited such consumer fireworks. A fee assessed by a county or municipal corporation for the issuance of a special use permit pursuant to this subparagraph shall not exceed $100.00. No governing authority or official of a county, municipality, or other political subdivision shall bear liability for any decisions made pursuant to this Code section.

(E) Whenever the Governor issues a declaration of drought, the Governor may, for the boundaries of the area covered by such declaration, enact further regulations and restrictions concerning the use of consumer fireworks than provided for under this chapter; provided, however, that no such further regulations or restrictions on the use of consumer fireworks shall be effective pursuant to this subparagraph on January 1, July 3, July 4, or December 31 of any year; provided, further, that such further regulations or restrictions shall only apply to the exact boundaries of the area covered by such declaration and shall only apply with regard to the ignition of consumer fireworks; and provided, further, that upon expiration or conclusion of such declaration, such further regulations or restrictions shall be rescinded by law.

(4)(A) It shall be lawful for any person 18 years of age or older to use or ~~explode~~ ignite or cause to be ~~exploded~~ ignited or to possess, manufacture, transport, or store consumer fireworks.

(B) To the extent otherwise permitted by law, it shall be lawful for any person who is 16 or 17 years of age to possess or transport consumer fireworks, provided that such person is serving as an assistant to a distributor licensed under subsection (c) of

Code Section 25-10-5.1 or the nonprofit group benefiting from such distributor's application pursuant to subsection (c) of Code Section 25-10-5.1 and is not transporting such consumer fireworks on a highway which constitutes a part of The Dwight D. Eisenhower System of Interstate and Defense Highways.

(5)(A) It shall be lawful for any person 18 years of age or older to sell or to offer for sale at retail or wholesale any consumer fireworks pursuant to the requirements of this chapter.

(B) It shall be lawful for any person who is 16 or 17 years of age to sell or to offer for sale at retail or wholesale any consumer fireworks, provided that such person is serving as an assistant to a distributor licensed under subsection (c) of Code Section 25-10-5.1 or the nonprofit group benefiting from such distributor's application pursuant to subsection (c) of Code Section 25-10-5.1.

(6)(A) It shall be lawful to sell consumer fireworks from a permanent consumer fireworks retail sales facility or store only if such permanent consumer fireworks retail sales facility or store is:

(i) In compliance with the requirements for such a permanent consumer fireworks retail sales facility or store in the selling of consumer fireworks as provided for in NFPA 1124; and

(ii) Selling consumer fireworks of a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1.

(B) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks retail sales stand only if such temporary consumer fireworks retail sales stand is:

(i) In compliance with the requirements for such a temporary consumer fireworks retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124;

(ii) Within 1,000 feet of a fire hydrant of a county, municipality, or other political subdivision or a fire department connection of a building affiliated with such consumer fireworks retail sales stand, unless the chief administrative officer of the fire department of a county, municipality, or other political subdivision or chartered fire department legally organized to operate in this state pursuant to Chapter 3 of this title and having operational authority over such location of the temporary consumer fireworks retail sales stand provides in writing that such temporary consumer fireworks retail sales stand may operate in excess of 1,000 feet from such fire hydrant or fire department connection; and

(iii) Selling consumer fireworks of a distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1.

~~No~~ A distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1 ~~shall at any one time operate more than two temporary consumer fireworks retail sales stands for each license issued to such distributor under subsection (b) or (d) of Code Section 25-10-5.1, except that a distributor which is a retail chain and which is licensed pursuant to subsection (d) of Code Section 25-10-5.1 shall not at any one time operate more than two temporary consumer fireworks retail sales stands for~~

~~each store of such retail chain. Such temporary consumer fireworks retail sales stands shall be located within the same county as the location of such permanent consumer fireworks retail sales facility or store provided for under subsection (b) or (d) of Code Section 25-10-5.1; provided, however, that if a county does not have a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent consumer fireworks retail sales facility or store within its boundaries, then a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent consumer fireworks retail sales facility or store within 75 miles of the perimeter of the boundaries of such county may locate one of the two temporary consumer fireworks retail sales stands in the unserved county~~ may operate no more than two temporary consumer fireworks retail sales stands in this state per location licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1; provided, however, that such distributor has been operating and open to the public pursuant to subsection (b) or (d) of Code Section 25-10-5.1 no less than 30 days prior to July 4 or December 31 in the year of an application for a license under subsection (c) of Code Section 25-10-5.1 that is filed within 30 days of July 4 or December 31.

(C) It shall be unlawful to sell consumer fireworks from any motor vehicle, ~~or~~ from a trailer towed by a motor vehicle, or from a tent, canopy, or membrane structure."

SECTION 7.

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

"25-10-2.1.

(a) It shall be unlawful for any person to ignite consumer fireworks or fireworks while:

(1) Under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is unsafe for such person to ignite consumer fireworks or fireworks; or

(2) Subject to the provisions of subsection (b) of this Code section, there is any amount of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in such person's blood or urine, or both, including the metabolites and derivatives of each or both, without regard to whether or not any alcohol is present in such person's breath or blood.

(b) The fact that any person charged with violating this Code section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this Code section; provided, however, that such person shall not be in violation of this Code section unless such person is rendered incapable of igniting consumer fireworks or fireworks safely as a result of using a drug other than alcohol which such person is legally entitled to use.

(c) Any person convicted of violating subsection (a) of this Code section shall be guilty of a misdemeanor."

SECTION 8.

Said title is further amended by revising subsection (a) of Code Section 25-10-3.2, relating to license required for pyrotechnics exhibits, as follows:

"(a) No person, firm, corporation, association, or partnership shall cause the combustion, explosion, deflagration, ~~or~~ detonation, or ignition of pyrotechnics for the purpose of a public exhibition or display before a proximate audience unless such person, firm, corporation, association, or partnership holds a valid license issued by the Safety Fire Commissioner in accordance with the provisions of this Code section. Any application for such a license shall be made to the Safety Fire Commissioner in the form prescribed by the Safety Fire Commissioner."

SECTION 9.

Said title is further amended by revising Code Section 25-10-5.1, relating to requirements for issuance of license to distribute consumer fireworks, as follows:

"25-10-5.1.

(a)(1) A license pursuant to this Code section shall only be issued to a distributor that:

(A) Complies with all the requirements of this chapter; and

(B) Maintains at all times public liability and product liability insurance with minimum coverage limits of $2 million to cover the losses, damages, or injuries that might ensue to persons or property as a result of selling consumer fireworks.

(2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an application executed pursuant to this Code section shall be guilty of a violation of Code Section 16-10-20.

(3) Applications to the Safety Fire Commissioner pursuant to this Code section shall be upon forms prescribed and promulgated by the Safety Fire Commissioner.

(4) Any person, firm, corporation, association, or partnership seeking a license pursuant to subsection (b) or (d) of this Code section shall have property from which the applicant intends to sell consumer fireworks under such person's, firm's, corporation's, association's, or partnership's ownership or legal control through a lease, rental agreement, licensing agreement, or other contractual instrument at the time of filing the application for such license, and such property shall be in a condition ready for inspection.

(b)(1) The initial license fee for a distributor selling consumer fireworks from a permanent consumer fireworks retail sales facility shall be ~~$5,000.00~~ $1,500.00 per location, payable to the Safety Fire Commissioner; provided, however, that the initial license fee shall be $5,000.00 for a distributor that is not licensed pursuant to this subsection prior to July 1, 2016. Upon ~~a~~ finding that a distributor has met the requirements of ~~paragraph (1) of~~ subsection (a) of this Code section and upon payment of such license fee, such initial license shall be issued by the Safety Fire Commissioner and shall identify the permanent consumer fireworks retail sales facility applicable to such license. Such initial license shall expire on January 31 of the year after such initial license was issued or as otherwise provided for under this

subsection. After such initial license, such distributor may annually renew such initial license, which shall then become an annual license, for $1,000.00 per year, payable to the Safety Fire Commissioner. Upon finding that a distributor has met the requirements of ~~paragraph (1) of~~ subsection (a) of this Code section and upon payment of such license fee, such annual license shall be issued by the Safety Fire Commissioner and shall identify the permanent consumer fireworks retail sales facility applicable to such license. Such annual license shall expire on January 31 of each year or as otherwise provided for under this subsection; provided, however, that a distributor shall ~~not~~ apply for an annual license ~~earlier than 30 days prior to the expiration of an initial license~~ or renewal of an annual license by December 1 in the year preceding the expiration date of such initial or annual license; and provided, further, that if an initial license is issued to a distributor on or after December 1, then such distributor shall apply for an annual license by the first business day of the next year.

(2) The determination by the Safety Fire Commissioner of whether a distributor has met requirements for the issuance of a license required by this subsection shall be made within ~~15~~ 30 days of the submission of an application for any ~~such~~ initial or annual license; provided, however, that if a license will expire prior to the expiration of such 30 days and no such determination has been made by the Safety Fire Commissioner, then the expiration date for such license shall be extended until the date of such determination by the Safety Fire Commissioner but for no more than 30 days. ~~Such application shall be in writing and, if the Safety Fire Commissioner provides for a written form for the application for a license pursuant to this Code section, upon such form as may be provided by the Safety Fire Commissioner.~~ If a determination has not been made within the time provided for by this paragraph, or for an appeal of a determination by the Safety Fire Commissioner, a distributor may seek review from the judge of the probate court of the county of the location or proposed location of the permanent consumer fireworks retail sales facility. Such judge may provide for the issuance or nonissuance of a license and for the payment of license fees in such manner as is consistent with the provisions of this subsection.

(c)(1) The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand shall be $500.00 per location, payable to the governing authority of the county, municipality, or other political subdivision of this state in whose boundaries such temporary consumer fireworks retail sales stand shall be located or is proposed to be located. Upon finding that a distributor has met the requirements of ~~paragraph (1) of~~ subsection (a) of this Code section, has a license pursuant to subsection (b) or (d) of this Code section ~~for a location applicable to the location of such temporary consumer fireworks retail sales stand as provided for in subparagraph (b)(6)(B) of Code Section 25-10-2~~, has no more than the allowable temporary consumer fireworks retail sales stands pursuant to subparagraph (b)(6)(B) of Code Section 25-10-2, that the sales of consumer fireworks from such temporary consumer fireworks retail sales stand shall accrue to the benefit of a nonprofit group, and upon payment of such license fee, such license shall be issued by the fire

department of the county, municipality, or other political subdivision or the chartered fire department legally organized to operate in this state pursuant to Chapter 3 of this title and having operational authority of the area in which such temporary consumer fireworks retail sales stand shall be located or is proposed to be located~~; provided, however, that no such license shall be issued prior to January 1, 2016~~. Such license shall identify the temporary consumer fireworks retail sales stand applicable to such license and shall expire ~~90 days~~ on the next January 31 after the issuance of such license.

(2) A determination by a fire department as provided for under paragraph (1) of this subsection of whether a distributor has met requirements for the issuance of a license pursuant to this subsection shall be made within ~~15~~ 30 days of the submission of an application for any such license. Such application shall be in writing and, if such fire department provides for a written form for the application for a license pursuant to this Code section, upon such form as may be provided by such fire department. If a determination has not been made within the time provided for by this paragraph, or for an appeal of a determination by such fire department, a distributor may seek review from the judge of the probate court of the county of the location or proposed location of the temporary consumer fireworks retail sales stand. Such judge may provide for the issuance or nonissuance of a license and for the payment of license fees in such manner as is consistent with the provisions of this subsection.

(3) For at least one of the temporary consumer fireworks retail sales stands provided for under subparagraph (b)(6)(B) of Code Section 25-10-2, a ~~A~~ nonprofit group benefiting from the sale of consumer fireworks ~~pursuant to this Code section~~ from such temporary consumer fireworks retail sales stand shall directly participate in operating ~~the~~ such temporary consumer fireworks retail sales stand. It shall be unlawful for a nonprofit group or any agent or bona fide representative of a nonprofit group to knowingly lend the name of the nonprofit group or allow the identity of the nonprofit group to be used for the license under this subsection if such nonprofit group is not directly participating in operating, or benefiting from the operation of, such temporary consumer fireworks retail sales stand.

(4) The governing authority of a county, municipality, or other political subdivision receiving fees pursuant to this Code section shall expend such fees for public safety purposes.

(5) A distributor licensed pursuant to this subsection shall submit a list of the names and addresses, including the counties, of each temporary consumer fireworks retail sales stand at which such distributor has consumer fireworks offered for sale pursuant to this Code section to the Safety Fire Commissioner. Such list shall be submitted ~~by January 31 of each year and such distributor shall amend such list, or file an initial list if such distributor first becomes licensed after January 31 of a particular year, within 45 days of~~ not less than 30 days prior to first having a temporary consumer fireworks retail sales stand at which such distributor has consumer fireworks offered for sale and not less than 30 days prior to having such distributor's consumer fireworks offered for sale at a location not previously included on such list. The Safety Fire

Commissioner shall make such list publicly available for inspection. In making determinations as provided for under this subsection, fire departments shall reference the list provided for by this paragraph.

(6) A revocation or suspension of a license provided for under subsection (b) or (d) of this Code section shall operate as a revocation or suspension of a distributor's license under this subsection for the term of such revocation or suspension.

(d)(1) The initial license fee for a distributor selling consumer fireworks from a store shall be ~~$5,000.00~~ $1,500.00 in addition to $250.00 per store location, payable to the Safety Fire Commissioner~~, provided that, if a store is a retail chain, one payment of $5,000.00 shall satisfy such license fee for each store of the retail chain~~. Upon finding that a distributor has met the requirements of ~~paragraph (1) of~~ subsection (a) of this Code section, such initial license shall be issued by the Safety Fire Commissioner ~~and, if issued to a store which is a retail chain, shall be a license for each current or future store of the retail chain~~; provided, however, that such distributor has been operating and open to the public no less than 30 days prior to July 4 or December 31 in the year of an application for an initial license that is filed within 30 days of July 4 or December 31; and provided, further, that a distributor holding an initial license may add additional store locations to such license prior to the expiration of such license upon payment of $250.00 per added store location. Such initial license shall expire on January 31 of the year after such initial license was issued or as otherwise provided for under this subsection. After such initial license, such distributor may annually renew such initial license, which shall then become an annual license, for $1,000.00 in addition to $100.00 per ~~year~~ store location, payable to the Safety Fire Commissioner~~, provided that, if a store is a retail chain, one payment of $1,000.00 shall satisfy such license fee for each store of the retail chain~~; provided, however, that a distributor holding an annual license may add additional store locations to such license prior to the expiration of such license upon payment of $250.00 per added store location. Upon finding that a distributor has met the requirements of ~~paragraph (1) of~~ subsection (a) of this Code section, such annual license shall be issued by the Safety Fire Commissioner ~~and, if issued to a store which is a retail chain, shall be a license for each current or future store of the retail chain~~. Such annual license shall expire on January 31 of each year or as otherwise provided for under this subsection; provided, however, that a distributor shall ~~not~~ apply for an annual license ~~earlier than 30 days prior to the expiration of an initial license~~ or renewal of an annual license by December 1 in the year preceding the expiration date of such initial or annual license; and provided, further, that if an initial license is issued to a distributor on or after December 1, then such distributor shall apply for an annual license by the first business day of the next year.

(2) An application submitted under this subsection shall identify each store location to which an initial or annual license is applicable; there shall not be a requirement for a separate application for each of the several store locations. The determination by the Safety Fire Commissioner of whether a distributor has met requirements for the issuance of a license required by this subsection shall be made within ~~15~~ 30 days of

the submission of an application for any ~~such~~ initial or annual license; provided, however, that if a license will expire prior to the expiration of such 30 days and no such determination has been made by the Safety Fire Commissioner, then the expiration date for such license shall be extended until the date of such determination by the Safety Fire Commissioner but for no more than 30 days. ~~Such application shall be in writing and, if the Safety Fire Commissioner provides for a written form for the application for a license pursuant to this Code section, upon such form as may be provided by the Safety Fire Commissioner.~~ If a determination has not been made within the time provided for by this paragraph, or for an appeal of a determination by the Safety Fire Commissioner, a distributor may seek review from the judge of the probate court of the county of the location or proposed location of the store from which consumer fireworks will be sold. Such judge may provide for the issuance or nonissuance of a license and for the payment of license fees in such manner as is consistent with the provisions of this subsection."

SECTION 10.

Said title is further amended by revising Code Section 25-10-6, relating to fireworks manufactured, sold, or stored in violation of chapter declared contraband and seizure and disposition thereof, as follows:

"25-10-6.

(a) The state fire marshal shall enforce the provisions of this chapter; provided, however, that, in addition, any law enforcement officer or agency of this state or political subdivision thereof may enforce provisions relating to using or igniting or causing to be ignited consumer fireworks. Applicable fire departments of a county, municipality, or other political subdivision or a chartered fire department shall refer cases for enforcement under subsection (c) of Code Section 25-10-5.1 to the state fire marshal. All fireworks or consumer fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this chapter are declared to be contraband and may be seized, taken, and removed, or caused to be removed and destroyed or disposed of at the expense of the owner thereof by the state fire marshal, the Georgia State Patrol, or any sheriff or local police official.

(b) Any property declared as contraband pursuant to this Code section shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9."

SECTION 11.

Said title is further amended by revising Code Section 25-10-9, relating to penalties for illegal sale of fireworks, as follows:

"25-10-9.

Notwithstanding any provision of this chapter to the contrary, the Safety Fire Commissioner shall have the authority to subject any person, firm, corporation, association, or partnership that knowingly violates this chapter ~~may be punished by a fine not to exceed~~ to a monetary penalty of up to $2,500.00 for each and every act in violation of this chapter; provided, however, that the Safety Fire Commissioner shall

have the authority to subject any person, firm, corporation, association, or partnership that knowingly sells consumer fireworks from a tent, canopy, or membrane structure to a monetary penalty of up to $5,000.00 and, if any such person, firm, corporation, association, or partnership is a distributor, then a license revocation for not more than two years. Each sales transaction in violation of this chapter shall be a separate offense."

SECTION 12.

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

"25-10-11.

(a) Whenever the Safety Fire Commissioner shall have reason to believe that any person is or has been violating any provisions of this chapter, the Safety Fire Commissioner, his or her deputy, his or her assistant, or other designated persons may issue and deliver to the person an order to cease and desist such violation. An order issued under this Code section shall be delivered in accordance with the provisions of subsection (c) of this Code section.

(b) Violation of any provision of this chapter or failure to comply with a cease and desist order is cause for revocation of any or all licenses issued by the Safety Fire Commissioner for a period of not less than six months and not to exceed five years. If a new license has been issued to the person so charged, the order of revocation shall operate effectively with respect to such new license held by such person. In the case of an applicant for a license, violation of any provision of this title or regulations promulgated thereunder may constitute grounds for refusal of the application. Decisions under this subsection may be appealed as provided by law.

(c) Any order issued by the Safety Fire Commissioner under this chapter shall contain or be accompanied by a notice of opportunity for hearing which shall provide that a hearing will be held if and only if a person subject to the order requests a hearing in writing within ten days of receipt of the order and notice. The order and notice shall be served by delivery by the Safety Fire Commissioner or his or her agent or by registered or certified mail or statutory overnight delivery, return receipt requested. Any person who fails to comply with any order under this subsection is guilty of a misdemeanor and may be punished by law.

(d) In addition to other powers granted to the Safety Fire Commissioner under this chapter, the Safety Fire Commissioner may bring a civil action to enjoin a violation of any provision of this chapter or of any rule, regulation, or order issued by the Safety Fire Commissioner under this chapter.

25-10-12.

(a) In addition to the grounds set forth in Code Section 25-10-11, it is cause for revocation or suspension, refusal, or nonrenewal by the Safety Fire Commissioner of any license issued under this chapter if it is determined that the licensee or applicant has:

(1) Failed to comply with all the requirements of this chapter or the rules and regulations promulgated pursuant thereto;
(2) Failed to maintain the minimum insurance coverage as set forth in this chapter;
(3) Made a material misstatement or misrepresentation or committed a fraud in obtaining or attempting to obtain a license; or
(4) Failed to notify the Safety Fire Commissioner, in writing, with 30 days after a change of residence, principal business address, or name.

(b) In addition to other grounds set forth in this Code section, the Safety Fire Commissioner shall not issue a new license under this chapter if the Safety Fire Commissioner finds that the circumstance or circumstances for which the license was previously suspended or revoked still exist or are likely to recur."

SECTION 13.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding provisions applicable to counties and municipal corporations, is amended by revising subsections (a), (b), (d), and (e) of Code Section 36-60-24, relating to sale or use or explosion of consumer fireworks products, as follows:

"(a) The governing authority of a county or municipal corporation shall not prohibit the sale or use or ~~explosion~~ ignition of consumer fireworks or other products or services which are lawful under ~~subsection (b) of Code Section 25-10-1~~ Chapter 10 of Title 25, unless such prohibition is expressly authorized by general law.

(b) If the sale of a product or service is regulated by Chapter 10 of Title 25, the governing authority of a county or municipal corporation shall not enact additional regulation of the sale or use or ~~explosion~~ ignition of such product or service, unless such additional regulation is expressly authorized by general law."

"(d) Notwithstanding subsections (a) and (b) of this Code section, the governing authority of a county or municipal corporation may further regulate the sale of consumer fireworks from temporary consumer fireworks retail sales stands until January 31, 2018. (e) The governing authority of a county or municipal corporation shall not unreasonably delay or deny an application for a temporary consumer fireworks retail sales stand."

SECTION 14.

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

SECTION 15.

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

Representative Battles of the 15th moved that the House adopt the report of the Committee of Conference on HB 727.

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

Y Abrams
Y Alexander
N Allison
Y Atwood
Y Ballinger
N 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
N 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
N Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
N Cooke
Y Coomer
Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
N Dudgeon
Y Dukes
N Dunahoo
Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
N Gilligan
Y Glanton
Y Golick
Y Gordon
N Gravley
Y Greene
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Henson
N Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Y Jones, J
Y Jones, J.B.
Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
N 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
Peake
Y Petrea
N Pezold
Y Pirkle
Y Powell, A
Y Powell, J
Y Price
Y Prince
Y Pruett
Y Quick
Y Raffensperger
N Rakestraw
Y Ramsey
Randall
Y Reeves
Y Rhodes
E 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
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
Y Williams, E
Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 148, nays 17.

The motion prevailed.

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

SB 304. By Senators Parent of the 42nd and Jones II of the 22nd:

A BILL to be entitled an Act to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System,

so as to allow for the preservation of a person's involuntary hospitalization information received by the Georgia Crime Information Center; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend the House substitute to SB 304 (LC 29 7133S) by deleting lines 1 through 52 and inserting in lieu thereof the following:*

To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, so as to provide requirements for submitting certain evidence collected from a forensic medical examination to the Georgia Bureau of Investigation; to provide for definitions; to provide for procedure; to provide for reporting; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Compassionate Care for Victims of Sexual Assault Act."

SECTION 2.

Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, is amended by revising Code Section 35-1-2, which was previously reserved, as follows:

"35-1-2.

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

(1) 'Division' means the Division of Forensic Sciences of the Georgia Bureau of Investigation.

(2) 'Medical examination' means an examination pursuant to subsection (c) of Code Section 16-6-1 or subsection (c) of Code Section 16-6-2.

(b) When a forensic medical examination is performed, evidence is collected, and the alleged victim has requested that law enforcement officials be notified, the individual performing such exam, or his or her designee, shall notify the appropriate law enforcement agency of the collection of such evidence and provide a summary of all rights guaranteed to the alleged victim pursuant to the Crime Victims' Bill of Rights established pursuant to Code Section 17-17-1, et seq., as provided by the Criminal Justice Coordinating Council. At the time of the examination, no alleged victim shall be required to assign or waive any rights afforded to them in the Crime Victims' Bill of Rights or that might prevent the alleged victim from seeking relief from the Crime Victims Compensation Board. Law enforcement officials shall take possession of such evidence no later than 96 hours of being notified.

(c) It shall be the duty of every law enforcement officer who takes possession of the evidence as provided in subsection (b) of this Code section to ensure that such evidence is submitted to the division within 30 days of it being collected, in accordance with the procedures established by the division.
(d) When a forensic medical examination was performed before July 1, 2016, evidence was collected, and the alleged victim requested that law enforcement officials be notified, the individual who performed such exam, or his or her designee, shall notify the appropriate law enforcement agency of the collection of such evidence on or before July 15, 2016, and law enforcement officials shall take possession of such evidence on or before July 31, 2016. It shall be the duty of every law enforcement officer who takes possession of the evidence as provided in this Code section to ensure that such evidence is submitted to the division by August 31, 2016, in accordance with the procedures established by the division.
(e) It shall be the duty of every law enforcement agency to create a list of evidence resulting from a forensic medical examination that is in such agency's possession on August 1, 2016, identifying such evidence as needing to be tested and submitting such listing of information to the division by August 15, 2016.
(f) A failure to comply with the provisions of this Code section shall not affect the admissibility of evidence collected from a forensic medical examination.
(g) Beginning December 1, 2016, the division shall issue an annual report detailing the number of cases for which it has tested evidence pursuant to this Code section and the number of cases that are awaiting testing. Such report shall be provided to the executive counsel of the Governor, the Speaker of the House of Representatives, the Lieutenant Governor, the members of the House Committee on Judiciary, Non-civil, the members of the Senate Judiciary, Non-civil Committee, the House Committee on Health and Human Services, and the Senate Health and Human Services Committee and posted online at the Georgia Bureau of Investigation's website. ~~Reserved.~~"

SECTION 3.

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

Representative Holcomb of the 81st moved that the House agree to the Senate amendment to the House substitute to SB 304.

On the motion, 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	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson

Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	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	Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
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	Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion the ayes were 167, nays 0.

The motion prevailed.

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

Dear Mr. Reilly,

My vote did not register for Senate Bill 304. My machine undoubtedly malfunctioned. I pressed the green button. I immediately brought it to the attention of Mr. Long.

I wish to be recorded as a yes vote.

Thank you,

/s/ Doreen Carter
Representative Doreen Carter

The following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

SB 258. By Senators Millar of the 40th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to creation of county boards of equalization, duties, review of assessments, and appeals, so as to provide that the assessed value of property for a taxable year shall not be increased beyond the initial assessment value established by the board of tax assessors during an appeal of such valuation for such taxable year by the taxpayer but may be reduced as a result of the appeal of the taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 258

The Committee of Conference on SB 258 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 258 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Bill Cowsert
Senator, 46th District

/s/ Jack Hill
Senator, 4th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Geoff Duncan
Representative, 26th District

/s/ England
Representative, 116th District

/s/ Jay Powell
Representative, 171st District

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 8 of Title 31, Chapter 2 of Title 40, and Title 48 of the Official Code of Georgia Annotated, relating to hospital care for the indigent generally, registration and licensing of motor vehicles, and revenue and taxation, respectively, so as to approve rural hospital organizations which provide health care services to underserved

areas in this state to receive contributions; to provide for definitions; to provide for tax credits for contributions to rural hospital organizations; to clarify the definition of disabled veteran; to change certain provisions regarding the changing values established by certain appeal or agreement; to provide that the assessed value of property for a taxable year may be lowered by the deciding body based upon the evidence before such body but shall not be increased beyond the assessment value established by the board of tax assessors; to provide an exception; to provide for the amount, nature, limits, and procedures for new tax credits for contributions to rural hospital organizations; to provide for related matters; to provide for automatic repeal, an effective date, and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"31-8-9.1.

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

(1) 'Critical access hospital' means a hospital that meets the requirements of the federal Centers for Medicare and Medicaid Services to be designated as a critical access hospital and that is recognized by the department as a critical access hospital for purposes of Medicaid.

(2) 'Rural county' means a county having a population of less than 35,000 according to the United States decennial census of 2010 or any future such census; provided, however, that for counties which contain a military base or installation, the military personnel and their dependents living in such county shall be excluded from the total population of such county for purposes of this definition.

(3) 'Rural hospital organization' means an acute care hospital licensed by the department pursuant to Article 1 of Chapter 7 of this title that:

(A) Provides inpatient hospital services at a facility located in a rural county or is a critical access hospital;

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

(C) Provides health care services to indigent patients;

(D) Has at least 10 percent of its annual net revenue categorized as indigent care, charity care, or bad debt;

(E) Annually files IRS Form 990, Return of Organization Exempt From Income Tax, with the department, or for any hospital not required to file IRS Form 990, the department will provide a form that collects the same information to be submitted to the department on an annual basis;

(F) Is operated by a county or municipal authority pursuant to Article 4 of Chapter 7 of this title or is designated as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code; and

(G) Is current with all audits and reports required by law.

(b)(1) By December 1 of each year, the department shall approve a list of rural hospital organizations eligible to receive contributions from the tax credit provided pursuant to Code Section 48-7-29.20 and transmit such list to the Department of Revenue.

(2) Before any rural hospital organization is included on the list as eligible to receive contributions from the tax credit provided pursuant to Code Section 48-7-29.20, it shall submit to the department a five-year plan detailing the financial viability and stability of the rural hospital organization. The criteria to be included in the five-year plan shall be established by the department.

(c)(1) A rural hospital organization that receives donations pursuant to Code Section 48-7-29.20 shall:

(A) Utilize such donations for the provision of health care-related services for residents of a rural county or for residents of the area served by a critical access hospital; and

(B) Report on a form provided by the department all contributions received from individual and corporate donors pursuant to Code Section 48-7-29.20 and show the manner or purpose in which the contributions received were expended by the rural hospital organization.

(2) The department shall annually prepare a report compiling the information received pursuant to paragraph (1) of this subsection for the chairpersons of the House Committee on Ways and Means and the Senate Health and Human Services Committee."

SECTION 2.

Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, is amended by revising subsection (a) of Code Section 40-2-69, relating to free license plates and revalidation decals for disabled veterans, as follows:

"(a) Any disabled veteran who is a citizen and resident of this state shall, upon application therefor, be issued a free motor vehicle license plate. As used in this Code section, the term 'disabled veteran' ~~means any veteran who was discharged under honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as being 100 percent totally disabled or as being less than 100 percent totally disabled but is compensated at the 100 percent level due to individual unemployability and is entitled to receive a statutory award from the United States Department of Veterans Affairs for:~~

~~(1) Loss or permanent loss of use of one or both feet;~~

~~(2) Loss or permanent loss of use of one or both hands;~~

~~(3) Loss of sight in one or both eyes; or~~

~~(4) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye~~ shall have the same meaning as that term is defined in paragraph (1) of subsection (a) of Code Section 48-5-48."

SECTION 3.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising paragraph (1) of subsection (a) of Code Section 48-5-48, relating to the homestead exemption for disabled veterans, as follows:

"(a) As used in this Code section, the term 'disabled veteran' means:

(1) Any veteran who is a citizen and a resident of this state who was discharged under honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as having a service related disability that renders such veteran as being 100 percent totally disabled or as being less than 100 percent totally disabled but is compensated at the 100 percent level due to individual unemployability ~~and~~ or is entitled to receive a statutory award from the United States Department of Veterans Affairs for:

(A) Loss or permanent loss of use of one or both feet;

(B) Loss or permanent loss of use of one or both hands;

(C) Loss of sight in one or both eyes; or

(D) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye;"

SECTION 4.

Said title is further amended by revising subsection (c) of Code Section 48-5-299, relating to ascertainment of taxable property and changing values established by certain appeal or agreement, as follows:

"(c) When the value of real property is reduced or is unchanged from the value on the initial annual notice of assessment or a corrected annual notice of assessment issued by the board of tax assessors and such valuation ~~is~~ has been established as the result of ~~either~~ an appeal decision rendered by the board of equalization, hearing officer, arbitrator, or superior court pursuant to Code Section 48-5-311 or stipulated by written agreement ~~of the parties to such an appeal that this subsection shall apply in any year~~ signed by the board of tax assessors and taxpayer or taxpayer's authorized representative, the new valuation so established by appeal decision or agreement may not be increased by the board of tax assessors during the next two successive years, unless otherwise agreed in writing by both parties, subject to the following exceptions:

(1) This subsection shall not apply to a valuation established by an appeal decision if the taxpayer or his or her authorized representative failed to attend the appeal hearing or provide the board of equalization, hearing officer, or arbitrator with some written evidence supporting the taxpayer's opinion of value;

(2) This subsection shall not apply to a valuation established by an appeal decision or agreement if the taxpayer files a return at a different valuation during the next two successive years;

(3) ~~If~~ Unless otherwise agree in writing by the parties, if the taxpayer files an appeal pursuant to Code Section 48-5-311 during the next two successive years, the board of tax assessors, the board of equalization, hearing officer, or arbitrator may increase or decrease the value of the real property based on the evidence presented by the ~~parties~~ taxpayer during the appeal process; and

(4) The board of tax assessors may increase or decrease the value of the real property if, after a visual on-site inspection of the property, it is found that there have been substantial additions, deletions, or improvements to such property or that there are errors in the board of tax assessors' records as to the description or characterization of the property, or the board of tax assessors finds an occurrence of other material factors that substantially affect the current fair market value of such property."

SECTION 5.

Said title is further amended in subsection (e) of Code Section 48-5-311, relating to creation of county boards of equalization, duties, review of assessments, and appeals, by adding a new paragraph to read as follows:

"(9) Notwithstanding any other provision of law to the contrary, on any real property tax appeal made under this Code section on and after January 1, 2016, the assessed value being appealed may be lowered by the deciding body based upon the evidence presented but cannot be increased from the amount assessed by the county board of tax assessors. This subsection shall not apply to any appeal where the taxpayer files an appeal during a time when subsection (c) of Code Section 48-5-299 is in effect for the assessment being appealed."

SECTION 6.

Said title is further amended by revising subsection (a) of Code Section 48-5-478, relating to the exemption from ad valorem taxation for motor vehicles owned or leased by a disabled veteran, as follows:

"(a) A motor vehicle owned by or leased to a disabled veteran who is a citizen and resident of this state and on which such disabled veteran actually places the free disabled veteran motor vehicle license plate he or she receives pursuant to Code Section 40-2-69 is hereby exempted from all ad valorem taxes for state, county, municipal, and school purposes. As used in this Code section, the term 'disabled veteran' ~~means any veteran who was discharged under honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as being 100 percent totally disabled or as being less than 100 percent totally disabled but is being compensated at~~

~~the 100 percent level due to individual unemployability and is entitled to receive service connected benefits and any veteran who is receiving or who is entitled to receive a statutory award from the United States Department of Veterans Affairs for:~~

~~(1) Loss or permanent loss of use of one or both feet;~~

~~(2) Loss or permanent loss of use of one or both hands;~~

~~(3) Loss of sight in one or both eyes; or~~

~~(4) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye~~ shall have the same meaning as that term is defined in paragraph (1) of subsection (a) of Code Section 48-5-48."

SECTION 7.

Said title is further amended by adding a new Code section to Article 2 of Chapter 7, relating to imposition, rate, and computation of income taxes and exemptions, to read as follows:

"48-7-29.20.

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

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

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

(b) An individual taxpayer shall be allowed a credit against the tax imposed by this chapter for qualified rural hospital organization expenses as follows:

(1) In the case of a single individual or a head of household, 70 percent of the actual amount expended or $2,500.00 per tax year, whichever is less; or

(2) In the case of a married couple filing a joint return, 70 percent of the actual amount expended or $5,000.00 per tax year, whichever is less.

(c) A corporation or other entity shall be allowed a credit against the tax imposed by this chapter for qualified rural hospital organization expenses in an amount not to exceed 70 percent of the actual amount expended or 75 percent of the corporation's income tax liability, whichever is less.

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

(e)(1) In no event shall the aggregate amount of tax credits allowed under this Code section exceed $50 million in 2017, $60 million in 2018, and $70 million in 2019.

(2)(A) No more than $4 million of the aggregate limit established by paragraph (1) of this subsection shall be contributed to any individual rural hospital organization in any taxable year. From January 1 to June 30 each taxable year, the commissioner shall only preapprove contributions submitted by individual taxpayers in an amount not to exceed $2 million, and from corporate donors in an amount not to exceed $2 million. From July 1 to December 31 each taxable year, subject to the aggregate limit in paragraph (1) of this subsection and the individual rural hospital organization limit in this paragraph, the commissioner shall approve contributions submitted by individual taxpayers and corporations or other entities.

(B) In the event an individual or corporate donor desires to make a contribution to an individual rural hospital organization that has received the maximum amount of contributions for that taxable year, the Department of Community Health shall provide the individual or corporate donor with a list, ranked in order of financial need, as determined by the Department of Community Health, of rural hospital organizations still eligible to receive contributions for the taxable year.

(3) For purposes of paragraphs (1) and (2) of this subsection, a rural hospital organization shall notify a potential donor of the requirements of this Code section. Before making a contribution to a rural hospital organization, the taxpayer shall electronically notify the department, in a manner specified by the department, of the total amount of contribution that the taxpayer intends to make to the rural hospital organization. The commissioner shall preapprove or deny the requested amount with 30 days after receiving the request from the taxpayer and shall provide written notice to the taxpayer and rural hospital organization of such preapproval or denial which shall not require any signed release or notarized approval by the taxpayer. In order to receive a tax credit under this Code section, the taxpayer shall make the contribution to the rural hospital organization within 60 days after receiving notice from the department that the requested amount was preapproved. If the taxpayer does not comply with this paragraph, the commissioner shall not include this preapproved contribution amount when calculating the limits prescribed in paragraphs (1) and (2) of this subsection.

(4) Preapproval of contributions by the commissioner shall be based solely on the availability of tax credits subject to the aggregate total limit established under paragraph (1) of this subsection and the individual rural hospital organization limit established under paragraph (2) of this subsection.

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

(f) In order for the taxpayer to claim the tax credit under this Code section, a letter of confirmation of donation issued by the rural hospital organization to which the contribution was made shall be attached to the taxpayer's tax return. However, in the

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

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

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

(i) This Code section shall stand automatically repealed on December 31, 2019."

SECTION 8.

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

(b) Sections 1 and 7 of this Act shall be applicable to all taxable years beginning on or after January 1, 2017.

SECTION 9.

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

Representative Duncan of the 26th moved that the House adopt the report of the Committee of Conference on SB 258.

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

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	Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Hitchens	Y Oliver	Stephens, M
Y Beasley-Teague	Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Holmes	Y Parrish	Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E 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	Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Bruce	Y Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E 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	Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 163, nays 0.

The motion prevailed.

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

SB 355. By Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Hill of the 6th, Williams of the 27th, Martin of the 9th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to enact the "Student/Teacher Protection Act"; to end punitive testing consequences for both teachers and students related to federal, state, and locally mandated standardized assessments; to prevent truancy or referrals to the Division of Family and Children Services for absenteeism during standardized testing windows for federal, state, and locally mandated standardized assessments unless a student already has a chronic history of truancy; to provide for a short title; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and withdrawn:

Representatives Harrell of the 106th, Chandler of the 105th, and Coleman of the 97th offer the following amendment:

Amend the Senate substitute to SB 355 (LC 33 6553ERS) by striking the quotation mark at the end of line 36 and by adding after line 36 the following:

(t) No teacher or administrator shall proactively encourage or recommend not participating in a state mandated assessment to a student or parent except as it relates to Code Section 20-2-281.2."

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

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

Y Abrams
Y Alexander
Y Allison
Y Atwood
Y Ballinger
Y Barr
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
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
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Harden
Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Y Jones, J
Y Jones, J.B.
Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Kidd
Y 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
Mosby
Y Nimmer
Y Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
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
Ramsey
Y Randall
Y Reeves
Y Rhodes
E Rice
Y Rogers, C
Y Rogers, T
Y Rutledge
Rynders
Y Scott
Y Setzler
Y Sharper
Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 162, nays 0.

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

HR 1577. By Representatives Thomas of the 56th, Stephens of the 164th, Abrams of the 89th, Dukes of the 154th, Dawkins-Haigler of the 91st and others:

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

Y Clark, V	N Gravley	Y McClain	Shaw	Y Yates
Y Coleman	Y Greene	N Meadows	Sims	Ralston, Speaker

On the adoption of the Resolution, the ayes were 123, nays 33.

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

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

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 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 Senate has agreed to the House amendment to the Senate amendment to 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.

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

HB 514. By Representatives Bruce of the 61st, Fludd of the 64th, Kaiser of the 59th, Mabra of the 63rd, Jones of the 53rd and others:

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To incorporate the City of South Fulton in Fulton County, Georgia; to provide a charter for the City of South Fulton; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the offices of mayor and city manager and certain duties and powers relative to those offices; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, a city treasurer, and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation 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 sale of property; to provide for general homestead exemption; to provide for bonds for officials; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates; to provide for transition of powers and duties; to provide for directory nature of dates; to provide for a charter commission; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.
Incorporation.

The City of South Fulton in Fulton County is incorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name of the "City of South Fulton." References in this charter to "the city" or "this city" refer to the City of South Fulton. The city shall have perpetual existence.

SECTION 1.11.
Corporate boundaries.

The boundaries of the City of South Fulton shall include all unincorporated areas of Fulton County, including the Fulton County Industrial District, as such exist on July 1, 2016; provided, however, that, if the local constitutional amendment establishing the

Fulton County Industrial District is not repealed or determined judicially to be of no force and effect prior to the first municipal election being conducted under this charter, the Fulton County Industrial District shall not become a part of the City of South Fulton. The boundaries of the city are more particularly described in Appendix A, attached to 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 1.12.

Municipal powers.

(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 charter. This city shall have all the powers of self-government not otherwise prohibited by this charter 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. Said powers shall include, but are not limited to, the following:

(1) Air and water pollution and environmental issues. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city and to regulate any other environmental matters that would affect the quality of life within the boundaries of the city;

(2) 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 under this paragraph;

(3) 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 this city;

(4) Building regulations. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law;

(5) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such

licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;

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

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

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside 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;

(9) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of storm water and establishment of a storm-water utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(10) Ethics. To adopt ethics ordinances and regulations governing the conduct of municipal elected officials, appointed officials, and employees, establishing procedures for handling ethics complaints, and setting forth penalties for violations of such rules and procedures;

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

(12) 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 within the city and 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;

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

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

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

(16) Homestead exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city as authorized by Act of the General Assembly;
(17) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property of the city; to provide for the 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 the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
(18) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the city;
(19) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
(20) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;
(21) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
(22) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
(23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gas works, electric plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city as provided by ordinance;
(24) Nuisances. To define a nuisance and provide for its abatement whether on public or private property;
(25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;
(26) Planning and zoning. To provide comprehensive city planning for development by zoning and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(27) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;
(28) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
(29) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
(30) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;
(31) Public transportation. To organize and operate or contract for such public transportation systems as are deemed beneficial;
(32) Public utilities and services. To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
(33) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
(34) Retirement. To provide and maintain a retirement plan for officers and employees of the city;
(35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and 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 for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(36) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charge; and to impose on and collect a sewer connection fee or fees from those connected to the system;

(37) 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 provide for the sale of such items;

(38) Special areas of public regulation. To regulate or prohibit junk dealers, pawnshops, pain management clinics, the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, adult entertainment, and massage parlors;

(39) Special assessments. To levy and provide for the collection of special assessments to cover the costs of any public improvement;

(40) 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) For all years, the millage rate imposed for ad valorem taxes on real property for operating budget purposes shall not exceed 13.469 unless a higher limit is recommended by resolution of the city council and approved by a majority of the qualified voters of the city voting in a referendum; provided, however, that for the purposes of compliance with Code Section 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward for the sole purpose of complying with the millage rate rollback provisions set forth therein. For the purposes of this subparagraph, the term "qualified voters" means those voters of the city who are qualified to vote in city elections and cast a vote for or against such measure in such referendum. The question to be presented to the voters in the referendum on increasing the millage rate shall be "Do you approve increasing taxes on residential and nonresidential property for City of South Fulton property owners by raising from [current millage rate] to [proposed millage rate] the operating budget millage rate, which was capped

in the original charter for the city?" If such millage rate increase is approved by the qualified voters of the City of South Fulton voting in the referendum, the new rate shall become the maximum limit until changed again by resolution of the city council and approval by a majority of the qualified voters of the City of South Fulton voting in a referendum. Notwithstanding any provision of this paragraph to the contrary, during the first five years of existence, the city shall not be authorized to increase the millage rate higher than 14.469 except for the purposes of complying with Code Section 48-8-91 of the O.C.G.A.;

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

(C) For all years, the billing date or dates and due date or dates for municipal ad valorem taxes shall be the same as for Fulton County ad valorem taxes;

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

(42) 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; and to regulate the parking of such vehicles;

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

(44) 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 to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; 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 no listing of particular powers in this charter shall be held to be exclusive of others, nor 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 1.13.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

SECTION 2.10.
City council creation; composition; number; election.

(a) The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and seven councilmembers.
(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified, except as otherwise provided in subsection (d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the area comprising the City of South Fulton for 12 months immediately preceding the election of mayor or councilmembers, shall have attained the age of 21 years prior to the date of qualifying, and, in the case of councilmembers, shall have been a resident of the district from which he or she seeks election for six months at the time of qualifying for election; each such person shall continue to reside within the city and, in the case of councilmembers, within the district from which he or she was elected during said period of service and shall be registered and qualified to vote in municipal elections of this city. The mayor may reside anywhere within the city. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said city that such person desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person shall file said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c)(1) The mayor shall be limited to serving three full, consecutive four-year terms of office.

(2) Councilmembers shall be limited to serving three full, consecutive terms of office. (3) Persons who serve terms of less than four years as a result of being elected to an initial term of office under subsection (d) of Section 2.11 of this charter or who fill an unexpired term shall not be considered to have served a full term of office for the purposes of this subsection.

SECTION 2.11.
Elections.

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the area comprising the City of South Fulton or of such city shall be eligible to qualify as voters in the election.
(b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

(c) Each councilmember shall be elected by a majority vote of the qualified electors of his or her respective council district voting at the elections of the city. For the purpose of electing members of the council, the City of South Fulton shall consist of seven council districts as described in Appendix B of this charter, which is attached and incorporated into this charter by reference; provided, however, that no territory described in such council districts shall be included in such council districts that has been annexed into other municipalities before July 1, 2016; and provided, further, that the territory known as the Fulton County Industrial District shall not be included in such council districts unless the local constitutional amendment creating such district is repealed or determined judicially to be of no force and effect prior to the first municipal election being conducted under this charter. Each candidate for election to the council other than the mayor shall reside in the council district he or she seeks to represent.

(d) The first election for mayor and councilmembers shall be a special election held on the third Tuesday in March, 2017. At such election, the mayor and councilmembers elected from Council Districts 2, 4, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2021. The councilmembers elected from Council Districts 1, 3, 5, and 7 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2019. Thereafter, at the elections provided for by subsection (f) of this section, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified.

(e) The mayor, for the special election and each subsequent election for mayor, shall be elected by the qualified electors of the city at large voting in such elections of the city.

(f) A special election shall be held on the third Tuesday in March, 2017, to elect the first mayor and council as provided in subsection (d) of this section. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in subsection (d) of this section. 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 2019. The successors to the first mayor and councilmembers and future successors shall be elected at the municipal election immediately preceding the expiration of the respective terms of office and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(g) All municipal elections shall be nonpartisan and without primaries.

SECTION 2.12.

Vacancies in office.

(a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining

shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (c) of this section.

(c) In the event that the office of mayor or councilmember shall become vacant, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, 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. In all other respects, the special election 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.

SECTION 2.13.

Election by majority vote.

The candidate for mayor who receives a majority of the votes cast in the applicable election in the city at large shall be elected to a term of office. The candidates for councilmember who receive a majority of the votes cast in the applicable election by the electors of their respective districts shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in such election for such office, a run-off election shall be held between the candidates receiving the two highest numbers of votes. Such run-off election shall be held at the time specified by state election law, unless such run-off date is postponed by court order.

SECTION 2.14.

Compensation and expenses.

The annual salary of the mayor shall be $23,000.00 and the annual salary for each councilmember shall be $13,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council may provide for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

SECTION 2.15.

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;

(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; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(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 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. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose 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 council shall hold any other elective city office or other city employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the effective date of this Act.

SECTION 2.16.

Removal of officers.

(a) The mayor, a councilmember, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

(1) Incompetence, misfeasance, or malfeasance in office;

(2) Conviction of a crime involving moral turpitude;

(3) Failure at any time to possess any qualifications of office as provided by this charter or by law;

(4) Knowingly violating Section 2.15 or any other express prohibition of this charter;

(5) Abandonment of office or neglect to perform the duties thereof; or

(6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

(b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) By the vote of five councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Fulton County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the City of South Fulton.

ARTICLE III
ORGANIZATION OF GOVERNMENT, GENERAL
AUTHORITY, AND ORDINANCES

SECTION 3.10.

General power and authority.

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

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and with 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 South Fulton and may enforce such ordinances by imposing penalties for violations thereof.

(c) Except for the office of city manager, the city council, by resolution, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs of the government of the city. The council shall prescribe the functions and duties of departments, offices, and agencies; may provide that the same person shall fill any

number of offices or positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(d) 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 of employment as may be provided by this charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and councilmembers.

(e) In all cases, unless otherwise prohibited by this charter or by state law, those functions and duties necessary for the efficient and proper administration of the affairs of government of the city may be provided through intergovernmental agreements or private contracts or both.

SECTION 3.11.

Organization.

(a) The city council shall hold an organizational meeting not later than the first regular meeting in January following an 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 by a judicial officer authorized to administer the oaths required by Chapter 3 of Title 45 of the O.C.G.A. and the following oath:

> "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

(b) Following the induction of the mayor and councilmembers, the city council, by a majority vote, shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the official duties and powers of the mayor during any disability or absence of the mayor, as set forth in Section 3.30 of this charter. Any such disability or absence shall be declared by a majority vote of the city council.

SECTION 3.12.

Inquiries and investigations.

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

SECTION 3.13.

Meetings.

(a) The city council shall, at least once during each calendar month, hold regular meetings at such times and places as prescribed by ordinance. The council may recess any such regular meeting and continue such meeting on any weekday or at any hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.
(b) Special meetings of the city council may be held on call of the mayor or four members of the city council. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.
(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

SECTION 3.14.
Procedures.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings which shall be a public record.
(b) All committees and committee chairpersons and officers of the city council shall be appointed as prescribed by ordinance or resolution of the city council.

SECTION 3.15.
Voting.

(a) Except as otherwise provided in subsection (c) of this section, four councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. For voting and quorum purposes, the mayor shall be counted as one of the councilmembers. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. No councilmember shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. The councilmember shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.
(b) Except as otherwise provided in this charter, the affirmative vote of a majority of the councilmembers present shall be required for the adoption of any ordinance, resolution, or motion.
(c) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum

and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 3.16.
Ordinances.

(a) Any proposal for a new or amended ordinance shall be in writing and in the format required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of South Fulton hereby ordains ..." and every ordinance shall so begin.
(b) A new or amended ordinance may be proposed by the mayor or councilmember at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 3.18 of this charter. After adoption of any ordinance, the city clerk shall, as soon as possible, forward an appropriately formatted version of the adopted ordinance to that entity or agency that the city has retained to facilitate the codification and online viewing and download of all city ordinances.

SECTION 3.17.
Effect of ordinances.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 3.18.
Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or four councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the councilmembers present shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date

upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 3.19.
Codes.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 3.20 of this charter.
(b) Any adopted code of technical regulations shall be forwarded for online codification, viewing, and download in the same manner as provided for ordinances in subsection (b) of Section 3.16 of this charter and shall otherwise be made available for review and copying upon request in accord with Code Section 50-18-70, et seq., of the O.C.G.A.

SECTION 3.20.
Codification of ordinances.

(a) The city clerk shall authenticate by the city clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.
(b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly together with all amendments thereto and shall contain such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of South Fulton, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and shall be made available for purchase by the public at a reasonable price as fixed by the city council.
(c) The city council shall cause each ordinance and each amendment to this charter to be promptly delivered in an appropriate format to that entity or agency that the city has retained to facilitate the codification and online viewing and download of all city ordinances, charter amendments, and technical regulations. Ordinances, charter amendments, and technical regulations shall otherwise be available in hard copy format for viewing and copying at the office of the city clerk in conformance with Code Section 50-18-70, et seq., of the O.C.G.A. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be made

available, whether in electronic or hard copy format, in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 3.21.

Submission of ordinances to the mayor.

(a) Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within five business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance adopted by the city council, in accordance with the procedure set forth in this section.

(b) The mayor, within ten business days following receipt of an ordinance, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance to the city clerk within ten business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt. If the ordinance is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reasons for the mayor's veto. The city clerk shall record upon the ordinance the date of its delivery to and its receipt from the mayor.

(c) An ordinance vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

(d) In addition, the mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolution making appropriations shall become law, and the part or parts disapproved or reduced shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The disapproved or reduced part or parts of any such ordinance or resolution shall be presented to the city council as though disapproved and shall not become law unless overridden by the city council as set forth in subsection (c) of this section.

SECTION 3.22.

Powers and duties of mayor.

(a) The mayor shall be the chief executive officer of the city government and a member of and the presiding officer of the city council and responsible for the efficient and orderly administration of the city's affairs. The mayor shall be responsible for the enforcement of laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct inquiries and investigations into the conduct of the city's affairs and shall have such powers and duties as specified in this charter or as may be provided by ordinance consistent with this charter.

(b) The mayor shall:

(1) Preside at all meetings of the city council and participate therein as a voting member, and in the mayor's absence, the mayor pro tempore shall preside as set forth in Section 3.30 of this charter;

(2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;

(3) Have power to administer oaths and execute affidavits;

(4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing. The city council may delegate contract signing authority to the city manager to the extent allowed by law;

(5) See that all laws and ordinances of the city are faithfully executed;

(6) Vote on any motion, resolution, ordinance, or other question before the council other than a veto override;

(7) Obtain short-term loans in the name of the city when authorized by the city council to do so;

(8) Have the authority to appoint city council committees and appoint councilmembers to oversee and report on the functions of the various departments of the city, subject to confirmation by the city council;

(9) Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;

(10) Nominate the city manager, city attorney, chief judge of municipal court, city clerk, and city treasurer, subject to ratification by the city council; provided, however, that if the mayor's nomination is rejected by the city council or the mayor fails to offer a nomination, nominations may be offered by members of the city council;

(11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and

(12) Fulfill and perform such other duties as are imposed by this charter and duly adopted ordinances.

SECTION 3.23.

City manager; appointment;
qualifications; compensation; removal.

(a) The mayor shall nominate a city manager for an indefinite term and shall set the city manager's initial compensation, subject to confirmation by the city council. The city manager shall be nominated solely on the basis of that person's executive and administrative qualifications.

(b) The mayor or a councilmember may recommend the removal of the city manager from office in accordance with the following procedures:

(1) In response to such recommendation, the city council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;

(2) Within ten days after a copy of the resolution is delivered to the city manager, that person may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and

(3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this subsection, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing.

(c) The city manager shall continue to receive the city manager's salary until the effective date of a final resolution of removal.

SECTION 3.24.

Acting city manager.

By letter filed with the city clerk, the city manager shall designate or in the absence of the city manager the mayor shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of city manager during the city manager's temporary absence or physical or mental disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or the city manager's disability shall cease.

SECTION 3.25.

Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in

the city manager's charge by or under this charter. As the chief administrative officer, the city manager shall:

(1) Have the authority to hire persons to act as department heads or directors and fill other positions designated by ordinance or resolution and appoint and, when the city manager deems it necessary for the good of the city, suspend or remove any city employees and administrative officers the city manager hires or appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) Attend all city council meetings, except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager, and have the right to take part in discussion, but the city manager may not vote;

(4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual operating budget and capital budget to the city council;

(6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Make such other reports as the city council or mayor may require concerning the operations of those city departments, offices, and agencies that are subject to the city manager's direction and supervision;

(8) Keep the city council fully advised as to the financial condition and future needs of the city and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable; and

(9) Perform other such duties as are specified in this charter or as may be required by the city council.

SECTION 3.26.

Reserved.

SECTION 3.27.

Reserved.

SECTION 3.28.

Council's interference with administration.

Except for the purpose of inquiries and investigations under Section 3.12 of this charter, the city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city

manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.29.
Selection of mayor pro tempore.

There shall be a mayor pro tempore elected from among the councilmembers by the city council at the first regular meeting of each calendar year. All subsequent successors shall be elected at the first regular meeting of the city council in each calendar year to serve until the first regular meeting of the city council in the immediately following calendar year. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from any other cause shall be filled for the remainder of the unexpired term at the next regularly scheduled council meeting.

SECTION 3.30.
Mayor pro tempore.

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council or, in such person's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council shall be clothed with all the rights and privileges of the mayor and shall perform the official duties of the office of the mayor so long as such absence or disability shall continue, except that the mayor pro tempore shall not have the mayor's veto power except in the case of physical or mental disability of the mayor. A councilmember acting as mayor shall have only one vote. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest.

ARTICLE IV
ADMINISTRATIVE AFFAIRS
SECTION 4.10.
Department heads.

(a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe the functions or duties and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.
(b) Except as otherwise provided by this charter or by law, the directors of departments and other officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by the city council.
(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency.
(e) The city manager may suspend or terminate directors or department heads, so long as the city attorney reviews the facts supporting suspension or termination and concurs such action is appropriate before such action is taken.

SECTION 4.11.
Boards.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.
(b) Every member of any appointed board, commission, or authority of the city shall be appointed by a majority vote of the city council for such term of office and in such manner as shall be provided by ordinance. Unless otherwise provided by ordinance or law, each board, commission, or authority shall consist of eight members with one member being nominated by each member of the city council and the mayor. Unless otherwise provided by ordinance or law, there shall be no requirement that a board, commission, or authority member reside in the district of the councilmember who nominates the member, but all members shall be residents of the city.
(c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority. (d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.
(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for the original appointment, except as otherwise provided by this charter or by law.
(f) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the clerk of the city an oath obligating himself or herself to perform faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and administered by the mayor.
(g) Any member of a board, commission, or authority may be removed from office by majority vote of the city council.
(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice-chairperson, and may elect as its secretary one of its 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, an ordinance of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

SECTION 4.12.
City attorney.

The mayor shall nominate and the city council shall confirm by a majority vote a city attorney who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least seven years. The city attorney shall serve at the pleasure of 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 council as directed, shall advise the city council, mayor, and 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 the position of city attorney. The city council shall provide for the compensation of the city attorney.

SECTION 4.13.
City clerk.

The mayor shall nominate and the city council shall confirm by a majority vote a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, and perform such other duties as may be required by the city council. The city council shall provide for the compensation of the city clerk.

SECTION 4.14.
Treasurer.

The mayor shall nominate and the city council shall confirm by a majority vote a city treasurer 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 to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city council shall provide for the compensation of the treasurer.

SECTION 4.15.
Rules and regulations.

The city council shall adopt rules and regulations consistent with this charter concerning:

(1) The method of employee selection and probationary periods of employment;

(2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
(3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
(4) Such dismissal hearings as due process may require; and
(5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE V
JUDICIAL BRANCH
SECTION 5.10.
Municipal court.

There shall be a court to be known as the Municipal Court of the City of South Fulton.

SECTION 5.11.
Judges.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance. The chief judge shall be nominated by the mayor and shall be confirmed by resolution of the city council, and the method of selection and terms of any other judges shall be provided by ordinance.
(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall have been a member of the State Bar of Georgia for a minimum of three years.
(c) Compensation of the chief judge and other judges shall be fixed by the city council. The position of chief judge shall not be a full-time position, and the person serving as chief judge may engage in the private practice of law.
(d) The chief judge shall serve a term of four years, coincident with the term of the mayor, but may be removed for cause by a vote of five members of the city council or upon action taken by the Judicial Qualification Commission.
(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 3.14 of this charter.

SECTION 5.12.
Convening of court.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 5.13.
Powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.
(b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed the statutory limits for fines and imprisonment for such municipal court.
(c) The municipal court may fix punishment for offenses within its jurisdiction, including both fines and imprisonment or alternative sentencing, provided that such fines or imprisonment does not exceed the statutory limits as now exist or hereafter provided by law.
(d) The municipal court shall have the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.
(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution shall be 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.
(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
(g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
(h) Each judge of the municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.
(i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.
(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

SECTION 5.14.
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 Fulton County, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 5.15.
Rules.

With the approval of the city council, the judge 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; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE VI
FINANCE
SECTION 6.10.
Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.
Millage.

(a) The city council by ordinance shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.
(b) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 13.469 unless a higher millage rate is recommended by resolution of the city council and subsequently approved by a majority of the qualified voters of the city voting in a referendum. For the purposes of this subsection, the term "qualified voters" means those voters of the city who are qualified to vote in city elections and cast a vote for or

against such measure in such referendum. This millage rate limit shall apply to the millage rate actually levied and shall not apply to the hypothetical millage rate computed under subsection (a) of Code Section 48-8-91 of the O.C.G.A., relating to conditions on imposition of the joint county and municipal sales tax.

SECTION 6.12.
Occupation taxes and business license fees.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.
Licenses.

The city council by ordinance shall have the power to require any individual or corporation who transacts business in this city or who practices or offers to practice any profession or calling within the city to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 6.14.

Reserved.

SECTION 6.15.
Sewer fees.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside or outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.
Roads.

The city council by ordinance shall have the power to assess, charge, and collect the costs of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.17.
Other taxes.

This city shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.
Collection of delinquent taxes.

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

SECTION 6.19.
Borrowing.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.
Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

SECTION 6.21.
Loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.22.
Accounting and budgeting.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

SECTION 6.23.
Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs. The city council shall comply with the provisions of Chapter 81 of Title 36 of the O.C.G.A.

SECTION 6.24.
Operating budget.

On or before a date fixed by the city council but not later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the 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 the city manager may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.25.
Adoption.

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

(b) After the conducting of a budget hearing, the city council shall adopt the final operating budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable.

SECTION 6.26.

Levy of taxes.

Following adoption of the operating budget, the city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expense of the general government of this city.

SECTION 6.27.

Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project

are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.18 of this charter.

(b) After the conducting of a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by any recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by majority vote of the city council.

SECTION 6.29.
Audits.

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 costs to the public.

SECTION 6.30.
Procurement and property management.

No contract with the city shall be binding on the city unless:

(1) It is in writing;

(2) 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

(3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 3.14 of this charter.

SECTION 6.31.
Purchasing.

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

SECTION 6.32.
Sale of property.

(a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law, as well as any abandoned or surplus property.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon request by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 6.33.
General homestead exemption.

(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 South Fulton, except for 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 South Fulton is granted an exemption on that person's homestead from City of South Fulton ad valorem taxes for municipal purposes in the amount of $30,000.00 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 South Fulton, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of South Fulton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of South Fulton, 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 South Fulton, or the designee thereof, in the event that person for any reason becomes ineligible for such exemption.

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

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

SECTION 6.34.

General homestead exemption for citizens age 65 or over.

(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 South Fulton, except for 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) "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 South Fulton who is a senior citizen is granted an exemption on that person's homestead from City of South Fulton ad valorem taxes for municipal purposes in the amount of $15,000.00 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 South Fulton, or the designee thereof, giving the person's age and such additional information relative to receiving such exemption as will enable the governing authority of the City of South Fulton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of South Fulton, 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 South Fulton, 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 6.35.

Homestead exemption for citizens age 65 or over
meeting certain income requirements.

(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 South Fulton, 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 adjusted gross income as such term is defined in the Internal Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A., except that for purposes of this section the term shall include only that portion of income or benefits 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 which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security 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 South Fulton who is a senior citizen is granted an exemption on that person's homestead from City of South Fulton ad valorem taxes for municipal purposes in the amount of $10,000.00 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 the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding 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 South Fulton, 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 South Fulton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of South Fulton, 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 South Fulton, 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 6.36.

Homestead exemption for citizens age 70 or over
and disabled persons meeting certain income requirements.

(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 South Fulton, 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 adjusted gross income determined pursuant to the Internal Revenue Code of 1986, as amended, for federal income tax purposes, except that for the purposes of this section the term shall include only that portion of income or benefits 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 which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

(4) "Senior citizen" means a person who is 70 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 South Fulton who is a senior citizen or who is disabled is granted an exemption on that person's homestead from City of South Fulton ad valorem taxes for municipal purposes for the full 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 the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section as 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 South Fulton, 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 South Fulton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of South Fulton, 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 South Fulton, 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 VII
GENERAL PROVISIONS

SECTION 7.10.
Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.
Reserved.

SECTION 7.12.
Definitions and construction.

(a) Section captions in this charter are informative only and shall not be considered as a part thereof.
(b) The word "shall" is mandatory and the word "may" is permissive.
(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.13.
Qualified electors.

(a) For the purposes of the referendum election provided for in Section 7.14 of this charter and for the purposes of the special election to be held on the third Tuesday in March, 2017, the qualified electors of the City of South Fulton shall be those qualified electors of Fulton County residing within the corporate limits of the City of South Fulton as described by Section 1.11 of this charter. At subsequent municipal elections, the qualified electors of the City of South Fulton 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."
(b) Only for the purpose of holding and conducting the referendum election provided for by Section 7.14 of this charter and only for the purpose of holding and conducting the special election of the City of South Fulton to be held on the third Tuesday in March, 2017, the election superintendent of Fulton County is vested with the powers and duties of the election superintendent of the City of South Fulton and the powers and duties of the governing authority of the City of South Fulton.

SECTION 7.14.
Referendum.

The election superintendent of Fulton County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of South Fulton, as provided in Section 7.13 of this charter, for approval or rejection. The superintendent shall set the date of such election for the Tuesday next following the first Monday in November, 2016. 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 Fulton County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act incorporating the City of South Fulton in Fulton County
( ) NO and granting the homestead exemptions described therein be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those 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; otherwise, it shall thereafter be void and of no force and effect. The expense of the special election set forth in this section shall be borne by Fulton County. 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.

SECTION 7.15.
Effective dates.

(a) Sections 1.10 and 1.11 of this charter and those provisions of this charter necessary for the special election provided for in Section 7.14 of this charter shall become effective immediately upon this Act's approval by the Governor or upon its becoming law without such approval.
(b) Those provisions of this Act necessary for the special election to be held on the third Tuesday in March, 2017, as provided by Article II of this charter, shall be effective upon the certification of the results of the referendum election provided for by Section 7.14 of this charter, if this Act is approved at such referendum election.
(c) The remaining provisions of this Act shall become of full force and effect for all purposes on May 1, 2017, except that the initial mayor and councilmembers shall take office immediately following their election and by action of a quorum may prior to May 1, 2017, meet and take actions binding on the city.

SECTION 7.16.
Transition.

(a) A period of time will be needed for an orderly transition of various government functions from Fulton County to the City of South Fulton. Accordingly, there shall be a transition period beginning on the date of the certification of the referendum results approving the incorporation of the City of South Fulton and ending at midnight on the last day of the twenty-fourth month following such date. During such transition period, all provisions of this charter shall be effective as law, but not all provisions of this charter shall be implemented.

(b) During such transition period, Fulton County shall continue to provide within the territorial limits of the City of South Fulton all government services and functions which Fulton County provided in that area during 2016 and at the same actual cost, except to the extent otherwise provided in this section; provided, however, that upon at least 30 days' prior written notice to Fulton County by the City of South Fulton, responsibility for any such service or function shall be transferred to the City of South Fulton. Beginning on May 1, 2017, the City of South Fulton shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the City of South Fulton; provided, however, that upon at least 30 days' prior written notice to Fulton County by the City of South Fulton, the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with Fulton County after May 1, 2017, until such time as Fulton County receives subsequent notice from the City of South Fulton that such authority shall be transferred to the City of South Fulton.

(c) During the transition period, the governing authority of the City of South Fulton:

(1) Shall hold regular meetings and may hold special meetings as provided in this charter;

(2) May enact ordinances and resolutions as provided in this charter;

(3) May amend this charter by home rule action as provided by general law;

(4) May accept gifts and grants;

(5) May borrow money and incur indebtedness to the extent authorized by this charter and general law;

(6) May levy and collect an ad valorem tax for calendar years 2018 and 2019;

(7) May establish a fiscal year and budget;

(8) May create, alter, or abolish departments, boards, offices, commissions, and agencies of the city; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions; and

(9) 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.

(d) Except as otherwise provided in this section, during the transition period, the Municipal Court of the City of South Fulton shall not exercise its jurisdiction. During the transition period, all ordinances of Fulton County shall remain applicable within the territorial limits of the City of South Fulton and the appropriate court or courts of Fulton County shall retain jurisdiction to enforce such ordinances. However, by appropriate agreement (and concurrent resolutions and ordinances if needed) Fulton County and the

City of South Fulton may during the transition period transfer all or part of such regulatory authority and the appropriate court jurisdiction to the City of South Fulton. Any transfer of jurisdiction to the City of South Fulton during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in Fulton County or the pending prosecution of any violation of any ordinance of Fulton County.

(e) During the transition period, the governing authority of South Fulton may at any time, without the necessity of any agreement by Fulton 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 South Fulton commencing to exercise its planning and zoning powers, the Municipal Court of the City of South Fulton 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.

(f) Effective upon the termination of the transition period, subsections (b) through (e) of this section shall cease to apply except for the last sentence of subsection (d) which shall remain effective. Effective upon the termination of the transition period, the City of South Fulton shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 7.17.

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:

(1) If it is not possible to hold the referendum election provided for in Section 7.14 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable; and

(2) If it is not possible to hold the first municipal election provided for in Section 2.11 of this Act on the date specified in that section, then there shall be a special election for the initial members of the governing authority to be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly.

SECTION 7.18.

Charter commission.

At the first regularly scheduled city council meeting, five years after the inception of the City of South Fulton, the mayor and city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the city charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by the city council, and one by each member of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of the City of South Fulton. All members of the charter commission must reside in the City of South Fulton. The commission must complete the recommendations within six months of its creation.

SECTION 7.19.
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 7.20.
General repealer.

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

APPENDIX A
CORPORATE LIMITS
CITY OF SOUTH FULTON

The City of South Fulton shall include all the territory embraced within the following census blocks based upon the 2010 United States decennial census but shall not include any territory that was annexed into another municipality before July 1, 2016, and shall not include the territory included within the Fulton County Industrial District unless the local constitutional amendment creating such district is repealed or determined judicially to be of no force and effect prior to the first municipal election for the city:

Fulton County
VTD: 12109B - 09B
008202:
4002
VTD: 12111E4 - 11E4

007706:
2028
VTD: 121CP08B - CP08B
010511:
2004
VTD: 121EP08A - EP08A
011305:
3015 3017
011306:
1031 2008 2018 2021
VTD: 121FA01A - FA01A
010400:
3064 3066 3078 3079 3087 3099
010514:
2051 2078 2086 2100 2101 2102
VTD: 121FA01B - FA01B
010510:
3126
VTD: 121SC01 - SC01
VTD: 121SC02 - SC02
VTD: 121SC04 - SC04
VTD: 121SC05 - SC05
VTD: 121SC07 - SC07
010304:
2087 2103 2105 2106 2107 2108 2109 2112
010400:
3000 3003 3005 3006 3008 3009 3011 3012 3013 3014 3017 3019
3021 3028 3029 3042 3043 3053 3054 3065 3080
010513:
1021 1022 1043 1044 1045 1048 1049 1050 1051 1052 1055 1060
1061 1062 1078 1098 1119 2022 2024 2029 2030 2056 3045
010514:
1002 1003 1004 1005 1006 1012 1013 1014 1017 1019 1021 1022
1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
1036 1037 1043 1044 1046 1051 1054 1055 1056 1057 1059 1061
1062 1063 1065 1066 1067 1073 1087 1088 1089 2000 2002 2003
2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2028
2029 2030 2031 2032 2033 2034 2035 2038 2040 2043 2044 2045
2046 2054 2055 2057 2059 2060 2061 2068 2071 2072 2073 2074
2075 2076 2077 2080 2085 2087 2091 2094 2098 2108 2109 2110
2111 3055 3056 3079 3080
VTD: 121SC08 - SC08

010507:
3066
010510:
2003 4000 4001 4009
010511:
1033 1034 1035 1036 1037 1038 1039 1040 1041 1043 1045 1046
1047 1048 1049 1061 1062 2005 2006 2008 2009 2010 2011 2012
2013 2014 2015 2017 2018 2019 2020 2021 2024 2027 2028 2029
2030 2031 2032 2033 2034 2036 2037 2038 2039 2040 2041 2042
2043 2044 2045 2046 2047 2051 2052 2053 2054 2055 2056 2058
2062 2064 3000 3001 3002 3003 3004 3005 3008 3011 3012 3013
3014 3015
010512:
1002 1003 1004 1005 1006 1007 1008 1016 1017 1024 1025 2001
2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2015
2019 2020 2035 2036
010513:
1007 1008 1063 1064 1069 1070 1071 1073 1074 1075 1077 1087
1088 1089 1094 1096 1097 1102 1105 1109 1110
VTD: 121SC09 - SC09
VTD: 121SC10 - SC10
010507:
1006 1008 2001 2002 2003 2004 2005 2006 2007 3037 3055 3056
3057 3059 3060 3067 3068
010511:
2066
VTD: 121SC11 - SC11
VTD: 121SC13A - SC13A
VTD: 121SC13B - SC13B
010301:
1016 1017 1018 1026 1027 1028 1029 1030 1031 1032 1049 1050
1051 1052 1053 1056 1057 1058 1062 1063 1064 1065 1066 1067
1068 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093
1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1110 1115
1116 1119 1123 1137
VTD: 121SC14 - SC14
VTD: 121SC16A - SC16A
VTD: 121SC16B - SC16B
VTD: 121SC17 - SC17
010511:
1019 1020 1021 1022 1023 1027 1028 1029 1032 1050 1051 1052
1053 1054 1055 1056 1057 1058 1059 1063 1064 1065 1066
010513:

1001 1005 1016 1030 1031 1032 1037 1038 1039 1041 1042 1103
1104 1106 1107 1117
VTD: 121SC18 - SC18
007706:
2007 2014 2017 2018 2019 2020 2021 2023 2029
010304:
1015 1016 1017 1018 1019 1020 1021 1023 1024 1025 1026 1027
1030 1031 1032 1033 1034 1035 1036 2000 2001 2004 2011 2012
2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
2025 2026 2041 2042 2043 2044 2045 2072 2073 2075 2078 2081
2092 2093 2115
VTD: 121SC19 - SC19
010507:
3002 3004 3005 3006 3007 3008 3009 3010 3011 3017 3020 3021
3022
010511:
1012 1013 1015 1016 1018 1024 1025 1026 1030 1031 1067
010604:
3011 3012 3013 3015 3016
011305:
3018 3019 3020 3021
011306:
1011 1012 1032 1033 1034 1036 1038 1039 1040 2019 2020 2025
2028 2029 2030 2031 2032 2033 2035 2036 2037 2038 2039
VTD: 121SC21 - SC21
010510:
2019 2020 2021 3002 3010 3011 3012 3013 3015 3016 3017 3026
3027 3028 3029 3031 3034 3036 3037 3038 3039 3042 3043 3044
3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3064
3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077
3078 3079 3080 3082 3083 3085 3086 3087 3088 3089 3091 3096
3102 3103 3104 3105 3106 3107 3108 3109 3110 3112 3114 3115
3116 3127 3174 3186 3187 3188 3189 3190 3192 3214 3215 3216
3217 3220 3221 3222
010513:
2036
010515:
1022 1023 1024 1025 1036 1037 1038 1039 1040 1041 1042 1046
1048
VTD: 121SC23 - SC23
VTD: 121SC27 - SC27
VTD: 121SC29 - SC29
VTD: 121SC30 - SC30

007703:
3000 3001 3002 3003 3016
007704:
3005 3006
007802:
1000 1001 1002 1003 1004 1006 1016 1018 1025 1027 1028 4012
007806:
2002 2020 2021 2022 2023 2024
007900:
3017 3018 3019 3038 3042 3051 3052 3058
VTD: 121UC02 - UC02
010510:
3014
010513:
2037 2057
VTD: 121UC03A - UC03A
010510:
3008

For the purposes of this description, the term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in the description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

APPENDIX B
CITY COUNCIL DISTRICTS
CITY OF SOUTH FULTON

Plan: SF-7dp1
Plan Type: Local
Administrator: HD61
User: bak

District 001
Fulton County
VTD: 12109B - 09B
008202:
4002
VTD: 121SC01 - SC01
007802:
2017

010303:
1000 1001 1002 1003 1004 1014 1015 1016 1017 1018 1019 1020
1040 1041 1043 2049 2050 2051 2053 2054 2055 2056 2057 2058
2059 2060 2061 2062 2063 2064 2065 2070 2081
010304:
1000 1001 1002 1003 1004
VTD: 121SC02 - SC02
VTD: 121SC14 - SC14
VTD: 121SC16A - SC16A
VTD: 121SC16B - SC16B
VTD: 121SC30 - SC30
007703:
3000 3001 3002 3003 3016
007704:
3005 3006
007802:
1000 1001 1002 1003 1004 1006 1016 1018 1025 1027 1028 4012
007806:
2002 2020 2021 2022 2023 2024
007900:
3017 3018 3019 3038 3042 3051 3052 3058

District 002
Fulton County
VTD: 12111E4 - 11E4
007706:
2028
VTD: 121SC01 - SC01
010303:
1048 1049 1050 1051
010304:
1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1022 1028
1029
VTD: 121SC13A - SC13A
VTD: 121SC18 - SC18
007706:
2007 2014 2017 2018 2019 2020 2021 2023 2029
010304:
1015 1016 1017 1018 1019 1020 1021 1023 1024 1025 1026 1027
1030 1031 1032 1033 1034 1035 1036 2000 2001 2016 2017 2018
2019 2020 2021 2022 2023 2024 2025 2026

District 003
Fulton County
VTD: 121EP08A - EP08A
011305:
3015 3017
011306:
1031 2008 2018 2021
VTD: 121SC05 - SC05
010301:
1095 2034 2035 2038 2039 2040 2042 2043 2044 2045 2046 2047
2048 2049
010304:
2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038
2039 2040 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055
2056 2057 2060 2061 2063 2064 2065 2066 2067 2068 2069 2070
2071 2083 2085 2089 2090 2091 2094 2095 2096 2097 2098 2099
2100 2101 2114
010513:
1009 1025 1026
010514:
1000
VTD: 121SC08 - SC08
010513:
1007 1008 1063 1064 1069 1070 1073 1074 1075 1087 1088 1089
1094 1102 1110
VTD: 121SC17 - SC17
010511:
1019 1020 1021 1022 1023 1027 1028 1029 1032 1050 1051 1052
1053 1054 1055 1056 1057 1058 1059 1063 1064 1065 1066
010513:
1001 1005 1016 1030 1031 1032 1037 1038 1039 1041 1042 1103
1104 1106 1107 1117
VTD: 121SC18 - SC18
010304:
2004 2011 2012 2013 2014 2015 2041 2042 2043 2044 2045 2072
2073 2075 2078 2081 2092 2093 2115
VTD: 121SC19 - SC19
010511:
1012 1013 1015 1016 1018 1024 1025 1026 1030 1031 1067
010604:
3011 3012 3013 3015 3016
011305:
3018 3019 3020 3021

011306:
1011 1012 1032 1033 1034 1036 1038 1039 1040 2019 2020 2025
2028 2029 2030 2031 2032 2033 2035 2036 2037 2038 2039

District 004
Fulton County
VTD: 121FA01A - FA01A
010400:
3064 3066 3078 3079 3087 3099
010514:
2051 2078 2086 2100 2101 2102
VTD: 121SC04 - SC04
VTD: 121SC05 - SC05
010301:
1048 1054 1055 2009 2010 2011 2013 2014 2015 2016 2017 2018
2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
2031 2032 2033 2051 2052 2053
VTD: 121SC07 - SC07
010304:
2087 2103 2105 2106 2107 2108 2109 2112
010400:
3000 3003 3005 3006 3008 3009 3011 3012 3013 3014 3017 3019
3021 3028 3029 3042 3043 3053 3054 3065 3080
010513:
1021 1022 1043 1044 1045 1048 1049 1050 1051 1052 1055 1060
1061 1062 1078 1098 1119 3045
010514:
1002 1003 1004 1005 1006 1012 1013 1014 1017 1019 1021 1022
1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
1036 1037 1043 1044 1046 1051 1054 1055 1056 1057 1059 1061
1062 1063 1065 1066 1067 1073 1087 1088 1089 2000 2002 2003
2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2028
2029 2030 2031 2032 2033 2034 2035 2038 2040 2043 2044 2045
2046 2054 2055 2057 2059 2060 2061 2068 2071 2072 2073 2074
2075 2076 2077 2080 2085 2087 2091 2094 2098 2108 2109 2110
2111
VTD: 121SC08 - SC08
010513:
1077
VTD: 121SC13B - SC13B
010301:
1016 1017 1018 1026 1027 1028 1029 1030 1031 1032 1049 1050

1051 1052 1053 1056 1057 1058 1062 1063 1064 1065 1066 1067
1068 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093
1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1110 1115
1116 1119 1123 1137

District 005
Fulton County
VTD: 121CP08B - CP08B
010511:
2004
VTD: 121SC08 - SC08
010507:
3066
010510:
2003 4000 4001 4009
010511:
1033 1034 1035 1036 1037 1038 1039 1040 1041 1043 1045 1046
1047 1048 1049 1061 1062 2005 2006 2008 2009 2010 2011 2012
2013 2014 2015 2017 2018 2019 2020 2021 2024 2027 2028 2029
2030 2031 2032 2033 2034 2036 2037 2038 2039 2040 2041 2042
2043 2044 2045 2046 2047 2051 2052 2053 2054 2055 2056 2058
2062 2064 3000 3001 3002 3003 3004 3005 3008 3011 3012 3013
3014 3015
010512:
1002 1003 1004 1005 1006 1007 1008 1016 1017 1024 1025 2001
2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2015
2019 2020 2035 2036
010513:
1071 1096 1097 1105 1109
VTD: 121SC09 - SC09
010507:
4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
4012 4013 4014 4015 4016 4017 4018
010508:
1012 1013 1014 1015 1016 1017 1018 1019 1020
010510:
2002 2013 4003 4004 4005 4006 4008 4010
VTD: 121SC10 - SC10
010507:
1006 1008 2001 2002 2003 2004 2005 2006 2007 3037 3055 3056
3057 3059 3060 3067 3068
010511:
2066

VTD: 121SC19 - SC19
010507:
3002 3004 3005 3006 3007 3008 3009 3010 3011 3017 3020 3021
3022

District 006
Fulton County
VTD: 121SC09 - SC09
010508:
1009 1010 1011 1021 1022 1023 1024 1025 1026 1027 1028 1029
1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1045 1046
VTD: 121SC11 - SC11
VTD: 121SC23 - SC23
010516:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2012
2013 2014 2015 2016 2019 2020 2021 2022 2023 2024 2025 2026
2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037
VTD: 121SC27 - SC27

District 007
Fulton County
VTD: 121FA01B - FA01B
010510:
3126
VTD: 121SC07 - SC07
010513:
2022 2024 2029 2030 2056
010514:
3055 3056 3079 3080
VTD: 121SC21 - SC21
010510:
2019 2020 2021 3002 3010 3011 3012 3013 3015 3016 3017 3026
3027 3028 3029 3031 3034 3036 3037 3038 3039 3042 3043 3044
3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3064
3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077
3078 3079 3080 3082 3083 3085 3086 3087 3088 3089 3091 3096
3102 3103 3104 3105 3106 3107 3108 3109 3110 3112 3114 3115
3116 3127 3174 3186 3187 3188 3189 3190 3192 3214 3215 3216
3217 3220 3221 3222
010513:
2036
010515:
1022 1023 1024 1025 1036 1037 1038 1039 1040 1041 1042 1046

1048
VTD: 121SC23 - SC23
010510:
1027
010515:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1028 1044
1045
010516:
2011 2017 2018
VTD: 121SC29 - SC29
VTD: 121UC02 - UC02
010510:
3014
010513:
2037 2057
VTD: 121UC03A - UC03A
010510:
3008

For the purposes of this plan (SF-7dp1):

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

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

(3) Any part of the City of South Fulton which is not included in any district described in this plan (SF-7dp1) 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; and

(4) Any part of the City of South Fulton which is described in this plan (SF-7dp1) 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.

(5) Any part of the territory described in this plan (SF-7dp1) that has been annexed into another municipality before July 1, 2016, shall nevertheless not be included in any of the districts described in the plan.

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

I, Representative Roger Bruce, Georgia State Representative from the 61st 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 South Fulton, 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 Roger Bruce
Representative, 61st District
Georgia State House of Representatives

Representative Bruce of the 61st moved that the House agree to the Senate substitute to HB 514.

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

Y Abrams
Y Alexander
N Allison
Y Atwood
Y Ballinger
N Barr
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
N Cooke
Y Coomer
Y Cooper
Y Corbett
Dawkins-Haigler
N Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Dukes
N Dunahoo
Y Duncan
Y Ealum
Efstration
Y Harden
N Harrell
Y Hatchett
Y Hawkins
Y Henson
N Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Jackson
Y Jasperse
Y Jones, J
Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Metze
Y Mitchell
N Morris
Mosby
Y Nimmer
N Nix
Y Oliver
N Pak
Y Parrish
Y Parsons
Peake
Y Petrea
Y Pezold
Y Pirkle
Powell, A
Y Powell, J
Y Price
Y Prince
Pruett
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
Tarvin
Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.

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

On the motion, the ayes were 127, nays 25.

The motion prevailed.

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 883. By Senators Beach of the 21st, Thompson of the 14th, Gooch of the 51st, Jones II of the 22nd and Parent of the 42nd:

A RESOLUTION creating the Joint Study Committee on Industry Incentives for Financial Technologies and the Payment Processing Industry; 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 Alexander
Y Allison
Atwood
Y Ballinger
Y Barr
Battles
Y Beasley-Teague
Y Belton
Y Bennett, K
Y Cooke
N Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Metze
Y Mitchell
Y Morris
Mosby
Y Nimmer
N Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
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 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
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 Dollar
Y Douglas
E Drenner
Y Dudgeon
Dukes
Y Dunahoo
Y Duncan
Y Ealum
Efstration
Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Golick
Y Gordon
Y Gravley
Y Greene
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Kendrick
Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
N Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Peake
Petrea
Y Pezold
Y Pirkle
Powell, A
Y Powell, J
Y Price
Y Prince
Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Ramsey
Y Randall
Y Reeves
Y Rhodes
E Rice
Y Rogers, C
Y Rogers, T
Y Rutledge
E Rynders
Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
N Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Williamson
Yates
Ralston, Speaker

On the adoption of the Resolution, the ayes were 146, nays 4.

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

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

HB 212. By Representatives Weldon of the 3rd, Cooper of the 43rd, Hawkins of the 27th, Broadrick of the 4th and Spencer of the 180th:

A BILL to be entitled an Act to amend Code Section 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, so as to revise a provision relating to the health care professionals who must be on-site at a pain management clinic in order for the clinic to provide medical treatment or services; 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 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, so as to revise a provision relating to the health care professionals who must be on-site at a pain management clinic in order for the clinic to provide medical treatment or services; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, is amended by revising subsection (g) as follows:

"(g) No controlled substance shall be prescribed or dispensed in a pain management clinic nor shall a controlled substance prescription be distributed to a patient from a pain management clinic ~~shall provide medical treatment or services, as defined by the board,~~ unless a physician, a physician assistant authorized to prescribe controlled substances under an approved job description, or an advanced practice registered nurse authorized to prescribe controlled substances pursuant to a physician protocol is on-site at the pain management clinic. For purposes of this article, dispensing shall not include the administration of anesthesia by a certified registered nurse anesthetist practicing pursuant to Code Section 43-26-11.1."

SECTION 2.

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

The following amendment was read and adopted:

Representative Weldon of the 3rd offers the following amendment:

Amend the Senate substitute to HB 212 (LC 33 6603S) by replacing lines 1 through 20 with the following:

To amend Code Section 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, so as to revise a provision relating to the health care professionals who must be on-site at a pain management clinic in order for the clinic to provide medical treatment or services; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, is amended by revising subsection (g) as follows:

"(g) No controlled substance shall be dispensed in a pain management clinic nor shall a controlled substance prescription be issued to a patient from a pain management clinic ~~shall provide medical treatment or services, as defined by the board,~~ unless a physician, a physician assistant authorized to prescribe controlled substances under an approved job description, or an advanced practice registered nurse authorized to prescribe controlled substances pursuant to a physician protocol is on-site at the pain management clinic. For purposes of this article, dispensing shall not include the administration of anesthesia by a certified registered nurse anesthetist practicing pursuant to Code Section 43-26-11.1; provided, however, that if a certified registered nurse anesthetist is on-site at a pain management clinic at the time any violation of this subsection occurs, the license of the pain management clinic and the license of the certified registered nurse anesthetist shall be summarily suspended."

SECTION 2.

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

Representative Weldon of the 3rd moved that the House agree to the Senate substitute, as amended by the House, to HB 212.

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

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

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

On the motion, the ayes were 118, nays 31.

The motion prevailed.

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.

Representative Atwood of the 179th moved that the House recede from its position in amending the Senate substitute to HB 736.

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

Y Abrams
Y Alexander
Y Allison
Y Atwood
Y Ballinger
N 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 Cooke
Y Coomer
Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Ehrhart
Y England
Y Epps
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Y Jones, J
Y Jones, J.B.
Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Kendrick
Y Metze
Y Mitchell
Y Morris
Mosby
Y Nimmer
Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
Peake
Y Petrea
Y Pezold
Y Pirkle
Powell, A
Y Powell, J
N Price
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner

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 Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Kidd
Y Kirby
Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Meadows
Y Ramsey
Randall
Y Reeves
Y Rhodes
E Rice
Y Rogers, C
Y Rogers, T
Y Rutledge
E Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Williams, A
Y Williams, C
Williams, E
Williamson
Yates
Ralston, Speaker

On the motion, the ayes were 151, nays 2.

The motion prevailed.

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 1605. By Representatives Martin of the 49th, Jones of the 47th, Brockway of the 102nd, Willard of the 51st and Setzler of the 35th:

A RESOLUTION creating the House Study Committee on Regional Transit Solutions; 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 Alexander
Y Allison
Y Atwood
Y Ballinger
Y Barr
Y Battles
Y Beasley-Teague
Y Belton
Y Bennett, K
Y Bennett, T
Bentley
Benton
Y Beskin
Y Beverly
N Blackmon
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
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Harden
N Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Metze
Y Mitchell
Y Morris
Mosby
Y Nimmer
N Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
Peake
Y Petrea
N Pezold
Y Pirkle
Powell, A
Y Powell, J
Y Smith, E
Y 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
Y Tarvin
Y Taylor, D

Broadrick	Y Duncan	Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Efstration	Y Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	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	N Turner
Y Caldwell, J	Y Evans	Kidd	Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Randall	Y Watson
Y Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	E 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	E Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	N Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the adoption of the Resolution, the ayes were 149, nays 9.

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

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

HB 904. By Representatives Strickland of the 111th, Shaw of the 176th, Fleming of the 121st, Bryant of the 162nd and Kirby of the 114th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain contribution rates and credits; to change certain provisions relating to rate of employer contributions; to extend certain provisions relating to variations in the standard rate; to extend provisions relating to administrative assessments; to reduce the percentage of the administrative assessment to be assessed for a certain period; to provide exceptions; to change certain provisions relating to additional assessments for a new or newly covered employer; to extend the provision relating to automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 904

The Committee of Conference on HB 904 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 904 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Josh McKoon Senator, 29th District	/s/ Barry A. Fleming Representative, 121st District
/s/ Greg Kirk Senator, 13th District	/s/ Brian Strickland Representative, 111th District
/s/ P.K. Martin Senator, 9th District	/s/ Trey Kelley Representative, 16th District

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to prevent fraud and abuse of the Unemployment Trust Fund by authorizing the Commissioner of Labor to submit to and receive from the state revenue commissioner certain information related to persons paying into or receiving funds from such fund; to provide penalties for the unlawful divulging of certain confidential information; to change certain contribution rates and credits; to change certain provisions relating to rate of employer contributions; to extend certain provisions relating to variations in the standard rate; to extend provisions relating to administrative assessments; to reduce the percentage of the administrative assessment to be assessed for a certain period; to provide exceptions; to change certain provisions relating to additional assessments for a new or newly covered employer; to extend the provision relating to automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, is amended by adding a new Code section to read as follows:

"34-8-130.

(a) To enforce the provisions of this article and to prevent fraud and abuse of the Unemployment Trust Fund, the Commissioner or his or her duly authorized representative may submit to the state revenue commissioner the names and social security numbers of any individuals who are required to report earnings to the department along with the amount of earnings such individuals have reported to the department during specified time periods. The state revenue commissioner shall compare the submitted earnings of such individuals with income reported by such individuals to the Department of Revenue and shall verify and report back to the department that the submitted earnings of each such individual are either equal to, greater than, or less than the amount of income reported by each such individual to the Department of Revenue. Furthermore, the department may submit to the state revenue commissioner the name of any employer along with the number of employees who are being reported to the department by such employer during specified time periods. The state revenue commissioner shall compare such records submitted by employers to the department with the number of employees reported by each such employer to the Department of Revenue and shall verify and report back to the department that the number of employees reported to the department is either equal to, greater than, or less than the number of employees reported to the Department of Revenue for state income tax withholding purposes for the specified time period. The department shall pay the state revenue commissioner for all costs incurred by the Department of Revenue pursuant to this subsection. No report contemplated by this subsection shall be provided by the Department of Revenue to the department without a cooperative data sharing agreement executed by the two departments that is specific to the subject matter of this subsection. Any tax information secured from the federal government by the Department of Revenue pursuant to the provisions of Section 6103 of the Internal Revenue Code shall not be disclosed by the Department of Revenue pursuant to this subsection. Any person receiving any tax information under the authority of this subsection shall be subject to the provisions of Code Section 48-7-60 and to all penalties provided under Code Section 48-7-61 for unlawful divulging of confidential tax information, as well as the penalties provided under Code Section 34-8-125.

(b) Nothing in this Code section shall prevent the Department of Revenue or any other governmental agency from having access to records or information as provided for under Code Section 34-8-125."

SECTION 2.

Said chapter is further amended by revising Code Section 34-8-151, relating to rate of employer contributions, as follows:

"34-8-151.

(a) For periods prior to April 1, 1987, or after December 31, ~~2016~~ 2022, each new or newly covered employer shall pay contributions at a rate of 2.7 percent of wages paid by such employer with respect to employment during each calendar year until the

employer is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Sections 34-8-158 through 34-8-162.

(b) For periods on or after April 1, 1987, but on or before December 31, 1999, each new or newly covered employer shall pay contributions at a rate of 2.64 percent of wages paid by such employer with respect to employment during each calendar year until the employer is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Sections 34-8-158 through 34-8-162.

(c) For periods on or after January 1, 2000, but on or before December 31, 2016, each new or newly covered employer shall pay contributions at a rate of 2.62 percent of wages paid by such employer with respect to employment during each calendar year until the employer is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Sections 34-8-158 through 34-8-162.

(d) For periods on or after January 1, 2017, but on or before December 31, 2022, each new or newly covered employer shall pay contributions at a rate of 2.64 percent of wages paid by such employer with respect to employment during each calendar year until the employer is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Sections 34-8-158 through 34-8-162."

SECTION 3.

Said chapter is further amended by revising the introductory language in subsections (c) and (e) of Code Section 34-8-155, relating to benefit experience and variations from standard rate, as follows:

"(c) For the periods prior to April 1, 1987, or after December 31, ~~2016~~ 2022, variations from the standard rate of contributions shall be determined in accordance with the following requirements:"

"(e) For the periods on or after January 1, 2000, but on or before December 31, ~~2016~~ 2022, variations from the standard rate of contributions shall be determined in accordance with the following requirements:"

SECTION 4.

Said chapter is further amended by revising Code Section 34-8-180, relating to creation of administrative assessment upon all wages and assessments due quarterly, as follows:

"34-8-180.

~~(a) For the periods on or after April 1, 1987, but on or before January 1, 2000, there is created an administrative assessment of .06 percent to be assessed upon all wages, as defined in Code Section 34-8-49, except wages of the following employers:~~

~~(1) Those employers who have elected to make payments in lieu of contributions as provided by Code Section 34-8-158 or who are liable for the payment of contributions as provided in said Code section; or~~

~~(2) Those employers who, by application of the State-wide Reserve Ratio as provided in Code Section 34-8-156, have been assigned the minimum positive reserve rate or the maximum deficit reserve rate.~~

~~(b)~~(a) For the periods on or after January 1, 2000, but on or before December 31, 2016, there is created an administrative assessment of 0.08 percent to be assessed upon all wages as defined in Code Section 34-8-49, except the wages of:

(1) Those employers who have elected to make payments in lieu of contributions as provided by Code Section 34-8-158 or who are liable for the payment of contributions as provided in said Code section; or

(2) Those employers who, by application of the State-wide Reserve Ratio as provided in Code Section 34-8-156, have been assigned the minimum positive reserve rate or the maximum deficit reserve rate.

(b) For the periods on or after January 1, 2017, but on or before December 31, 2022, there is created an administrative assessment of 0.06 percent to be assessed upon all wages as defined in Code Section 34-8-49, except the wages of:

(1) Those employers who have elected to make payments in lieu of contributions as provided by Code Section 34-8-158 or who are liable for the payment of contributions as provided in said Code section; or

(2) Those employers who, by application of the State-wide Reserve Ratio as provided in Code Section 34-8-156, have been assigned the minimum positive reserve rate or the maximum deficit reserve rate.

(c) Assessments pursuant to this Code section shall become due and shall be paid by each employer and must be reported on the employer's quarterly tax and wage report according to such rules and regulations as the Commissioner may prescribe. The assessments provided in this Code section shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this subsection is unlawful."

SECTION 5.

Said chapter is further amended by revising Code Section 34-8-181, relating to additional assessment for new or newly covered employer, as follows:

"34-8-181.

~~(a) For the periods on or after April 1, 1987, but on or before December 31, 1999, in addition to the rate paid under Code Section 34-8-151, each new or newly covered employer shall pay an administrative assessment of .06 percent of wages payable by it with respect to employment during each calendar year until it is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Section 34-8-158.~~

~~(b)~~(a) For the periods on or after January 1, 2000, but on or before December 31, 2016, in addition to the rate paid under Code Section 34-8-151, each new or newly covered employer shall pay an administrative assessment of 0.08 percent of wages payable by it with respect to employment during each calendar year until it is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Section 34-8-158.

(b) For the periods on or after January 1, 2017, but on or before December 31, 2022, in addition to the rate paid under Code Section 34-8-151, each new or newly covered

employer shall pay an administrative assessment of 0.06 percent of wages payable by it with respect to employment during each calendar year until it is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Section 34-8-158."

SECTION 6.

Said chapter is further amended by revising Code Section 34-8-185, relating to repealer of the article, as follows:

"34-8-185.

This article shall stand repealed in its entirety on ~~December 31, 2016~~ January 1, 2023."

SECTION 7.

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

Representative Strickland of the 111th moved that the House adopt the report of the Committee of Conference on HB 904.

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
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 Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Duncan
Ealum
Y Efstration
Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Gilligan
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jasperse
Y Jones, J
Y Jones, J.B.
Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lott
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Metze
Y Mitchell
Y Morris
Mosby
Y Nimmer
Y Nix
Y Oliver
Y Pak
Y Parrish
Y Parsons
Peake
Y Petrea
Y Pezold
Y Pirkle
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
E Rice
Y Rogers, C
Y Rogers, T
Y Rutledge
E Rynders
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
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 Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Mayo	Y Setzler	Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 159, nays 0.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 18. By Senators Harbison of the 15th, Davenport of the 44th, Jones of the 10th, Fort of the 39th, James of the 35th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, so as to provide that the Technical College System of Georgia shall establish policies for granting academic credit to students for college level learning acquired prior to enrollment from military service, work experience, service in the community, or independent study; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 184. By Senators Black of the 8th, Burke of the 11th, Tolleson of the 20th, Hufstetler of the 52nd and Heath of the 31st:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to general provisions relative to dogs, so as to provide that breed-specific regulation shall be limited to enactment by general law; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 319. By Senators Jackson of the 2nd, Kirk of the 13th, Unterman of the 45th, Henson of the 41st and Orrock of the 36th:

A BILL to be entitled an Act to amend Code Section 43-10A-3 of the Official Code of Georgia Annotated, relating to definitions relative to professional counselors, social workers, and others, so as to revise the definition of "professional counseling"; to repeal conflicting laws; and for other purposes.

SB 388. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, so as to prohibit the removal of a sticker without authorization; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate amendment to the following bill of the House:

HB 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 agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 659. By Representatives Belton of the 112th, Dudgeon of the 25th, Caldwell of the 20th, Nix of the 69th, Glanton of the 75th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education accountability assessment programs, so as to provide transparency of financial information of local school systems and schools, to the greatest extent practicable; to provide for legislative intent; to provide for definitions; to provide for accessibility to certain financial data of a local board of education; to provide for school level budget and expenditure data; to require local school systems and schools to provide certain information on their websites; to provide for certain data and reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 275. By Senators Williams of the 27th, Ligon, Jr. of the 3rd, Burke of the 11th, Gooch of the 51st, Martin of the 9th and others:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, so as to provide that the governing body of any county, consolidated government, or municipality; local board of education; or any other governmental entity shall not adopt or maintain any policy, rule, or other provision that has the effect of preventing the free exercise of the right of freedom of speech by the members of the governing body and the ability of members of the governing body to discuss freely the policies and actions of such entity; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has agreed to the House amendments to the Senate substitutes to the following bills of the House:

HB 59. By Representatives Willard of the 51st, Efstration of the 104th, Powell of the 171st, Atwood of the 179th, Pak of the 108th and others:

A BILL to be entitled an Act to amend Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to waiver of sovereign immunity as to actions ex contractu and state tort claims, so as to provide for waiver of sovereign immunity for declaratory judgment or injunctive relief; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 808. By Representatives Willard of the 51st, Jones of the 47th, Burns of the 159th, Oliver of the 82nd, Meadows of the 5th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to courts, so as to create a new Judicial Qualifications Commission; to provide for the powers, composition, and appointment of such commission; to amend Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to certain proceedings exempted from open meetings requirements, so as to remove any exemptions for meetings of the Judicial Qualifications Commission; to provide effective dates; to provide for contingent automatic repeal; to repeal conflicting laws; and for other purposes.

HB 936. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Duncan of the 26th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from income taxes, so as to clarify certain terms in respect to the wages necessary to qualify for a jobs tax credit; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 937. By Representatives Harrell of the 106th, Powell of the 171st, Stephens of the 164th, Knight of the 130th, Williamson of the 115th 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 tax, so as to change the sunset provision for the exemption for projects of regional significance; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 960. By Representatives Kelley of the 16th, Sims of the 123rd, Dempsey of the 13th, Harrell of the 106th, Houston of the 170th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 48 of the O.C.G.A., relating to state administration and collection of revenue, so as to provide for confidentiality of certain tax information; to provide for an interest rate on delinquent payments that adjusts to reflect changes in the prime rate; to adjust the penalties for nonpayment of ad valorem taxes to offset the reduction in interest rate; to make distribution of penalties equitable between taxing jurisdictions; to provide for additional procedures, conditions, and limitations; to provide for notice to political subdivisions upon the filing of certain tax refund requests; to provide for confidentiality of taxpayer information; to provide for automatic transfer to the Georgia Tax Tribunal in certain cases; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendments to the Senate amendments to the following bills of the House:

HB 362. By Representatives Clark of the 101st, Cooper of the 43rd, Fleming of the 121st, Coleman of the 97th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies,

so as to authorize licensed health practitioners to prescribe albuterol sulfate for schools; to authorize pharmacists to fill such prescriptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 879. By Representatives Taylor of the 79th, Reeves of the 34th, Stephens of the 164th, Beskin of the 54th and Marin of the 96th:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary educational programs, so as to provide for the issuance of a seal of biliteracy for high school graduates who have achieved a high level of proficiency in speaking, reading, and writing one or more languages in addition to English; to provide for criteria; to provide for participation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bills of the Senate and House:

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

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

SB 199. By Senators Jeffares of the 17th, Mullis of the 53rd, Jones of the 25th, Dugan of the 30th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a definition; to prohibit certain activities within close proximity to polling places; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 258. By Senators Millar of the 40th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to creation of county boards of equalization, duties, review of assessments, and appeals, so as to provide that the assessed value of property for a taxable year shall not be increased beyond the initial assessment value established by the board of tax assessors during an appeal of such valuation for such taxable year by the taxpayer but may be

reduced as a result of the appeal of the taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to require a driver who refused blood alcohol concentration testing as required by implied consent laws or an offender convicted of DUI with a blood alcohol concentration of 0.15 grams or higher to install and maintain ignition interlock devices on his or her vehicle; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to uniform rules of the road, so as to provide for the probation of terms of imprisonment for DUI offenders in certain instances; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as condition of probation, so as to provide for the court issuance of a certificate of installation of ignition interlock devices; to provide for related matters; to repeal conflicting laws; and for other purposes.

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 904. By Representatives Strickland of the 111th, Shaw of the 176th, Fleming of the 121st, Bryant of the 162nd and Kirby of the 114th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain contribution rates and credits; to change certain provisions relating to rate of employer contributions; to extend certain provisions relating to variations in the standard rate; to extend provisions relating to administrative assessments; to reduce the percentage of the administrative assessment to be assessed for a certain period; to provide exceptions; to change certain

provisions relating to additional assessments for a new or newly covered employer; to extend the provision relating to automatic repeal; 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 sine die, and the motion prevailed.

Pursuant to HR 1114, adopted by the House and Senate, the Speaker announced the House adjourned sine die.