Representative Hall, Atlanta, Georgia

Monday, March 6, 2006

The House met pursuant to adjournment at 1:00 o'clock, P.M., this day and was called to order by the Speaker.

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

Abdul-Salaam
Amerson
E Anderson
Ashe
Barnard
E Barnes
Bearden
Benton
Black
E Borders
Bridges
Brooks
Brown
E Bryant
Buckner, D
Burkhalter
Burmeister
Burns
Byrd
Carter
E Casas
Chambers
Cheokas
Cole
Coleman, B
Cooper
Cox
Cummings
Davis
E Day
Dean
Dickson
Dodson
Ehrhart
England
Everson
Fleming
Floyd, J
Fludd
Forster
Franklin
Geisinger
Graves, D
Graves, T
Greene
Hanner
Harbin
Hatfield
Heard, J
Heard, K
Heckstall
Hembree
Henson
Hill, C.A
Holmes
Holt
Houston
Howard, E
E Hudson
Hugley
E Jackson
Jacobs
James
Jamieson
Jenkins
Jennings
Johnson
Jones, S
Keen
Keown
Kidd
Knight
Knox
Lakly
Lane, R
Lewis
Lindsey
Lord
Loudermilk
Maddox
Marin
Martin
Maxwell
May
E McClinton
Meadows
E Millar
Mills
Morris
Mosby
Mosley
Mumford
Murphy, J
E Murphy, Q
Neal
Oliver
O'Neal
Orrock
Parham
Parsons
Porter
Powell
Randall
Reece, B
Reece, S
E Reese
Rice
Roberts
Rogers
Royal
Rynders
Sailor
Scheid
Scott, A
Scott, M
Setzler
Shaw
Sheldon
E Sims, C
Sims, F
Sinkfield
Smith, B
Smith, P
Smith, R
Smith, T
Smith, V
Smyre
Talton
Teilhet
Thomas, A.M
Thomas, B
Tumlin
Warren
Watson
Wilkinson
Williams, A
Williams, E
E Williams, R
Richardson, Speaker

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

Representatives Beasley-Teague of the 65th, Benfield of the 85th, Bordeaux of the 162nd, Bruce of the 64th, Channell of the 116th, Coan of the 101st, Coleman of the 144th, Crawford of the 127th, Dollar of the 45th, Drenner of the 86th, Dukes of the 150th, Epps of the 128th, Floyd of the 99th, Freeman of the 140th, Gardner of the 57th, Golick of the 34th, Horne of the 71st, Jordan of the 77th, Lane of the 158th, Lucas of the 139th, Lunsford of the 110th, Mangham of the 94th, Manning of the 32nd, McCall of the 30th, Mitchell of the 88th, Parrish of the 156th, Ralston of the 7th, Ray of the 136th, Smith of the 70th, Stanley-Turner of the 53rd, Stephenson of the 92nd, Walker of the 107th, Willard of the 49th, Wix of the 33rd, and Yates of the 73rd.

They wish to be recorded as present.

Prayer was offered by Pastor Keith Goodlet, Hand Memorial United Methodist Church, Pelham, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

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

The Journal was confirmed.

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

1. Introduction of Bills and Resolutions.

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

3. Second reading of Bills and Resolutions.

4. Reports of Standing Committees.

5. Third reading and passage of Local uncontested Bills.

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

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

HB 1516. By Representative Jacobs of the 80th:

A BILL to be entitled an Act to amend Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to conduct of special elections generally, so as to provide that special elections regarding the issuance of bonds and the imposition of sales and use taxes shall be held only on the Tuesday after the first Monday in November in even-numbered years; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1517. By Representative Knox of the 24th:

A BILL to be entitled an Act to amend Title 33 of O.C.G.A., relating to insurance, so as to promote the general fitness of the accident and sickness insurance market in this state; to authorize the Commissioner of Insurance to reduce, limit, modify, or exempt certain regulatory filing requirements; to provide for the determination by the Commissioner that the insurance market in this state is not functioning in a competitive manner; to provide for certain notice; to provide for certain filings regarding accident and sickness insurance following such notice; to require the Commissioner to approve certain filings and rate increases; to provide for applicability; to provide for rules and regulations concerning such filings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 1518. By Representatives Reece of the 11th, Jamieson of the 28th, Oliver of the 83rd and Kidd of the 115th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to require written notification by a local board of education of any breach of security relating to the unauthorized access of social security numbers of students and employees; to provide for a definition; to provide for delayed notice in certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 1519. By Representative Porter of the 143rd:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Dudley, Georgia, in the County of Laurens, approved February 18, 1977 (Ga. L. 1977, p. 2657), as amended, so as to annex certain territory into the City of Dudley and thereby change the corporate limits of such city; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1520. By Representatives Reece of the 11th, Jamieson of the 28th, Benton of the 31st, McCall of the 30th, Neal of the 1st and others:

A BILL to be entitled an Act to amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, so as to revise a definition; to extend the date by which persons must apply to be licensed without examination; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 1521. By Representative Porter of the 143rd:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Dublin, Georgia, in the County of Laurens, approved April 11, 1979 (Ga. L. 1979, p. 3568), as amended, particularly by an Act approved March 26, 1987 (Ga. L. 1987, p. 4810), an Act approved March 20, 1990 (Ga. L. 1990, p. 4073), and an Act approved October 1, 2001 (Ga. L. Ex. Sess. 2001, p. 665), so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1522. By Representative Porter of the 143rd:

A BILL to be entitled an Act to amend an Act providing a charter for the City of East Dublin, approved April 9, 1981 (Ga. L. 1981, p. 4645), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 3769), so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1523. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Banks County school district ad valorem taxes for educational purposes in the amount of $20,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or over or disabled; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1524. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Banks County school district ad valorem taxes for educational purposes in the amount of $20,000.00 of the assessed value of the homestead for residents of that school district who are 62 years of age or over and whose income, excluding certain retirement income, does not exceed $10,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1525. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Banks County school district ad valorem taxes for educational purposes in the amount of $20,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1526. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide an additional homestead exemption from Stephens County ad valorem taxes for county purposes in the amount of $25,000.00 of the assessed value of the homestead for residents of that county who are 65 years of age or over or disabled; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1527. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Banks County ad valorem taxes for county purposes in the amount of $5,000.00 of the assessed value of the homestead for residents of that county who are 62 years of age or over and whose income, excluding certain retirement income, does not exceed $10,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1528. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to amend an Act providing a homestead exemption from Banks County School District ad valorem taxes for educational purposes in the amount of $16,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes not exceeding $10,000.00 and who are 65 years of age or over, approved April 13, 2001 (Ga. L. 2001, p. 4130), so as to increase the amount of such exemption; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1529. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide an additional homestead exemption from Stephens County school district ad valorem taxes for educational purposes in the amount of $25,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or over or disabled; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1530. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Stephens County ad valorem taxes for county purposes for residents of that county who are disabled veterans or their unremarried surviving spouses, if

deceased, on a current or subsequent homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1531. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Stephens County school district ad valorem taxes for educational purposes for residents of that school district who are unremarried surviving spouses of United States service members killed in action to be received on a current or subsequent homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1532. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Stephens County ad valorem taxes for county purposes for residents of that county who are unremarried surviving spouses of United States service members killed in action to be received on a current or subsequent homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1533. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Stephens County, approved March 22, 1937 (Ga. L.1937, p. 1415), as amended, so as to reconstitute the board of commissioners as a five-member board; to provide for definitions and inclusions; to provide for continuation in office of certain current board members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act

of 1965, as amended; to provide for a referendum; to provide for automatic repeal under certain circumstances; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1534. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Stephens County school district ad valorem taxes for educational purposes for residents of that school district for disabled veterans or their unremarried surviving spouses, if deceased, on a current or subsequent homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1535. By Representatives Hugley of the 133rd, Smith of the 13th, Oliver of the 83rd, Porter of the 143rd, Smyre of the 132nd and others:

A BILL to be entitled an Act to amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to define interest rates to be charged in pawn transactions involving a motor vehicle or motor vehicle certificate of title; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

HB 1537. By Representative Smith of the 113th:

A BILL to be entitled an Act to amend Code Section 50-5-77 of the Official Code of Georgia Annotated, relating to multiyear lease, purchase, or lease purchase agreements, so as to provide for additional requirements with respect to certain leases, contracts, or agreements; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1538. By Representatives Coan of the 101st and Reese of the 98th:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, so as to provide for the rejection of construction contracts when certain subcontractors, low tier subcontractors, or materialmen do not provide required insurance coverage; to provide for the definitions of certain terms; to prohibit a general contractor or subcontractor from rejecting work completed, rejecting material supplied, or withholding payment due to lack of conforming insurance following acceptance of a policy or certificate of insurance; to provide certain exceptions; to authorize a general contractor or subcontractor to reject a policy or certificate in writing as nonconforming and withhold payment for work performed or materials supplied; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1539. By Representatives Coan of the 101st and Reese of the 98th:

A BILL to be entitled an Act to amend Code Section 33-1-9 of the Official Code of Georgia Annotated, relating to insurance fraud, venue, penalty, and exemption, so as to provide that issuing, with the intent to defraud, any certificate of insurance which alters or represents any policy coverage, exclusion, provision, or condition in any form other than actually contained in the policy shall constitute a crime of insurance fraud; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1540. By Representatives Fludd of the 66th, Orrock of the 58th, Murphy of the 120th, Stephenson of the 92nd, Mosby of the 90th and others:

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 provide for periodic tax expenditure reports; to provide for legislative findings and declarations; to provide for definitions; to provide for the contents of such reports; to provide for powers, duties, and authority of the Governor and the state revenue commissioner; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1541. By Representatives Coan of the 101st and Reese of the 98th:

A BILL to be entitled an Act to amend Code Section 13-8-2 of the Official Code of Georgia Annotated, relating to contracts contravening public policy generally, so as to provide that any contract of insurance which provides for indemnification against liability for damages arising out of bodily injury to persons or damage to property caused by a promisee or indemnitee in connection with a contract or agreement relative to the construction, alteration, repair, or maintenance of a building structure, appurtenances, and appliances is against public policy, void, and unenforceable; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1543. By Representatives Knox of the 24th, Fleming of the 117th, Crawford of the 127th, Mumford of the 95th and Graves of the 12th:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to assault and battery, so as to provide for increased penalties if assault or aggravated assault is committed against a prosecuting attorney; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1544. By Representatives Mumford of the 95th, Stephenson of the 92nd and Mangham of the 94th:

A BILL to be entitled an Act to provide that the chief magistrate and other magistrates of the Magistrate Court of Rockdale County meet certain qualifications to hold office; to provide that such chief magistrate and other magistrates must have actively practiced law for at least three years in this state immediately before taking office; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1545. By Representative Beasley-Teague of the 65th and Fludd of the 66th:

A BILL to be entitled an Act to authorize the City of Union City to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1548. By Representative Jacobs of the 80th:

A BILL to be entitled an Act to amend Code Section 40-14-9 of the Official Code of Georgia Annotated, relating to inadmissibility of evidence obtained by speed detection devices in certain areas, so as to remove the restriction on use of speed detection devices on a highway which has a grade in excess of 7 percent; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1552. By Representatives Fleming of the 117th, Everson of the 106th and Talton of the 145th:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the death penalty generally, so as to provide that the death penalty may be imposed where the jury finds at least one aggravating circumstance, but is unable to reach a unanimous verdict as to the sentence, taking into account the majority vote of the jurors; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1553. By Representatives Franklin of the 43rd, Rice of the 51st, Reese of the 98th, Hembree of the 67th, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue, so as to require state licenses for adult video stores; to provide for definitions of certain terms; to establish license fees; to provide penalties; to provide for transferability of licenses under certain conditions; to provide for powers, duties, and authority of the state revenue commissioner; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1554. By Representative Jenkins of the 8th:

A BILL to be entitled an Act to amend an Act reincorporating the City of Clayton, approved August 17, 1909 (Ga. L. 1909, p. 600), as amended, so as

to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1555. By Representatives Davis of the 109th, Mosby of the 90th and Barnes of the 78th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Stockbridge," approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to provide for council districts; to provide for the election of the mayor and councilmembers; to provide for residency; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HR 1637. By Representatives Hill of the 180th, Hatfield of the 177th, Shaw of the 176th, Borders of the 175th and Smith of the 168th:

A RESOLUTION dedicating the Okefenokee Trail; and for other purposes.

Referred to the Committee on Transportation.

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

HB 1563. By Representatives Hatfield of the 177th, Mumford of the 95th and Franklin of the 43rd:

A BILL to be entitled an Act to amend Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to inspection of criminal records and purging, modifying, or supplementing of records, so as to provide that a person who is found not guilty after a criminal trial shall be entitled to have the record of his or her arrest expunged; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1564. By Representatives Benton of the 31st and Powell of the 29th:

A BILL to be entitled an Act to amend Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle certificates of title, security interests, and liens, so as to change certain provisions relating to definitions; to change certain provisions relating to salvaged or rebuilt motor vehicles, inspections, and fees; to amend Code Section 43-47-2 of the Official Code of Georgia Annotated, relating to definitions relative to the "Used Motor Vehicle Dealers´ and Used Motor Vehicle Parts Dealers´ Registration Act," so as to redefine a term; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1565. By Representative Smyre of the 132nd:

A BILL to be entitled an Act to amend Code Section 7-5-3 of the Official Code of Georgia Annotated, relating to the organization of credit card banks, so as to require credit card banks and domestic lenders to conduct criminal history background checks on employees who have access to credit card account information; to change certain provisions relating to the organization of credit card banks; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

HB 1566. By Representatives Hill of the 21st, Murphy of the 23rd and Byrd of the 20th:

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

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1567. By Representative Lane of the 158th:

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 red drum as the official state salt-water fish; to provide legislative findings and declarations; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

HR 1661. By Representative Hatfield of the 177th:

A RESOLUTION celebrating the life of Noah Hershel Stokes and dedicating the Hershel Stokes Memorial Overpass; and for other purposes.

Referred to the Committee on Transportation.

HR 1662. By Representatives Buckner of the 130th, Smith of the 129th and Cheokas of the 134th:

A RESOLUTION celebrating the life of Mary Will Robinson and dedicating the Mary Will Robinson Memorial Highway in her memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1663. By Representatives Sheldon of the 105th, Brown of the 69th, Manning of the 32nd, Cox of the 102nd, Graves of the 137th and others:

A RESOLUTION creating the House Study Committee on Public Health; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 1664. By Representatives Sheldon of the 105th, Brown of the 69th, Manning of the 32nd, Cox of the 102nd, Graves of the 137th and others:

A RESOLUTION creating the Joint Study Committee on Public Health; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 1665. By Representative Reece of the 27th:

A RESOLUTION recognizing April 8, 2006, as Minority Entrepreneurship Education Day in Georgia; and for other purposes.

Referred to the Committee on Economic Development & Tourism.

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

HB 1494	HB 1546
HB 1499	HB 1547
HB 1500	HB 1549
HB 1501	HB 1550
HB 1502	HB 1551
HB 1503	HR 1608
HB 1504	HR 1609
HB 1505	HR 1634
HB 1508	HR 1635
HB 1510	HR 1636
HB 1511	SB 370
HB 1512	SB 423
HB 1513	SB 484
HB 1514	SB 504
HB 1515	SB 515
HB 1536	SB 535
HB 1542	SB 589

Representative Lane of the 158th District, Chairman of the Committee on Game, Fish and Parks, submitted the following report:

Mr. Speaker:

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

HB 695	Do Pass, by Substitute	HB 1488	Do Pass
HB 1460	Do Pass, by Substitute	HB 1489	Do Pass, by Substitute

Respectfully submitted,
/s/ Lane of the 158th
Chairman

Representative Walker of the 107th District, Chairman of the Committee on Human Relations and Aging, submitted the following report:

Mr. Speaker:

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

HB 1451 Do Pass, by Substitute

Respectfully submitted,
/s/ Walker of the 107th
Chairman

Representative Willard of the 49th District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

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

HB 931 Do Pass, by Substitute

Respectfully submitted,
/s/ Willard of the 49th
Chairman

Representative Ralston of the 7th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

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

HB 1167	Do Pass	HB 1406	Do Pass
HB 1193	Do Pass, by Substitute	SB 398	Do Pass

Respectfully submitted,
/s/ Ralston of the 7th
Chairman

Representative Bridges of the 10th District, Chairman of the Committee on Retirement, submitted the following report:

Mr. Speaker:

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

HB 379 Do Pass, by Substitute

Respectfully submitted,
/s/ Bridges of the 10th
Chairman

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

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

HB 491	Do Pass, by Substitute	HB 1477	Do Pass
HB 831	Do Pass, by Substitute	HB 1478	Do Pass
HB 1394	Do Pass, by Substitute	HB 1479	Do Pass
HB 1474	Do Pass	HB 1480	Do Pass
HB 1475	Do Pass	HB 1481	Do Pass
HB 1476	Do Pass	SB 501	Do Pass

Respectfully submitted,
/s/ Smith of the 168th
Chairman

Representative O'Neal of the 146th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

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

HB 304	Do Pass, by Substitute	HB 1249	Do Pass, by Substitute
HB 834	Do Pass, by Substitute	HB 1300	Do Pass, by Substitute
HB 893	Do Pass, by Substitute	HB 1301	Do Pass, by Substitute
HB 1030	Do Pass, by Substitute	HB 1361	Do Pass, by Substitute
HB 1120	Do Pass, by Substitute	HR 773	Do Pass, by Substitute
HB 1121	Do Pass, by Substitute		

Respectfully submitted,
/s/ O'Neal of the 146th
Chairman

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

HOUSE RULES CALENDAR
MONDAY, MARCH 6, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 27th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 988 War of 1812 Bicentennial Commission; create
HB 1470 Milton, City of; provide charter

Modified Open Rule

None

Modified Structured Rule

None

Structured Rule

HB 1012 General obligation bonds; requirements; provisions

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

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

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

HB 491. By Representative Jenkins of the 8th:

A BILL to be entitled an Act to amend an Act to create the office of Commissioner of Towns County, approved March 14, 1984 (Ga. L. 1984, p. 4130), as amended, so as to reconstitute the board of commissioners of Towns County and revise and restate the law relating to the board; to provide for continuation in office of the present sole county commissioner; to provide for election of the five-member board of commissioners upon a vacancy in the office of sole commissioner; to provide for exercise of the power of the sole commissioner by the judge of the probate court until the vacancy is filled; to provide for the establishment of commissioner districts; to provide for the election and terms of office for subsequent members; to provide for filling vacancies; to provide for the powers, duties, and authority of the chairperson and members of the board; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend an Act to create the office of Commissioner of Towns County, approved March 14, 1984 (Ga. L. 1984, p. 4130), as amended, so as to reconstitute the board of commissioners of Towns County and revise and restate the law relating to the board; to provide for continuation in office of the present sole county commissioner; to provide for election of the five-member board of commissioners upon a vacancy in the office of sole commissioner; to provide for exercise of the power of the sole commissioner by the judge of the probate court until the vacancy is filled; to provide for the establishment of commissioner districts; to provide for the election and terms of office for subsequent members; to provide for filling vacancies; to provide for the powers, duties, and authority of the chairperson and members of the board; to provide for regular and special meetings; to provide for annual audits of county finances and financial records; to provide for a quarterly report for receipts and disbursements of funds; to provide for related matters; to provide for submission of this Act for preclearance under the federal Voting Rights Act

of 1965, as amended; to provide for a referendum; to provide for automatic repeal in certain circumstances; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to create the office of Commissioner of Towns County, approved March 14, 1984 (Ga. L. 1984, p. 4130), as amended, is amended by striking Section 1 and all other substantive sections of said Act and inserting in place thereof the following revision and restatement of the law relating to the Board of Commissioners of Towns County:

"SECTION 1.

(a) Except as otherwise provided in subsections (b) and (c) of this section, the office of the sole county commissioner of Towns County which exists on January 1, 2005, is continued in existence as the governing authority of Towns County through December 31, 2008. On and after January 1, 2009, a board of commissioners shall be constituted as provided in this Act and shall be the governing authority of Towns County.

(b) In the event a vacancy in the office of the sole county commissioner of Towns County occurs before the election and qualification of the members of the board of commissioners established by subsection (a) of this section, the vacancy shall be filled for the unexpired term of the sole county commissioner by special election of five members of the board of commissioners, as provided in this Act. Such special election shall be called within ten days after the date of the vacancy, and shall be held and conducted in accordance with the applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(c) In the event a vacancy in the office of the sole county commissioner of Towns County occurs after the election and qualification of the members of the board of commissioners established by subsection (a) of this section, but before January 1, 2009, such vacancy shall be filled by the five newly elected members of the board of commissioners, who shall take office as soon as possible. In this event, the terms of office of the newly elected members of the board of commissioners shall expire as provided in Section 2 of this Act.

(d) In the event of a vacancy in the office of sole commissioner as set out in subsection (b) or (c) of this section, the judge of the Probate Court of Towns County shall be vested with and exercise the powers and duties of the sole commissioner until the vacancy is filled by the procedure set out in subsection (b) or (c), as appropriate.

SECTION 2.

(a) The Board of Commissioners of Towns County shall be composed of five members.

(b) The member of the board who is the chairperson of the board may reside anywhere within Towns County and, if elected, must receive the number of votes cast for that

office as required by general law in the entire county. The chairperson must continue to reside within the county during that person's term of office, or that office shall become vacant. The chairperson shall devote full time to the duties of the office.

(c) For purposes of electing members of the board of commissioners, other than the chairperson, Towns County is divided into four commissioner districts. One member of the board shall be elected from each district. The four commissioner districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: TOWNSP1 Plan Type: Local User: staff Administrator: Towns.

(d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) 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 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the census for the United States decennial census of 2000 for the State of Georgia. Any part of Towns County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Towns County which is described in that attachment as being 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 2000 for the State of Georgia.

(e) In order to be elected as a member of the board from a commissioner district, a person must receive the number of votes cast as required by general law for that office in the entire county. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant.

(f) All members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(g) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that office.

(h) Except as otherwise provided in subsections (b) and (c) of Section 1 of this Act, the first members of the board of commissioners elected under this Act shall be elected in the general election of November 2008.

(i) The terms of office of members elected from Commissioner Districts 1 and 3 shall expire December 31, 2010, when their successors are elected and qualified. The terms of office of members elected from Commissioner Districts 2 and 4 shall expire

December 31, 2012, when their successors are elected and qualified. Successors to members so elected shall be elected at the general election next preceding the expiration of such terms of office and shall take office on January 1 following their election for terms of four years and until their successors are elected and qualified.

SECTION 3.

When a vacancy occurs in the board of commissioners, and the unexpired term of office exceeds six months, it shall be the duty of the judge of the probate court to call a special election to elect a successor and fill the vacancy in not less than 30 nor more than 60 days, as prescribed in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' If the unexpired term to be filled is less than six months in duration, the judge of the superior court of the county shall have the power to appoint a successor to fill the unexpired term.

SECTION 4.

(a) The board shall have the power and authority to fix and establish by appropriate resolution, entered on its minutes, policies, rules, and regulations governing all matters reserved to the jurisdiction of the board. Such policies, rules, and regulations, when so adopted with proper entry thereof made on the minutes of the board, shall be conclusive and binding. The board shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions.

(b) The board shall exercise all power and authority formerly vested in the sole county commissioner.

(c) The board shall have such duties, powers, and authority which are or may be vested in the board by the Constitution or general laws of this state, including, but not limited to, the following:

(1) To levy taxes;

(2) To fix fees;

(3) To make appropriations;

(4) To fix rates and charges for services provided by the county;

(5) To authorize the incurring of indebtedness;

(6) To order work done where the cost is to be assessed against benefited property and to fix the basis for such assessment;

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

(8) To establish, alter, open, close, build, repair, or abolish public roads and bridges, according to law; provided, however, that the chairperson shall have the authority to adopt subdivision plats when the requirement established by the board for subdivisions is met;

(9) To accept for the county the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;

(10) To regulate land use by the adoption of a comprehensive development plan and by the adoption of other planning and zoning ordinances which relate reasonably to

the public health, safety, morality, and general welfare of the county and its citizens; and to exercise all other powers, duties, and authority in respect to zoning and planning as authorized by law;

(11) To create and change the boundaries of special districts authorized by law;

(12) To fix the bonds of county officers where same are not fixed by statute;

(13) To enact any ordinances or other legislation which the county may be given authority to enact;

(14) To determine the priority of capital improvements;

(15) To call elections for the voting of bonds; and

(16) To appoint and retain legal counsel and an independent county auditor and provide for their compensation.

SECTION 5.

(a) The chairperson shall be the official head of the board.

(b) The chairperson shall cause an agenda to be established for and preside at all meetings of the board unless absent.

(c) The chairperson shall have all the rights, powers, duties, and responsibilities of a member of the board, including the right and power to make motions and nominations, except that the chairperson shall not vote on matters before the board except to express unanimity or where there is equal division on the question.

(d) The chairperson may serve as a member of boards, commissions, and committees as required by law or as requested by the board and shall perform such other duties as may be required by law.

(e) The board shall elect one of the members to serve as vice chairperson. The vice chairperson shall cause an agenda to be established for and preside at all meetings at which the chairperson is absent. In such event, the vice chairperson shall retain all of his or her rights, duties, powers, and responsibilities as a member of the board, including the right to make motions and to vote on matters before the board.

SECTION 6.

(a) Before entering upon the discharge of their duties, the members shall subscribe to an oath for the true and faithful performance of their duties, and to uphold the laws and constitutions of the State of Georgia and the United States of America.

(b) The board shall hold a minimum of one regular meeting per month for the transaction of business as may legitimately come before it. Special meetings may be convened. Public notice of the time, place, and dates shall be published and posted in a conspicuous place at least 24 hours in advance of the meeting and such notice shall be provided to the legal organ of the county in which public notices of sheriffs sales are published.

(c) The board shall cause minutes of its meetings to be kept. A book of resolutions, acts, motions, rulings, and ordinances shall be kept. These records shall be available for public inspection in accordance with the laws of the State of Georgia.

(d) The public shall at all times be afforded access to meetings declared open to the public and all matter shall be transacted in accordance with Chapter 14 of Title 50 of the O.C.G.A.

SECTION 7.

(a) The board shall adopt and operate under annual budgets.

(b) The board shall provide for and cause to be made annual audits in accordance with the laws of the State of Georgia.

(c) The board shall provide for and cause detailed reviews of all receipts and expenditures by each department or cost center on a quarterly basis. Such reviews shall show actual amounts versus the budget and prior years. Significant variances shall be detailed to the board's satisfaction.

SECTION 8.

(a) The chairperson of the board shall be compensated not less than the clerk of the superior court of Towns County in monthly installments from the funds of the county. The board of commissioners may supplement such pay as the members of the board deem appropriate by majority vote.

(b) The commissioners other than the chairperson shall be compensated in the amount of $500.00 monthly from funds of the county. The commissioners other than the chairperson shall receive reimbursement for actual expenses incurred in the performance of their official duties."

SECTION 2.

The governing authority of Towns County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 60 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 3.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Towns County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Towns County for approval or rejection. The election superintendent shall conduct that election on the third Tuesday in June, 2005, and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Towns County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which provides for a five-member board of commissioners, to be elected in November, 2008, or upon an earlier

( ) NO vacancy in the office of the sole commissioner of Towns County?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, then quoted Section 1 of Section 1 of this Act and the provisions of this Act relating to election of the five-member board of commissioners shall become of full force and effect immediately and the remainder of Section 1 of this Act shall become of full force and effect on January 1, 2009, or upon earlier election of a five-member board of commissioners in accordance with quoted Section 1 of Section 1 of this Act. If Section 1 of this Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Towns County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 4.

Except as otherwise provided in Section 3 of this Act, 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.

District 001
Towns County
Tract: 9601
BG: 1
BG: 2
2000 2001 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 2027 2030 2031 2032 2033 2034 2035 2036 2037
2038 2039 2040 2041 2042 2043
BG: 3
3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052 3053
3054

District 002
Towns County
Tract: 9601
BG: 2
2028 2029
BG: 3
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023

3024 3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035
3036 3037 3038 3039 3040 3041
Tract: 9602
BG: 1
BG: 2
2010 2011 2013 2014 2015 2016 2017 2018 2020 2023 2024 2025
2026 2027
Tract: 9603
BG: 3
3077 3078 3079 3080 3081 3082 3083 3084 3085 3086 3087 3089
3090 3996

District 003
Towns County
Tract: 9602
BG: 2
2079 2084 2997
Tract: 9603
BG: 1
1033 1034 1035 1036 1037 1038 1039 1040 1043 1044 1100 1101
1996
BG: 2
BG: 3
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023
3024 3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035
3036 3037 3038 3039 3040 3041 3042 3043 3044 3045 3046 3047
3048 3049 3050 3051 3052 3053 3054 3055 3056 3057 3058 3059
3060 3061 3062 3063 3064 3065 3066 3067 3068 3069 3070 3071
3072 3073 3074 3075 3076 3088 3997 3998 3999

District 004
Towns County
Tract: 9602
BG: 2
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2012 2019
2021 2022 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037
2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049
2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061
2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073
2074 2075 2076 2077 2078 2080 2081 2082 2083 2085 2086 2087
2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099
2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111

2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123
2124 2125 2126 2127 2998 2999
Tract: 9603
BG: 1
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1041 1042 1045
1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057
1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069
1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081
1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093
1094 1095 1096 1097 1098 1099 1102 1103 1104 1105 1106 1107
1108 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119
1120 1121 1122 1123 1124 1997 1998 1999

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

HB 831. By Representatives Warren of the 122nd, Howard of the 121st and Murphy of the 120th:

A BILL to be entitled an Act to amend an Act establishing the compensation of certain officials in Richmond County, approved April 12, 1982 (Ga. L. 1982, p. 3941), as amended, particularly by an Act approved February 4, 2002 (Ga. L. 2002, p. 3505), so as to provide for the compensation of certain officials in Richmond County; to provide for conforming amendments; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend an Act establishing the compensation of certain officials in Richmond County, approved April 12, 1982 (Ga. L. 1982, p. 3941), as amended, particularly by an Act approved February 4, 2002 (Ga. L. 2002, p. 3505), so as to provide for the compensation of certain officials in Richmond County; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act establishing the compensation of certain officials in Richmond County, approved April 12, 1982 (Ga. L. 1982, p. 3941), as amended, particularly by an Act approved

February 4, 2002 (Ga. L. 2002, p. 3505), is amended by striking and reserving paragraphs (1), (5), (9), (10), (11), and (12) of subsection (a) of Section 1 and by inserting a new subsection at the end of Section 1 to read as follows:

"(c)(1) Beginning May 1, 2006 through April 30, 2007, the following officials of Richmond County, Georgia, shall receive an annual salary, payable from the funds of Richmond County, Georgia, as follows:

(A) Clerk of superior court and state court $90,000.00

(B) Solicitor of the state court 90,000.00

(C) District attorney..... 35,000.00

(D) Judge of the superior court 34,000.00

(E) Chief judge of the superior court 36,000.00

(F) Sheriff 105,000.00

(2) Beginning May 1, 2007, and thereafter, the following officials of Richmond County, Georgia, shall receive an annual salary, payable from the funds of Richmond County, Georgia, as follows:

(A) Clerk of superior court and state court $97,000.00

(B) Solicitor of the state court 97,000.00

(C) District attorney..... 38,000.00

(D) Judge of the superior court 40,000.00

(E) Chief judge of the superior court 42,000.00

(F) Sheriff 110,000.00

(3) The compensation provided for in paragraphs (1) and (2) of this subsection shall be paid in equal monthly installments."

SECTION 2.

This Act shall become effective on May 1, 2006.

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.

HB 1394. By Representative Channell of the 116th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Greensboro, approved March 16, 1978 (Ga. L. 1978, p. 3932), as amended, so as to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend an Act providing a new charter for the City of Greensboro, approved March 16, 1978 (Ga. L. 1978, p. 3932), as amended, so as to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing a new charter for the City of Greensboro, approved March 16, 1978 (Ga. L. 1978, p. 3932), as amended, is amended by adding a new subsection at the end of Section 1.11, to be designated subsection (c), to read as follows:

"(c) In addition to the present territory included within the corporate limits of said town, the corporate limits shall also include the following:

TRACT I: HIGHWAY 4411-20 TRACT

PARCEL 1:

All that tract or parcel of land lying and being in the 163rd G.M. District of Greene County, Georgia, containing 92.821 acres, more or less, and being more particularly described by plat or survey dated February 13, 1987, prepared for O.W. Johnson, Jr., by Timberland Management Services, Inc., W.W. Lester, RLS # 2128, and being recorded in Plat Book 15, Page 17, Greene County Records. This is the same land conveyed to Lewis Reckaway, Jr., by Warranty Deed dated February 16, 1982, recorded in Deed Book 86, Page 726, Greene County Records. This is the same land conveyed from Lewis Reckaway Jr., to O.W. Johnson, Jr., by deed dated March 19, 1987, recorded in Deed Book 116, Page 225, Greene County records.

See also Deed Book 588, Pages 294-295, Greene County, Georgia, records, made a part hereof by reference

Map & Parcel No.: 052-0-00-023-0

PARCEL 2:

All that tract or parcel of land lying and being in the 163rd G.M. District of Greene County, Georgia, containing 238.45 acres, more or less, and more particularly described according to a plat made by T. Larry Rachels, R.L.S., on the

14th day of May, 1975, recorded in Plat Book 10, Page 26, Clerk´s Office, Greene County Superior Court, and incorporated herein by reference and to which reference is made for a more accurate and complete description. Said tract of land is bounded as follows: Now or formerly as follows: on the Northeast by lands of James H. Austin, formerly Whitehead Estate; on the Southeast by lands of E. Lloyd Lewis; on the Northwest by the right-of-way of Georgia Highway No. 44 leading from Eatonton, Georgia, to Greensboro, Georgia. This is the same tract of land conveyed by Abitibi Woodlands Corporation to Lassiter Properties, Inc. on September 6, 1973, by deed recorded in Deed Book 60, Pages 360 and 361.

See also Deed Book 588, Pages 294-295, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No.: 052-0-00-024-0

PARCEL 3:

All that tract or parcel of land, lying and being within the current corporate city limits of the City of Greensboro, 143rd G.M.D., Greene County, Georgia, and being comprised of 1.045 acres, more or less, being basically rectangular in shape, and being bounded more particularly as follows: BEGINNING at an iron pin, located on the northwestern corner of the tract herein conveyed, and where the same corners on the northeast with the lands of James C. Baynes, and on the northwest with the right-of-way of State Highway #44; running thence along such lands of Baynes S71º15'19"E 301.31 feet to an iron pin; continuing thence along such lands of Baynes S71º15'19"E 8 feet to the centerline of a branch (which centerline of the branch being the boundary line between the tract herein conveyed, and such other lands of Baynes); running thence along the centerline of such branch in a southwesterly direction, along the southeastern boundary of this tract herein conveyed (such direction being generally S8º40'23"W 148.85 feet) to a point in the center of such creek, such point marking the southeastern corner of the tract herein conveyed; running thence along lands of now or formerly of Wall Tire Co. N68º48'40"W 13 feet to an iron pin; continuing thence along such lands of Wall Tire Co. N68º58'40"W 327.25 feet to an iron pin, located on the southwestern corner of the tract herein conveyed, where the same corners on the southwest with such lands of Wall Tire Co., and on the northwest with such right-of-way of State Highway #44; running thence along a 5" curve and the arch of a chord N19º00'00"E 132.70 feet to the POINT OF BEGINNING. This is the same tract or parcel of land as described in plat of survey entitled "Survey of Building Lot for Greene Co. Farm Bureau" by Lawrence A. Corry, RLS, dated October 30, 1992, and recorded in Plat Book 21, Page 11, in the office of the Clerk of the Superior Court of Greene County, Georgia; and this is a portion of the lands conveyed from JAMES C. BAYNES, as Executor under the Will of MARGUERITE JACKSON BAYNES to JAMES C. BAYNES and HARON GATEWOOD BAYNES, III, by Assent to Devise, dated April 1, 1985, and

recorded in Deed Book 96, Pages 560 in the Office of the Clerk of the Superior Court of Greene County, Georgia;

The plats and deeds identified above are incorporated into this description by reference, as if fully set out herein, for a more sufficient description of this tract or parcel of land, and the property rights and interests conveyed and reserved in reference thereto.

See Also Deed Book 243, Pages 119-120, Greene County, Georgia records, made a part hereof by reference
Map & Parcel # 070-0-00-075-C

PARCEL 4:

All that tract or parcel of land, together with any and all improvements located thereon, lying and being in the 143rd District, G.M., Greene County, Georgia containing 1.35 acres, more or less, as is particularly shown on that certain plat of survey for Scott Turner prepared by Lawrence A. Corry, RLS, No. 1200, dated May 1, 1993, recorded in Plat Book 21, Page 53, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference. Said property is bounded, now or formerly, on the North and East by property now or formerly of Jimmy Baynes; on the South by Greene County Farm Bureau; and on the West by the eastern right-of-way of State Route #44 (South Main Street). This is the same land as that conveyed by Warranty Deed from James C. Baynes to D. Scott Turner dated July 2, 1993, recorded in Deed Book 253, Page 107-108, Greene County, Georgia Records.

See Also Deed Book 655, Pages 654 and 655, Parcel Two, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No.: 070-0-00-075-D

PARCEL 5:

All that tract or parcel of land lying and being in the City of Greensboro 143rd G.M.D., Greene County, Georgia, and containing 0.99 acres, as per plat of survey dated December 18, 1995, for Lawrence D. Smith by Robert H. Harwell, Georgia RLS, and recorded in Plat Cabinet 1, Slide 394, Page 4, Greene County, Georgia, records, which plat is incorporated herein and made a part hereof by reference.

See also Deed Book 565, Pages 113-114, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No.: 070-0-00-075-E

PARCEL 6:

All that certain tract or parcel of land lying and being in the 143rd District, G.M. of Greene County, Georgia, containing 192.73 acres, more or less, and being designated Tract 2 and having such shape, courses, metes and distances as will more fully appear by reference to that certain plat entitled Survey for Marquerite J. Baynes Estate prepared by Robert H. Harwell, Registered Surveyor, on March 28, 1985, and recorded in Plat Book 11, Page 136, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference. The land herein described is bounded generally on the north by State Highway No. 44; on the northeast by lands of James C. Baynes and H. G. Baynes, III (Tract No. 1 on plat hereinabove referred to); on the east by Georgia Kraft Company; on the south by Interstate 20; on the southwest by lands of Ann Dolvin Rozier; on the west by lands of William F. Wolski; and on the northwest by lands of City of Greensboro and lands of Mrs. R. L. Boswell, et.al. This is a portion of the land known as the Baynes-Foster Place conveyed to Mrs. Marquerite J. Baynes by deed from William R. Jackson, et.al. dated August 2, 1915, recorded in Deed Book 18, Page 371, in said Clerk´s Office, and land conveyed to the Estate of Marquerite J. Baynes by deed from Ann D. Rozier, dated March 15, 1985, recorded in Deed Book 96, Page 328, in said Clerk´s office, said deeds being here referred to in aid of this description. This is the same land described as Tract II in deed from James C. Baynes, Executor of Marquerite J. Baynes to American Real Estate Investment Company, Ltd. dated July 26, 1985 and recorded in Deed Book 97, Page 711, in said Clerk´s office; and also in deed from American Real Estate Investment Company, Ltd. to James Robert West and Donna Sue West dated January 12, 1988, recorded in Deed Book 128, Pages 161-2, in said Clerk´s office.

See also Deed Book 218, Page 144 Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 070-0-00-080-0

PARCEL 7:

All that certain lot or parcel of land lying and being in the 143rd District, G.M. of Greene County, Georgia, being described as follows:

BEGINNING in the southwestern most corner of the property herein described, the same being a corner common to the property herein described, property of B. Barry Darugar and the easterly right-of-way of Georgia Highway 44 leading from downtown Greensboro to Interstate 20 and running thence in a northerly direction along said right-of-way to its intersection with a branch which traverses said right-of-way from northwest to southeast; thence proceeding easterly and southerly along said branch to its intersection with the centerline of Town Creek; thence along said centerline of Town Creek and the meanderings thereof to its

intersection with property of Darugar; thence along said Darugar property line to the point of beginning. The land herein described is bounded generally on the north and northeast by the aforesaid branch; on the east by Town Creek; on the south by lands of Darugar; and on the west by the right-of-way of Georgia Highway 44.

See also Deed Book 398, Page 266 Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 071-0-00-007-0

PARCEL 8:

All that certain tract or parcel of land lying and being in the 163rd G.M.D. of Greene County, Georgia, containing 10.935 acres, more or less, being bounded generally, now or formerly, on the West by Georgia Highway No. 44; South by the right-of-way of Interstate No. 20 leading from Madison to Augusta; Northeast by lands of the City of Greensboro; and Northwest by lands of American Real Estate Investment Company, Ltd., Jarrard, and DanWay Oil Company. The land herein described is more particularly shown as a 10.935 acre parcel on a plat by P.E. Ogletree, Registered Surveyor, dated December 1967, as follows: BEGINNING at the southwestern most corner of the property herein described, the same being an iron pin at the intersection of the easterly right-of-way of Georgia Highway 44 and the northerly right-of-way of Interstate No. 20, and running thence along said Georgia Highway No. 44 right-of-way North 31º 04' East 147 feet to an iron pin; thence North 68º 00' East 836.5 feet to an iron pin; thence South 44º 55' East 922.7 feet to the right-of-way of Interstate 20; thence along said right-of-way South 86º 57' West 176.6 feet to an iron pin; thence North 79º 41' West 822.2 feet to an iron pin; thence North 81º 41' North 522.2 feet to an iron pin and the point of beginning. This is the same property conveyed by Ann Colvin Rozier to Carol W. Hatfield and Eugene A. Hatfield by deed dated January 2, 1994, of record in Deed Book 268, Pages 272-273, Greene County records.

See also Deed Book 748, Page 546, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 071-0-00-011-0

PARCEL 9:

All that certain tract or parcel of land lying and being in the 163rd District, G.M. in Greene County, Georgia, the same containing 5.018 acres, more or less, and being bounded now or formerly as follows: On the north by the right-of-way of Interstate #20, on the northeast by land of Rozier, on the south by right-of way of county road leading easterly from Georgia Highway #44, and on the northwest by right-of-way of Highway #44. Said land has such shape, courses, metes and distances as will more fully appear by reference to that certain plat made by

Robert H. Harwell, Registered Land Surveyor No. 1683, dated March 24, 1973, recorded in Plat Book 8, Page 16, Greene County, Georgia records, said plat made a part hereof by reference.

LESS AND EXCEPT THE FOLLOWING: 0.70 of an acre, more or less, and being bounded now or formerly as follows: on the north by Interstate #20 right-of-way; on the east by property of James H. Austin; on the south by Meadow Crest Road (County Road No. 68); and on the west by Georgia Highway #44 and Interstate #20 right-of-way. Said property described on a plat of survey by Robert H. Harwell, Registered Surveyor No. 1683, dated February 8, 1992, and recorded in Plat Book 18, Page 163, Greene County, Georgia records, said plat made a part hereof by reference. This 0.70 acre parcel being the same property described in a Warranty Deed from James Austin to Gary Michael Jarrard and James R. Jarrard, said Deed dated February 10, 1992, recorded in Deed Book 220, Page 267, said records.

See also Deed Book 668, Page 113 Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 071-0-00-026-0

PARCEL 10:

All that certain tract or parcel of land lying and being in the 163rd District, G.M. in Greene County, Georgia, containing 1.00 acre, more or less (excluding Meadow Crest Road right-of-way) and described as follows: the point of beginning is the iron pin found at the northern-most corner of the 5.018 acres, more or less, as identified above, with the plat thereof recorded in Plat Book 8, Page 16 of Greene County Records aforesaid, said iron pin being located at the intersection of Interstate 20 and lands now or formerly of Ann D. Rosier as shown on such plat; thence South 32 degrees 38 minutes East a distance of 296.9 feet to an iron pin found; thence South 37 degrees 39 minutes East a distance of 36.6 feet to an iron pin found; thence South 57 degrees 44 minutes West a distance of 100.00 feet to an iron pin found; thence South 66 degrees 01 minutes West a distance of 100.00 feet to an iron pin found; thence North 15 degrees 58 minutes 24 seconds West to intersect with the Interstate 20 right-of-way as shown on said plat (a distance of approximately 360 feet); thence along the Interstate 20 right-of-way North 74 degrees 14 minutes East to the point of beginning.

PARCEL 11:

All that certain tract or parcel of land lying and being in the 163rd District, G.M. in Greene County, Georgia, containing 0.70 of an acre, more or less, and being bounded now or formerly as follows: on the north by Interstate #20 right-of-way; on the east by property of James H. Austin; on the south by Meadow Crest Road (County Road No. 68); and on the west by Georgia Highway #44 and Interstate

#20 right-of-way. Said property described on a plat of survey by Robert H. Harwell, Registered Surveyor No. 1683, dated February 8, 1992, and recorded in Plat Book 18, Page 163, Greene County, Georgia records, said plat made a part hereof by reference. This 0.70 acre parcel being the same property described in a Warranty Deed from James Austin to Gary Michael Jarrard and James R. Jarrard, said Deed dated February 10, 1992, recorded in Deed Book 220, Page 267, said records.

See also Deed Book 668, Page 113 Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 071-0-00-026-A

PARCEL 12:

All that tract or parcel of land lying and being in the 163rd G.M.D. of Greene County, Georgia, containing 83.667 acres, more or less, and being more particularly described on Plat of Survey prepared by Robert E. Harwell, RLS #1683, dated June 7, 1983, recorded in Plat Book 13, Page 68, Greene County, records. Said property is bounded now or formerly as follows: On the North by lands of Jim Austin; on the East by lands of Anne Dolvin Rozier; on the South by lands of Anne Dolvin Rozier and Henry A. Lassiter; and on the West by lands of Henry A. Lassiter and the right-of-way of Georgia Highway 44. This is a portion of the same property conveyed by Warranty Deed from Lee M. Whitehead, Mrs. Blanche W. Moss, Roy B. Whitehead, Ellison F. Whitehead and William E. Whitehead to James H. Austin dated April 5, 1974, recorded in Deed Book 65, pages 96-97 of the records of the Clerk of the Superior Court of Greene County, Georgia.

See also Deed Book 588, Page 296, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No.: 071-0-00-031-0

PARCEL 13:

All that tract or parcel of land, with improvements thereon, situate, lying and being in the 163rd District, G.M. of Greene County, Georgia, containing 0.89 acre, more or less, and being more particularly described by reference to Plat of Survey thereof made for SUN-CO, INC. and prepared by Perry D. Phelps, R.L.S. No. 1384, dated January 31, 1994, and recorded in Deed Book 21, page 143, in the Office of the Clerk, Superior Court, Greene County, Georgia, reference being hereby made to said plat for a more complete description of the property herein conveyed.

This being the same property conveyed to Robert M. Boswell, III by Warranty Deed from Sun-co, INC. dated March 18, 1994, and recorded in said Clerk´s Office.

See also Deed Book 364, Page 85, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 071-0-00-033-0

PARCEL 14:

ALL that tract or parcel of land lying and being in the 163rd District, G.M, Greene County; Georgia, containing 0.61 acres, more or less, and being more particularly described on plat of survey for Sun-Co, Inc. prepared by Robert H. Harwell, Georgia Registered Surveyor No. 1683, dated February 8, 1992 and recorded in Plat Book 18, page 162, in the Office of the Clerk, Superior Court, Greene County, Georgia, reference being hereby made to said plat for a more complete description of the property herein conveyed.

This being the same property conveyed to Robert M. Boswell, III by Warranty Deed from Sun-Co, Inc. dated October, 1995, and recorded in said Clerk´s Office.

See also Deed Book 364, Page 85, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 071-0-00-033-A

PARCEL 15:

All that tract or parcel of land lying and being in the 163rd G.M.D., Greene County, Georgia, containing 4.53 acres, more or less, and BEGINNING at a point on the southern right-of-way of County Road No. 68 that is 347.65 feet East of the eastern right-of-way of State Route No. 44; thence South 81º 11' 12" East along the right-of-way of County Road No. 68 to a point; thence proceed North 84º 46' 43" East along said right-of-way 417.36 feet chord, R=699.5 feet, Arc=424.44 feet to an iron pin; thence running South 28º 39' 00" East 235.35 feet to an iron pin; thence running 240.00 feet to a point; thence running North 81º 03' 03" West 545.00 feet to a point; thence running 88.16 feet to an iron pin; thence running North 6º 34' 26" East 246.08 feet to the Point of Beginning. Subject property contains 4.53 acres, more or less, according to plat of survey prepared by Lawrence A. Corry, Registered Surveyor No. 1200, dated July 2, 1999, and recorded in Plat Cabinet 1, Slide 451, Page 4, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference.

Prior Deed Reference: Warranty Deed from Lee M. Whitehead, Mrs. Blanche W. Moss, Roy B. Whitehead, Ellison F. Whitehead and William E. Whitehead to James H. Austin dated April 5, 1974, and recorded in Deed Book 65, Page 96-97, Greene County, Georgia records. The hereinabove conveyed property is all of the remaining property on the South side of the Meadowcrest Road owned by James H. Austin as conveyed in said prior deed reference.

See also Deed Book 523, Page 21
Map & Parcel No: 071-0-00-034-0

PARCEL 16:

All that tract or parcel of land lying and being in G.M.D. 163rd of Greene County, Georgia, and being more particularly described as follows: Beginning at a point on the southern right-of-way of Meadowcrest Road (80-foot right-of-way), 288.0 feet easterly from the point of intersection of the southeastern right-of-way of GA Highway 44 (130-foot right-of-way) and the southern right-of-way of Meadowcrest Road, as measured along a line parallel to and 40 feet South of the center line of Meadowcrest Road. Said POINT OF BEGINNING being the northeast corner of property conveyed from Grantor herein to Sun-Co, Inc. by Deed dated February 10, 1992; thence South 84 degrees 22 minutes 01 seconds East from the POINT OF BEGINNING along the southern right-of-way of Meadowcrest Road 60.01 feet to a point; thence South 06 degrees 34 minutes 26 seconds West through other property of Grantor 246.08 feet to a point; thence South 83 degrees 03 minutes 52 seconds East 88.16 feet to a point, which is a common corner between property owned by Grantor and property owned by Henry A. Lassiter; thence South 34 degrees 23 minutes 20 seconds West along the property of Henry A. Lassiter 450.0 feet to a point; thence North 55 degrees 34 minutes 52 seconds West along the northern line of said Henry A. Lassiter property 315.0 feet to a point at the southern corner of property conveyed from Grantor to Jere M. Power by Deed dated December 16, 1986; thence North 34 degrees 26 minutes 08 seconds East along the southeastern line of said Power property 346.20 feet to the southern line of the aforementioned Sun-Co, Inc. property; thence South 83 degrees 25 minutes 52 seconds East along said Sun-Co, Inc. property 158.35 feet to a point; thence North 06 degrees 34 minutes 26 seconds East along the eastern line of said Sun-Co, Inc. property 201.13 feet to the southern right-of-way of Meadowcrest Road and the POINT OF BEGINNING. Together with any right, title or interest held by Grantor in that certain easement for access, ingress and utilities, which is 207.79 feet in length, has a width of 40 feet and runs from GA Highway 44 to the southwest corner of the above-described property; said easement being reserved in the aforementioned Deed from Grantor to Jere M. Power, which was dated December 16, 1986.

See also Deed Book 255, Page 257
Map & Parcel No: 071-0-00-034-A

TRACT II: HIGHWAY 278/PLANING MILL RD. TRACT

PARCEL 17:

All that tract or parcel of land lying and being in the 143rd District, G.M., Greene County, Georgia, containing two (2) acres, more or less, with all improvements

thereon, lying on the west side of the Greensboro-Penfield public road, beginning at a point at the southeast corner of the lot hereby conveyed where same corner with lands of Mapp on the western boundary of the right-of-way of said Greensboro-Penfield Road and running in a westerly direction along the property line of said Mapp a distance of 420 feet to lands of Mrs. Miriam A. Thornton, thence in a northerly direction along the property line of said Mr. Thornton a distance of 200 feet to a point, thence in an easterly direction along the property line of Champion a distance of 420 feet to the western boundary of said Greensboro-Penfield Public Road right-of-way, thence in a southerly direction along the western boundary of the right-of-way of said Greensboro-Penfield public road a distance of 200 feet to point of beginning. Said parcel of land being bounded on the north by lands of Champion, east by said Greensboro-Penfield public road, south by lands of Mapp, and west by land of the said Mrs. Thornton.

See also Deed Book 726, Page 651, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-027-0

PARCEL 18:

All that tract or parcel of land lying and being in the 143rd G.M.D., Greene County, Georgia, being comprised of 1.10 acres, more or less, bounded as follows: On the north by lands of G. Thomas; on the east by the westerly right-of-way of the Greensboro-Penfield public road; on the south by lands of W. Hall; and on the west by lands of Anderson. This being the same tract or parcel of land as described in plat of survey by Perry D. Phelps, Registered Surveyor, dated April 10, 1975, and recorded in Plat Book 8, Page 289 in the office of the Clerk of Superior Court of Greene County, Georgia. This is also the same tract or parcel of land being described in U.S. Marshal's Deed from Dwayne Gilbert, United States Marshal, to William R. Wilson, dated December 8, 1978, and recorded in Deed Book 78, Pages 147-9 in the office of the Clerk of the Superior Court of Greene County, Georgia, and also that same tract or parcel of land as described in Security Deed from Addie L. Mapp to the United States of America, acting by and through the Farmers Home Administration, dated August 11, 1975, and recorded in Deed Book 69, Pages 12-15 in said Clerk´s office; said deeds and plat are incorporated herein by reference for a more sufficient description of that tract or parcel of land herein described.

See also Deed Book 90, Page 516, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-028-0

PARCEL 19:

All that lot of land lying and being in Greene County, Georgia, 143rd District,

G.M., containing 1.446 acres, more or less, and bounded on the North by land of Addie Lue Mapp; on the East by the Greensboro-Penfield public road; on the South by land of J.E. Akins; an don the West by land of the City of Greensboro, this being the same lot of land shown on plat thereof by L.A. Corry, Surveyor, dated March 24, 1973, and recorded in Plat Book 8, Page 281, office of the Clerk of Superior Court, Greene County, Georgia, and made part hereof by reference.

This being the same land described in deed from Melvin Stephens to William R. Wilson, dated March 21, 1975, and recorded in Deed Book 68, Page 26, said Clerk´s office.

See also Deed Book 68, Page 452, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-029-0

PARCEL 20:

All that tract or parcel of land, together with all improvements thereon, lying and being situate in the 143rd District, G.M. of Greene County, Georgia, and being more particularly described as follows: Beginning on the western boundary of the Greensboro-Penfield public road at corner between land of J.E. Akins and land of Wyman Hall; and running thence westerly along line of said Hall land two-hundred feet (200) feet, more or less, to line of land of City of Greensboro (now used as a trash and garbage dumping ground); thence southerly along line of said City of Greensboro land one-hundred fifty (150) feet, more or less, to the northern boundary of a dirt road leading westerly from said Greensboro-Penfield public road to land of McCommons; thence easterly along the northern boundary of said dirt road two-hundred (200) feet, more or less, to the western boundary of said Greensboro-Penfield public road, and thence northerly along said Greensboro-Penfield public road one-hundred fifty (150) feet, more or less, to the beginning point. The land herein conveyed is bounded on the North by land of Wyman Hall, on the East by the western boundary of the Greensboro-Penfield public road, on the South by the northern boundary of a dirt road leading westerly from the Greensboro-Penfield public road to land of McCommons, and on the West by land of the City of Greensboro.

This is the same land conveyed by J.E. Akins to L.C. Reid by deed dated November 16, 1964, recorded in Deed Book 50, Page 170, in the office of the Clerk of the Superior Court of Greene County, Georgia.

See also Deed Book 704, Page 635, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-030-0

PARCEL 21:

All that tract or parcel of land lying and being in the 143rd G.M. of Greene County, containing 1 acre, more or less, and having such shape, courses, metes and distances as will more fully appear by reference to that certain plat of survey prepared by John B. McGill, dated March 27, 1973, and recorded in Plat Book 8, Page 117 in the office of the Clerk of the Superior Court of Greene County, Georgia, said plat and the record thereof are incorporated herein by reference, in aid of this description.

See also Deed Book 493, Page 167, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-037-0

PARCEL 22:

All that tract or parcel of land lying and being in Greene County, Georgia, G.M. District 143, bounded West by Penfield public road; on the North and Northeast by lot now or formerly of Mattie H. Alexander, on East by lot now or formerly of Higdon Estate, on the South by lands now or formerly of Almetta Barnhart and being the same lot of land shown on plat of survey by Lawrence A. Corry, dated August 8, 1978, recorded in the office of the Clerk of Superior Court of Greene County, Georgia in Plat Book 8, Page 81 and being the same lot of land described in deed from Almetta Barnhart to Joe N. Turner, dated October 30, 1973, and recorded in said Clerk´s office, said plat and deed made a part hereof by reference.

Subject to all easements and restrictions of record, if any.

See also Deed Book 735, Page 409, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-038-0

PARCEL 23:

All that certain lot or parcel of land together with any and all improvements thereon, lying and being in the City of Greensboro, Greene County, Georgia, 143rd District, G.M., containing .52 acres, more or less and being more particularly shown on that certain Plat of Survey for Louis Smith, prepared by Robert H. Harwell, RLS # 1683 dated October 2, 2002, said plat recorded in Plat Cabinet 1, Slide 554, Page 3, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference.

This is a portion of the property conveyed to Leroy Smith and Annie Lou Smith by Warranty Deed recorded in Deed Book 44, Page 30, aforesaid records.

See also Deed Book 778, Pages 450-451, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-040-B

PARCEL 24:

All that lot of land lying and being in the Greene County, Georgia, 143rd District, G.M., containing one (1) acre, more or less, as shown by plat of same by Perry D. Phelps, Surveyor, dated October 19th, 1968, and said plat is recorded in the office of the Clerk of the Superior Court, Greene County, Georgia in Plat Book 6, Page 121, said plat made part hereof by reference – the within conveyed lot of land being bounded Northeast by land of Georgia Kraft Company; on the East and South by land of LeRoy Smith and Annie Lou Smith; and on the West by land of Alameta D. Barnhart – said property also being the same described in deed from LeRoy Smith and Annie Lou Smith to Robert Lee Brown by deed dated November 30th, 1971, and recorded in said Clerk´s office in Deed Book 55, Page 121, this said deed also made a part hereof by reference.

See also Deed Book 246, Page 206, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-041-0

PARCEL 25:

All that certain tract or parcel of land lying and being in the 143rd District, G.M. of Greene County, Georgia, containing 13.77 acres, more or less, and having such shape, courses, metes and distances as shown on a plat of survey prepared by Lawrence A. Corry, Registered Surveyor #1200, said plat being recorded in Plat Book 21, Page 121, in the Office of the Clerk of the Superior Court of Greene County, Georgia, and more particularly described as follows: BEGINNING at the southeast corner of the tract herein described, being an iron pin on the north line of County Road No. 134 and being referenced S 61 degrees 55' 04" W 637.77 feet from an iron pin; thence along the north line of said County Road No. 134 S 61 degrees 55' 04" W 999.29 feet; thence leaving the line of said road N 15 degrees 17' 34" W 800.36 feet to an iron pin on the east line of said road S 925; thence along said east line of road S 925 N 26 degrees 36' 35" E 65.99 feet to an iron pin; thence leaving the line of said road S 87 degrees 44' 39" E 1085.06 feet to an iron pin; thence S 03 degrees 47' 05" W 318.61 feet to the POINT OF BEGINNING.

This is the same property as that described in Limited Warranty Deed from Georgia-Pacific Corporation to Robert A. Lebeaux dated January 12, 1994, recorded in Deed Book 269, Pages 5-7, Greene County, Georgia, records, incorporated herein by reference.

See also Deed Book 315, Page 194-195, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-042-0

PARCEL 26:

All of that tract or parcel of land lying and being in the 143rd GMD, Greene County, Georgia, containing 1.5 acres of land, more or less, and being known as the "Log Cabin Lot" bounded north by lands formerly of C.L. Williams but now property of Tom Cannon; East by lands formerly of C.L. Williams but now the property of Tom Cannon; South by old Greensboro-Union Point public road; West by lands formerly of Mrs. S.H. Conley but now a pulpwood yard. This being the same property formerly owned by Frank A. Boswell and by him deeded to Annie Lee Thomas.

See also Deed Book 680, Page 455, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-043-0

PARCEL 27:

All that tract or parcel of land lying and being in the 143rd G.M.D., Greene County, Georgia, and being designated as Tract 5 containing 6.99 acres, more or less, and being more particularly described in a plat of survey by R.V. Baldwin, RLS #2655, dated August 24, 2000, which is recorded in Plat Cabinet 1, Slide 547, Page 1, Office of the Clerk of Greene County Superior Court to which reference is made for the true and accurate description of this property.

Prior Deed Reference: The within conveyed property is a portion of that deeded to R.L. Boswell on February 29, 2000 by a Limited Warranty Deed from Louisiana-Pacific Corporation which is recorded in Deed Book 529, Pages 26-29, said records.

Subject to those certain Declaration of Protective Covenants dated February 20, 2000 and recorded in Deed Book 529, Pages 30-33, said records.

See also Deed Book 768, Page 631, Greene County, Georgia, records, made a part hereof by reference
Parcel number 086-0-00-078-B

PARCEL 28:

All that certain tract or parcel of land lying and being in the 143rd District, G.M., Greene County, Georgia, containing 1.15 acres, more or less, and having such shape, courses, metes and distances as will more fully appear by reference to that certain plat of survey prepared by The Oconee Company, certified by John A.

McGill, Georgia Registered Surveyor No. 1753, dated March 30, 2000, and recorded in Plat Cabinet 1, Slide 455, Page 1, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference.

Prior Deed Reference: Warranty Deed from Jessie Moon to H.E. Norman and Mary Ruth Norman dated December 4, 1965, recorded in Deed Book 50, Page 520, Greene County, Georgia records.

See also Deed Book 534, Page 14, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-079-0

PARCEL 29:

All that certain tract or parcel of land, together with all improvements located thereon, lying and being in the 143rd District, G.M., Greene County, Georgia, containing 3.02 acres, more or less, and having such shape, courses, metes and distances as will more fully appear by reference to that certain plat of survey prepared by The Oconee Company, certified by John A. McGill, Georgia Registered Surveyor No. 1753, dated March 29, 2000, and recorded in Plat Cabinet 1, Slide 455, Page 6, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference.

Prior Deed Reference: Warranty Deed from Jessie Moon to H.E. Norman and Mary Ruth Norman dated December 4, 1965, recorded in Deed Book 50, Page 520, Greene County, Georgia records.

See also Deed Book 534, Page 15, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-079-A

PARCEL 30:

All that tract or parcel of land situate, lying and being in the 143rd District, G.M., in Greene County, State of Georgia, together with all the improvements thereon, formerly a portion of Knox Lumber Company Lands, being located on public road leading from Old Union Point Road to U.S. Highway 278, containing 2.255 acres, more or less, and bounded now or formerly as follows: on the North by Georgia Railroad right-of-way, on the East by lands of Jesse L. Moon, on the South by public road as above mentioned and on the West by lands of J.B. Dolvin. As further description, refer to that plat recorded in Plat Book 4, Page 72 in the Office of the Clerk of Superior Court, Greene County, Georgia.

This being the same property conveyed from Della W. Hanson to Carolyn Turner in a Warranty Deed dated April 27, 1970 and recorded in Deed Book 56, Page 81, said records.

See also Deed Book 481, Page 101, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-080-0

PARCEL 31:

All that tract or parcel of land lying and being in the 143rd District, G.M., Greene County, Georgia, containing 2.23 acres, more or less, bounded as follows: North by Georgia Railroad; East by lands of Carolyn Turner; South by public road known as the old Greensboro-Union Point Road; and on the West by lands of Len Dolvin. Said tract of land is the same land as that described in a deed from Donie Ewing, et.al., to J.M. Stubblefield, et.al., recorded in Deed Book 51, Pages 398-399, Clerk´s Office, Greene County, Georgia, and is more particularly described by a plat of the same recorded in Plat Book 4, Page 22, said records.

See also Deed Book 259, Page 228, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-081-0

PARCEL 32:

All that certain tract or parcel of land situate, lying and being in the 143rd G.M.D., of Greene County, Georgia, containing 5.638 acres, more or less. Said tract is bounded on the North and Northwest by the right-of-way of the Georgia Railroad; on the Northeast and East by lands of Mrs. Donnie Ewing; on the South by County Road #151 and lands of Jettie Mitchell, and Charlie Reid; on the West of lands of Jettie Mitchell and lands of Schoerner Corporation. This being a portion of the land acquired in that deed from Rochelle Furniture Manufacturing Company to J.B. Dolvin, dated November 17, 1958, now of record in Deed Book 45, at Page 3. Said tract if fully described as to shape, courses, metes, distances and bounds in a plat thereof made by Lawrence A. Corry, R.L.S., dated March 26, 1984, identified as lands of J.B. Dolvin Estate, a copy of which is now of record in Plat Book 13, Page 232.

See also Deed Book 303, Page 37, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-082-0

PARCEL 33:

All that tract or parcel of land lying and being the 143rd District, G.M. of Greene County, Georgia, formerly a portion of Knox Lumber Company lands, being

designated as Lots No. 5 and 6, J.B. Dolvin Subdivision as shown by plat of said subdivision of record in office of the Clerk of the Superior Court of Greene County, Georgia, in Plat Book 4, Page 44, which said plat is expressly made part hereof by reference in aid of this description. Said lots bounded as follows: North by Lot No. 7 of said subdivision, East by lands of J.B. Dolvin, South by public road from Greensboro, Georgia to Union Point, Georgia, West by Lot No. 1 of said subdivision.

See also Deed Book 487, Page 285, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-083-0

PARCEL 34:

All that tract or parcel of land lying and being situated in the 143rd District G.M. in Greene County, Georgia, formerly a portion of Knox Lumber Co. Lands, being designated as Lot No. 1, J.B. Dolvin Subdivision as shown by plat of said subdivision of record in the office of the Clerk of Superior Court of Greene County, Georgia, in Plat Book 4, Page 44, which said plat is expressly made a part hereof by reference in aid of this description. Said lot bounded as follows: North by Lot No. 2 of said subdivision, East by Lots No. 5 and 6 of said subdivision, South by public road from Greensboro, Georgia to Union Point, Georgia, West by lands of W.B. & R.R. Caldwell.

See also Deed Book 356, Page 86, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-084-0

PARCEL 35:

All that tract or parcel of land situate, lying and being in the 143rd District, G.M., Greene County, Georgia, said property being 1 acre more or less. Beginning at a point located on the Southern side of Planing Mill Road which is the Northeastern most corner of the property owned now or formerly by Vincent Lewis as shown in the Greene County Superior Court Clerk´s Records Plat Book 7, Page 142, Deed Book 588, Page 15; said point being the point of BEGINNING; thence Northeasterly N81º05'34"E for a distance of 210 feet to an iron pipe; thence Southeasterly S25º26'22E for a distance of 216.36 feet to an iron pipe; thence Southwesterly S81º05'34"W 210 feet to an iron pin; thence Northwesterly N25º26'22"W for a distance of 216.22"W for a distance of 216.36 feet to the point of beginning.

Said property will more fully appear by reference as Track #1 in a plat of survey by Edwin R. Cowherd, RLS No. 1710, dated June 3, 2005 and recorded in Plat Cabinet 1, Slide 566, Page 7, Office of the Clerk of Superior Court of Greene

County, Georgia, said plat is incorporated herein and made part hereof by reference.

See also Deed Book 800, Page 612, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-086-0

PARCEL 36:

All that tract or parcel of land situate, lying and being in the 143rd District, G.M., Greene County, Georgia, said property being 1 acre more or less. Beginning at a point located on the Southern side of Planing Mill Road which is the Northeastern most corner of the property owned now or formerly by Vincent Lewis as shown in the Greene County Superior Court Clerk´s Records Plat Book 7, Page 142, Deed Book 588, Page 15; said point being the point of BEGINNING; thence Northeasterly N81º05'34"E for a distance of 210 feet to an iron pipe; thence Southeasterly S25º26'22E for a distance of 216.36 feet to an iron pipe; thence Southwesterly S81º05'34"W 210 feet to an iron pin; thence Northwesterly N25º26'22"W for a distance of 216.22"W for a distance of 216.36 feet to the point of beginning.

Said property will more fully appear by reference as Track #2 in a plat of survey by Edwin R. Cowherd, RLS No. 1710, dated June 3, 2005 and recorded in Plat Cabinet 1, Slide 566, Page 7, Office of the Clerk of Superior Court of Greene County, Georgia, said plat is incorporated herein and made part hereof by reference.

See also Deed Book 800, Page 611, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-086-A

PARCEL 37:

All that tract or land lying and being within the 143rd District, Greene County, Georgia containing 15 acres, more or less, being bounded on the North by Planning Mill Road – The Old Greensboro Union public road; on the East by lands of Janie and Joan Marchman and lands of Albert C. McNair; on the South by lands of Gus Terrell, Jr., Tony Compton, Ruth J. Rhodes, Robert & Debra Miller, and James Green; on the West by lands of Willie A. Horton and Shirley and William W. Reeves, being the same land conveyed by deed recorded in Deed Book 165, Page 129, being designated on Greene County Tax Map 86, Parcel 87.

Subject to all easements and restrictions of record, if any.

See also Deed Book 759, Page 259, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-087-0

PARCEL 38:

All that tract or parcel of land lying and being in the 143rd G.M.D., Greene County, Georgia, being triangular in shape and being comprised of one (1) acre, bounded on the north by a public road often referred to as the "Old Greensboro-Union Point Road"; on the east by lands of Albert C. McNair, formerly of Greensboro Industrial Corporation; and on the southwest by lands of William J. Breeding, formerly of Sadler Mapp. This is the same tract or parcel of land as described in a plat of survey entitled "Lot of Land Sold by Greensboro Industrial Corporation to Olin Cawthon" by J.N. Turner, dated November 8, 1950, and recorded in Plat Book 2, Page 456 in the office of the Clerk of the Superior Court of Greene County, Georgia; this is also the same tract as conveyed to Olin C. Cawthon from Greensboro Industrial Corporation, dated July 20, 1956, and recorded in Deed Book 42, Page 171 in said Clerk´s office; and in Assent to Devise from J.L. Lundy, Executor of the Estate of Olin C. Cawthon, to Hallie L. Cawthon; Beatrice C. Trever Garrison; David Callaway; Tracy Callaway; and Terry Callaway, dated June 6, 1981, and recorded in Deed Book 85, Page 205 in said Clerk´s office. The plat and deeds mentioned above are incorporated herein by reference for a more sufficient description of that tract or parcel of land herein conveyed. This conveyance includes all improvements presently located on the above-described real estate, including house, shop and garage.

See also Deed Book 92, Page 255, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-088-0

PARCEL 39:

All that tract or parcel of land lying and being in Greene County, Georgia, and more particularly described as follows: lying and being in 143rd District, G.M., said State and County, and containing two and one-half (2 ½) acres, more or less, and bounded on the North by public road, across from which lies land of Greensboro Industrial Corporation (now or formerly); East by land of Jesse L. Moon; South by land of Sadler Map Estate; and West by land of Olin Cawthon. This being the same property as described in deed from Jesse L. Moon to first party herein, William Corry, dated December 3, 1965, and recorded in Office of the Clerk of the Superior Court, Greene County, Georgia, in Deed Book 50, Page 512, said deed made a part hereof by reference.

See also Deed Book 52, Page 268, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 086-0-00-089-0

PARCEL 40:

All that tract or parcel of land, lying and being in the 143rd G.M.D., Greene County, Georgia, being comprised of 2.94 acres, more or less, and being bounded now or formerly as follows: on the northwest by lands of William J. Breeding, lands of Robert & Debra Miller, and lands of Alberta H. Wright, on the north by lands of William J. Breeding, on the east and southeast by lands of Clinton Callaway and lands of Fleta & Lovett Williams, and on the southwest by lands of Lillian Mapp. This is the same tract or parcel of land as shown on plat of survey by Robert H. Harwell, RLS, dated November 24, 1985, entitled "Survey for Frank C. Mapp", and recorded in Plat Book 14, Page 11 in the office of the Clerk of the Superior Court of Greene County, Georgia,

LESS AND EXCEPTING THEREFROM, 0.72 of an acre as described on plat of survey entitled "Survey for Leon & Alberta Wright", by Robert H. Harwell, RLS, dated October 3, 1986, and recorded in Plat Book 14, Page 109 in said Clerk´s office; this is also the same tract or parcel of land described in Warranty Deed from Yvonne Tonett Mapp and Hattie E. Mapp to Alberta Wright, dated June 5, 1987, and recorded in Deed Book 118, Page 284 in said Clerk´s office,

LESS AND EXCEPTING THEREFROM, the 0.72 of an acre as described in Warranty Deed from Frank C. Mapp and Yvonne Tonett Mapp to Alberta Wright, dated October 10, 1988, and recorded in Deed Book 110, Page 272 in said Clerk´s office.

See also Deed Book 223, Page 39, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 087-A-00-032-0

PARCEL 41:

All that lot of land lying and being in Greene County, Georgia, 143rd District, G.M., containing seventy-two one-hundredths, (.72), of an acre, more or less, and bounded on the North by lot of Robert and Debra Miller; on the East by land of Frank C. Mapp; on the South by land of Frank C. Mapp; and on the West by land of Frank C. Mapp and land of said Robert and Debra Miller, and being the same lot of land shown on plat thereof by Robert H. Harwell, dated October 3, 1986, hereto attached, and also recorded in Office of Clerk, Superior Court, Greene County, Georgia, in Plat Book 14, Page 109; said plat made a part hereof by reference.

First parties grant unto second party an easement along the road leading from State Route #12 in a northerly direction to the above described property; said easement to be perpetual and to run with the land, and for purposes of egress and ingress to said above-described property.

See also Deed Book 110, Page 272, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 087-A-00-033-0

PARCEL 42:

All that lot of land lying and being in Greene County, Georgia, 143rd District, G.M., containing one (1) acre, more or less, and bounded on the North by land of Clinton Callaway, on the East by land of said Clinton Callaway, on the South by land of Allen, and on the West by land of Wright, formerly Mapp land. This being the same lot of land shown on plat thereof by Perry D. Phelps, dated September 4th, 1988, hereto attached and also recorded in Office of Clerk, Superior Court, Greene County, Georgia in Plat Book 16, Page 121; said plat made a part hereof by reference.

This being a part of the land deeded to Clinton Callaway by deed of Paul Thomas and Ed Higdon.

See also Deed Book 140, Page 317, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No: 087-A-00-035-0

PARCEL 43:

All that lot of land lying and being in Greene County, Georgia, 143rd District, G.M., containing 2.77 acres, more or less, and bounded on the North by land of Tony Compton; on the East by old Fairgrounds Road; on the Southeast and South by Highway #12 and the above lot number 1; and on the West by land of Allen – this being the same lot of land as is shown on plat thereof by Robert H. Harwell, dated November 8, 1993, hereto attached, and also recorded in Office of Clerk, Superior Court; Greene County, Georgia, in Plat Book 21, page 99; said plat made part hereof by reference.

See also Deed Book 265, page 16, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No. 087-A-00-038-0

PARCEL 44:

All that lot of land lying and being in Greene County, Georgia, 143rd District, G.M., containing one (1) acre, more or less, and bounded on the North by land of Gus Terrell; on the East by land of said Gus Terrell; on the West by other land of Clint Callaway, and being triangular in shape, and more particularly shown on plat thereof by Piedmont Engineering and Surveying Co., dated July 24, 1989, hereto attached, and also recorded in Office of Clerk, Superior Court, Greene County,

Georgia, in Plat Book 16, page 248; said plat made part hereof by reference in aid of this description.

See also Deed Book 159, Page 216, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No.: 087-A-00-039-0

PARCEL 45:

All that lot or parcel of land lying and being in Greene County, Georgia, 143rd District, G.M., containing one and ninety-five one-hundredths (1.95) acres, more or less, and bounded on the North by land of Greensboro Lumber Company; on the East by land of Gary Terrell; on the South by land of Clinton Callaway; and on the West by land of Greene County Fairground; and being the same property shown on plat thereof by Perry D. Phelps, Surveyor, dated November 11, 1986, hereto attached, and also recorded in Office of Clerk, Superior Court, Greene County, Georgia, in Plat Book 14, page 118; said plat made part hereof by reference.

This being part of the land described in deed from Thomas and Higdon to Clinton Callaway in year 1951, of 9.10 acres, more of less; reference also made to plat recorded in Plat Book 7, page 107, said Clerk´s Office.

See also Deed Book 112, Page 44, Greene County, Georgia, records, made a part hereof by reference
Parcel # 087-A-00-040-0

PARCEL 46:

All that tract or parcel of land lying and being in the 143rd G.M.D., Greene County, Georgia, being comprised of 0.74 acre, described more particularly as follows: BEGINNING at an iron pin located North 35 degrees West 253.0 feet from the intersection of the "Fairground Road" with the northwesterly right-of-way of State Route #12, at a point along the northeasterly side of the "Fairground Road" where lands of the Church of God intersect with the tract herein conveyed on the southeast; running thence along such lands of the Church of God North 40 degrees 30 minutes East 334.5 feet to an iron pin, located on the northeastern corner of the tract herein conveyed where the same borders on the southeast with such lands of the Church of God, and lands of Greensboro Lumber Company on the northeast; running thence along such lands of Greensboro Lumber Company North 69 degrees West 116.0 feet to an iron pin, located on the northwestern corner of the tract herein conveyed, where the same corners with such lands of the Greensboro Lumber Company on the northeast and lands of Clint Callaway on the northwest; running thence along such lands of Callaway South 40 degrees 30 minutes West 257.05 feet to an iron pin, located where the tract herein conveyed

borders with such lands of Callaway on the northwest and the "Fairground Road" on the southwest; running thence along such "Fairground Road" South 30 degrees East 116.0 feet to the POINT OF BEGINNING. This is the same tract or parcel of land described in plat of survey by Perry D. Phelps, RLS, dated February 24, 1985, and recorded in Plat Book 13, page 252, in the office of the Clerk of the Superior Court of Greene County, Georgia, and is a portion of the lands conveyed from P.H. THOMAS to CLINTON CALLAWAY, dated April 3, 1956, and recorded in Deed Book 31, page 441 in said Clerk´s office; said deed and plat are incorporated herein by reference as if fully set out herein for a more sufficient description of that tract or parcel of land herein conveyed. Together with an easement of ingress and egress over the "Fairground Road" as shown on said plat, such easement being perpetual in nature and duration.

See also Deed Book 96, Page 180, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No.: 087-A-00-041-0

PARCEL 47:

All that tract or parcel of land lying and being in the 143rd District, G.M. of Greene County, Georgia, containing 1.90 acres, more or less, and bounded southeast by State Highway No. 12; Southwest and Northwest by lands of Clinton Callaway; Northeast by lands of Greensboro Lumber Co. and lands of C.L. Bryant; Southeast by lands of Angles, of J.L. Lundy and of C.L. Bryant. A plat of said land made by J.N. Turner, surveyor, appears of record in office of Clerk, Superior Court of Greene County, Georgia in Plat Book 3, page 167, and said plat and the record thereof are hereby expressly made part hereof by reference in aid of this description.

See also Deed Book 45, Page 340, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No.: 087-A-00-042-0

PARCEL 48:

All that tract or parcel of land, together with house and improvements thereon, situated, lying and being in the 143rd District, G.M., Greene County, Georgia, and being bounded now or formerly as follows: on the southeast by State Highway #12 between Greensboro and Union Point; on the northeast by lands of R. L. Boswell, Jr.; on the northwest by lands of Greensboro Lumber Company; and on the southwest by lands of Hallie L. Cawthon. This is the same property as described in the following deeds: (1) J.R. Angles and Mamie Angles by deed from W. A. Nipper, dated April 19, 1953, and recorded in Deed Book 39, page 388 in the office of the Clerk of the Superior Court of Greene County, Georgia; (2) deed from Guy H. Bryant, dated December 17, 1953, recorded in Deed Book 39, page

228 in said Clerk´s office; (3) warranty deed from Mrs. Mamie Angles to Roy G. Angles, dated August 11, 1970, and recorded in Deed Book 54, page 480 in said Clerk´s Office; (4) quitclaim deed from Mamie Angles to Roy G. Angles, dated October 16, 1985, and recorded in Deed Book 99, page 21 in said Clerk´s Office; and (5) Deed Under Power of Sale from Athens Federal Savings Bank, as Attorney-in-Fact for Roy G. Angles, to Athens Federal Savings Bank, dated December 6, 1988, and recorded in Deed Book 145, pages 324-6 in said Clerk´s Office. This is also the same property at least partially described in plat of survey by J.N. Turner, dated April 13, 1954, entitled "…lot of land surveyed for J.R. Angles…" and recorded in Plat Book 2, page 347 in said Clerk´s Office; and further identified in proceedings of years support as described in Years Support Book C, page 23 in the office of Judge of the Probate Court of Greene County, Georgia. The deeds, plat and proceeding identified herein are incorporated into this description by reference as if fully set out herein, for a more sufficient description of that tract or parcel of land herein conveyed.

See also Deed Book 168, Page 26, Greene County, Georgia, records, made a part hereof by reference
Map & Parcel No.: 087-A-00-047-00"

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.

HB 1474. By Representative May of the 111th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Monroe, approved April 8, 1971 (Ga. L. 1971, p. 3221), as amended, so as to revise certain provisions relating to quorum requirements; to change and extend the corporate limits of the City of Monroe; to provide for a new Article VI, relating to municipal utilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 1475. By Representative Ralston of the 7th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Ellijay in Gilmer County, approved April 11, 1979 (Ga. L. 1979, p. 3881), so as to change the corporate limits of the city; to provide for the

inclusion of certain additional territory as a part of the City of Ellijay; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 1476. By Representative Freeman of the 140th:

A BILL to be entitled an Act to amend an Act restating and reenacting a certain homestead exemption from ad valorem taxes levied for county and school purposes and a certain homestead exemption from ad valorem taxes levied for county purposes in Twiggs County approved March 20, 1990 (Ga. L. 1990, p. 3935), so as to increase the amount of the county exemption and the amount of the income limitation; to lower the age requirement to 62 years of age or over; to specify the terms and conditions of such exemption and the procedures relating thereto; to provide for a referendum, effective dates, applicability, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 1477. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide a new charter for the City of Darien; 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, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to repeal a specific Act; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; 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.

HB 1478. By Representative Bridges of the 10th:

A BILL to be entitled an Act to provide a new charter for the City of Demorest; 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, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a city manager, mayor, and mayor pro tempore and certain duties, powers, and other matters relative thereto; to repeal an Act granting a new charter to the City of Demorest, approved August 15, 1917 (Ga. L. 1917, p. 656), as amended; to repeal conflicting laws; and for other purposes.

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

HB 1479. By Representatives Carter of the 159th and Burns of the 157th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Rincon, approved April 4, 1997 (Ga. L. 1997, p. 3556), as amended, so as to provide for conflicts of interest; to provide for a quorum; to provide for powers and duties of the mayor; to provide for jurisdiction of the municipal court; to provide for appeals; to repeal provisions relating to the removal of officers; to provide for city boards, commissions, and authorities; to repeal conflicting laws; and for other purposes.

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

HB 1480. By Representative Smith of the 113th:

A BILL to be entitled an Act to provide for terms for the members of the Board of Education of Oconee County; to provide for a referendum; to repeal conflicting laws; and for other purposes.

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

HB 1481. By Representatives Lewis of the 15th, Loudermilk of the 14th and Graves of the 12th:

A BILL to be entitled an Act to create the Board of Commissioners of Bartow County; to provide for commissioner districts; to provide for definitions and inclusions; to provide for elections, qualifications, and terms of office; to provide for powers, duties, authority, and compensation of the chairperson and members of the board; to provide for vacancies; to provide for a county manager and the selection, compensation, powers, and duties thereof; to provide for a clerk; to provide for oaths of office and surety bonds; to provide for a vice chairperson; to provide for other related matters; to repeal an Act creating the office of commissioner of Bartow County, approved July 28, 1924 (Ga. L. 1924, p. 276), as amended; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for a referendum; to provide for effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.

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

SB 501. By Senators Shafer of the 48th, Reed of the 35th, Moody of the 56th, Zamarripa of the 36th, Tate of the 38th and others:

A BILL to be entitled an Act to amend an Act to supplement the salaries of the judges of the Superior Court of Fulton County, approved March 8, 1945 (Ga. L. 1945, p. 1076), as amended, so as to increase the amount of such supplement; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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 Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	E Sims, C
Y Benfield	Y Drenner	E Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L

E Borders
Y Bridges
Y Brooks
Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Coleman, T
Cooper
Y Cox
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Y Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Lucas
Y Lunsford
Y Maddox
Mangham
Y Manning
Y Marin
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Parsons
Y Porter
Y Powell
Y Ralston
Randall
Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Roberts
Y Rogers
Y Royal
Y Rynders
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Willard
Y Williams, A
Y Williams, E
E Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bills, the ayes were 148, nays 0.

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

Representatives Beasley-Teague of the 65th, Roberts of the 154th, and Willard of the 49th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

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

Mr. Speaker:

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

SB 77. By Senators Unterman of the 45th, Hudgens of the 47th, Schaefer of the 50th, Goggans of the 7th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 15 of the O.C.G.A., relating to parental notification, so as to define and eliminate certain terms; to require certain types of identification to be presented in order for a physician to perform an abortion; to amend Chapter 12 of Title 16 of the

O.C.G.A., relating to offenses against health and morals, so as to provide that all abortions must be performed in certain facilities; to provide for certain reports by physicians; to provide for certain forms; to provide for certain reports by the Department of Human Resources; to provide for a short title; to provide for definitions; to require that a female give her informed consent prior to an abortion; to provide for related matters; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 123. By Senators Whitehead, Sr. of the 24th, Johnson of the 1st and Cagle of the 49th:

A BILL to be entitled an Act to amend Code Section 16-12-142 of the Official Code of Georgia Annotated, relating to requiring medical facilities or physicians to perform abortions and requiring others to assist, so as to provide that a pharmacist who states in writing an objection to any abortion shall not be required to fill a prescription for an emergency contraceptive drug which purpose is to induce and effect an abortion; to provide that such refusal shall not be the basis for any claim for damages; to provide for the duration of the effectiveness of the written objection; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 396. By Senators Goggans of the 7th, Johnson of the 1st, Williams of the 19th, Whitehead, Sr. of the 24th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse as a defense to certain crimes, so as to provide that a person who is attacked has no duty to retreat; to provide that such person has a right to meet force with force, including deadly force; to provide for an immunity from prosecution; to repeal conflicting laws; and for other purposes.

SB 415. By Senators Douglas of the 17th, Seabaugh of the 28th, Grant of the 25th, Schaefer of the 50th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 20-3-485 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia HERO (Helping Educate Reservists and their Offspring) Scholarship, so as to provide that surviving spouses shall be eligible students; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 429. By Senators Schaefer of the 50th, Williams of the 19th, Balfour of the 9th, Rogers of the 21st, Smith of the 52nd and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to require facilities where abortions are performed and facilities of physicians who refer for abortions to have or have access to certain medical equipment; to require such facilities to perform certain procedures prior to performing an abortion; to provide for certain forms; to provide a penalty for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 520. By Senators Johnson of the 1st, Kemp of the 46th, Douglas of the 17th and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia State Patrol, so as to authorize the Board of Public Safety to provide a badge and revolver to sworn officers as compensation under certain circumstances; to authorize the commissioner to provide certain uniforms and equipment to all sworn members of the Department of Public Safety; to change certain provisions relating to the provision of uniforms and equipment to members of the Uniform Division and the retention of weapons and badges upon retirement of certain members; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 532. By Senators Whitehead, Sr. of the 24th, Williams of the 19th, Goggans of the 7th, Seabaugh of the 28th, Rogers of the 21st and others:

A BILL to be entitled an Act to amend provisions of the O.C.G.A. so as to enhance the protection of facilities licensed by the United States Nuclear Regulatory Commission; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

SB 584. By Senators Jones of the 10th, Douglas of the 17th and Starr of the 44th:

A BILL to be entitled an Act to amend an Act creating a State Court of Henry County, approved March 27, 1998 (Ga. L. 1998, p. 3954), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4662), so as to provide an additional judge for the State Court of Henry County; to provide for the appointment of the initial additional judge; to provide for the election of successors; to provide for terms of office of said additional judge and successors to such judge; to provide for the compensation and expenses of said additional judge; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1142. By Representative Greene of the 149th:

A BILL to be entitled an Act to provide for the filling of vacancies in the office of sheriff of Seminole County; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1251. By Representatives Benton of the 31st, England of the 108th, Sheldon of the 105th and Mills of the 25th:

A BILL to be entitled an Act to create the Braselton Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility and authority to promote tourism, conventions, and trade shows in the Town of Braselton, Georgia; to provide for the creation and organization of the authority; to provide for the appointment of the directors of the authority and their terms of office, compensation, and qualifications; to provide for meetings; to provide for legislative findings and declaration of purpose; to provide for general powers; to provide for regulations; to provide for other matters relative to the foregoing and relative to the general purposes of this Act; to repeal conflicting laws; and for other purposes.

HB 1269. By Representative Greene of the 149th:

A BILL to be entitled an Act to amend an Act creating the Miller County Recreation Authority, approved March 25, 1997 (Ga. L. 1997, p. 3533), so as to provide for the composition, qualifications, terms, and quorums of the authority; to repeal conflicting laws; and for other purposes.

HB 1312. By Representative Royal of the 171st:

A BILL to be entitled an Act to abolish the office of elected county surveyor of Mitchell County pursuant to Code Section 36-7-2.1 of the O.C.G.A.; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1343. By Representatives Hill of the 21st, Scheid of the 22nd, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to authorize Cherokee County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; 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 1032. By Representatives Lunsford of the 110th, Ralston of the 7th, Forster of the 3rd, England of the 108th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver and temporary renewal permit, so as to provide for certain restrictions on the issuance of such permit; to provide for a background check for permit renewals; to provide for a check of United States Immigration and Customs Enforcement records for noncitizen applicants; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1351. By Representatives Dickson of the 6th and Meadows of the 5th:

A BILL to be entitled an Act to provide a homestead exemption from Murray County school district ad valorem taxes for educational purposes in the amount of $80,000.00 of the assessed value of the homestead for residents of that school district who are at least 70 years of age; 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 Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 1098. By Senators Williams of the 19th, Johnson of the 1st and Brown of the 26th:

A RESOLUTION relative to adjournment; and for other purposes.

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

SB 77. By Senators Unterman of the 45th, Hudgens of the 47th, Schaefer of the 50th, Goggans of the 7th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 15 of the O.C.G.A., relating to parental notification, so as to define and eliminate

certain terms; to require certain types of identification to be presented in order for a physician to perform an abortion; to amend Chapter 12 of Title 16 of the O.C.G.A., relating to offenses against health and morals, so as to provide that all abortions must be performed in certain facilities; to provide for certain reports by physicians; to provide for certain forms; to provide for certain reports by the Department of Human Resources; to provide for a short title; to provide for definitions; to require that a female give her informed consent prior to an abortion; to provide for related matters; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 123. By Senators Whitehead, Sr. of the 24th, Johnson of the 1st and Cagle of the 49th:

A BILL to be entitled an Act to amend Code Section 16-12-142 of the Official Code of Georgia Annotated, relating to requiring medical facilities or physicians to perform abortions and requiring others to assist, so as to provide that a pharmacist who states in writing an objection to any abortion shall not be required to fill a prescription for an emergency contraceptive drug which purpose is to induce and effect an abortion; to provide that such refusal shall not be the basis for any claim for damages; to provide for the duration of the effectiveness of the written objection; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 396. By Senators Goggans of the 7th, Johnson of the 1st, Williams of the 19th, Whitehead, Sr. of the 24th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse as a defense to certain crimes, so as to provide that a person who is attacked has no duty to retreat; to provide that such person has a right to meet force with force, including deadly force; to provide for an immunity from prosecution; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 415. By Senators Douglas of the 17th, Seabaugh of the 28th, Grant of the 25th, Schaefer of the 50th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 20-3-485 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia HERO (Helping Educate Reservists and their Offspring) Scholarship, so as to provide that surviving spouses shall be eligible students; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

SB 429. By Senators Schaefer of the 50th, Williams of the 19th, Balfour of the 9th, Rogers of the 21st, Smith of the 52nd and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to require facilities where abortions are performed and facilities of physicians who refer for abortions to have or have access to certain medical equipment; to require such facilities to perform certain procedures prior to performing an abortion; to provide for certain forms; to provide a penalty for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 520. By Senators Johnson of the 1st, Kemp of the 46th, Douglas of the 17th and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia State Patrol, so as to authorize the Board of Public Safety to provide a badge and revolver to sworn officers as compensation under certain circumstances; to authorize the commissioner to provide certain uniforms and equipment to all sworn members of the Department of Public Safety; to change certain provisions relating to the provision of uniforms and equipment to members of the Uniform Division and the retention of weapons and badges upon retirement of certain members; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety.

SB 532. By Senators Whitehead, Sr. of the 24th, Williams of the 19th, Goggans of the 7th, Seabaugh of the 28th, Rogers of the 21st and others:

A BILL to be entitled an Act to amend provisions of the O.C.G.A. so as to enhance the protection of facilities licensed by the United States Nuclear Regulatory Commission; to provide for related matters; to provide for an

effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

SB 584. By Senators Jones of the 10th, Douglas of the 17th and Starr of the 44th:

A BILL to be entitled an Act to amend an Act creating a State Court of Henry County, approved March 27, 1998 (Ga. L. 1998, p. 3954), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4662), so as to provide an additional judge for the State Court of Henry County; to provide for the appointment of the initial additional judge; to provide for the election of successors; to provide for terms of office of said additional judge and successors to such judge; to provide for the compensation and expenses of said additional judge; to provide for related matters; to repeal conflicting laws; and for other purposes

Referred to the Committee on State Planning & Community Affairs - Local.

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

Jennings of the 82nd and Jones of the 44th.

The following Resolution of the Senate was read:

SR 1098. By Senators Williams of the 19th, Johnson of the 1st and Brown of the 26th

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2006 regular session of the General Assembly for the period of March 7, 2006, through March 20, 2006, shall be as follows:

Tuesday, March 7 ..... in adjournment
Wednesday, March 8 ..... in session for legislative day 28
Thursday, March 9 ..... in session for legislative day 29
Friday, March 10 ..... in adjournment
Saturday, March 11 ..... in adjournment
Sunday, March 12 ..... in adjournment
Monday, March 13 ..... in session for legislative day 30

Tuesday, March 14 ..... in session for legislative day 31
Wednesday, March 15 ..... in session for legislative day 32
Thursday, March 16 ..... in session for legislative day 33
Friday, March 17 ..... in adjournment
Saturday, March 18 ..... in adjournment
Sunday, March 19..... in adjournment
Monday, March 20 ..... in session for legislative day 34

BE IT FURTHER RESOLVED that on and after March 20, 2006, the periods of adjournment of the 2006 session, if any, shall be as specified by subsequent resolution of the General Assembly, except that for the remainder of the 2006 regular session, unless otherwise provided by subsequent resolution, the General Assembly shall adjourn at the close of the legislative day on each Friday on which the General Assembly is in session and shall reconvene on the following Monday.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

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

N Abdul-Salaam
Y Amerson
E Anderson
N Ashe
Y Barnard
E Barnes
Y Bearden
N Beasley-Teague
N Benfield
Y Benton
N Black
Bordeaux
E Borders
Y Bridges
N Brooks
Y Brown
N Bruce
E Bryant
N Buckner, D
N Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Crawford
Y Cummings
Y Davis
Y Day
N Dean
Y Dickson
Dodson
Y Dollar
N Drenner
N Dukes
Y Ehrhart
Y England
N Epps
Y Everson
Y Fleming
N Floyd, H
Y Floyd, J
N Fludd
Y Forster
Y Franklin
Y Freeman
N Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
N Hanner
Y Harbin
Y Hill, C.A
N Holmes
Y Holt
Y Horne
Y Houston
N Howard, E
E Hudson
N Hugley
E Jackson
Y Jacobs
N James
N Jamieson
Jenkins
Y Jennings
Johnson
Y Jones, J
N Jones, S
N Jordan
Y Keen
Y Keown
N Kidd
Y Knight
Y Knox
Y Lakly
Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Lord
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
N Morgan
Y Morris
N Mosby
Y Mosley
Y Mumford
Y Murphy, J
N Murphy, Q
Y Neal
N Oliver
Y O'Neal
N Orrock
Y Parham
Y Parrish
Y Parsons
N Porter
Y Powell
Y Ralston
N Randall
Ray
N Reece, B
N Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
N Shaw
Y Sheldon
E Sims, C
N Sims, F
N Sinkfield
Y Smith, B
Y Smith, L
N Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
N Smyre
N Stanley-Turner
Stephens
Stephenson
Y Talton
N Teilhet
Thomas, A.M
N Thomas, B
Y Tumlin
Y Walker
N Warren
N Watson
Y Wilkinson

Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	E Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	E Williams, R
Coleman, T	Y Hembree	N Mangham	Y Rogers	Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	N Marin	Y Rynders	Richardson, Speaker

On the adoption of the Resolution, the ayes were 101, nays 51.

The Resolution was adopted.

Representative Jenkins of the 8th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

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

HB 1012. By Representatives Millar of the 79th, Watson of the 91st, Chambers of the 81st, Jennings of the 82nd and Jacobs of the 80th:

A BILL to be entitled an Act to amend Code Section 36-82-1 of the Official Code of Georgia Annotated, relating to requirements and conditions applicable to general obligation bonds, so as to provide for additional bond performance audit requirements; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to bonds, so as to provide for additional performance audit requirements with respect to general obligation bonds and revenue bonds; to provide for a definition; to provide for power, duties, and authority of the inspector general; 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 82 of Title 36 of the Official Code of Georgia Annotated, relating to bonds, is amended by striking the Reserved designation of Article 4 and inserting in its place a new Article 4 to read as follows:

"ARTICLE 4

36-82-100.

(a) As used in this Code section, the term 'bonds' means any revenue or general obligation bonds issued under this chapter.

(b) When bonds are issued by a county, municipality, or local authority in the amount of $5 million or more, the expenditure of bond proceeds shall be subject to an ongoing performance audit or performance review as provided in this Code section; but this Code section shall not apply if such bond issue is below $5 million.

(c) Each county, municipality, or local authority expending bond proceeds shall provide for a continuing performance audit or performance review of the expenditure of such funds. The county, municipality, or local authority shall contract with a certified public accountant or with an outside auditor, consultant, or other provider accredited or certified in the field of performance audits or performance reviews. Such accountant, auditor, consultant, or other provider shall only be qualified to perform the audit and review functions under this Code section if such accountant, auditor, consultant, or other provider has significant experience and competence in conducting comprehensive audits and reviews in conformance with generally accepted government auditing standards. The performance audit or performance review contract shall:

(1) Include a goal of ensuring to the maximum extent possible that the bond funds are expended efficiently and economically, so as to secure to the county, municipality, or local authority the maximum possible benefit from the bond funds;

(2) Provide for the issuance of periodic public reports, made accessible through electronic or printed format, or both, at a location advertised in the legal organ not less often than once annually, with respect to the extent to which expenditures are meeting the goal specified in paragraph (1) of this subsection; and

(3) Provide for the issuance of periodic public recommendations, made accessible through electronic or printed format, or both, at a location advertised in the legal organ not less often than once annually, for improvements in meeting the goal specified in paragraph (1) of this subsection.

(d) The auditor, consultant, or other provider to carry out the performance audit or performance review shall be selected through a public request for proposals process. The reasonable cost of the performance audit or performance review shall be paid from the proceeds of the bonds unless a specific waiver of public accountability is included in a legal advertisement in bold print which expressly states that no performance audit or performance review shall be conducted with respect to such bond issue.

(e) On and after the effective date of this Code section, the expenditure of bond proceeds shall be under the jurisdiction of and subject to review by the inspector general of this state with respect to any claim of fraud, waste, abuse, or mismanagement of funds.

(f) This Code section shall apply with respect to any bonds which are subject to the requirements of subsection (b) of this Code section which are issued after the effective date of this Code section until the proceeds of such bond issue have been expended."

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.

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:

Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
E Barnes
Y Bearden
Y Beasley-Teague
Benfield
Y Benton
Y Black
Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Y Sims, F
Y Sinkfield
Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Stanley-Turner
Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
E Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 0.

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

Representatives Abdul-Salaam of the 74th and Mitchell of the 88th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1470. By Representatives Jones of the 46th and Burkhalter of the 50th:

> A BILL to be entitled an Act to incorporate the City of Milton in Fulton County, Georgia; to provide a charter for the City of Milton; 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 severability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL

To incorporate the City of Milton in Fulton County, Georgia; to provide a charter for the City of Milton; 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 bonds for officials; to provide for eminent domain; to provide for penalties; 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 Milton 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 Milton." References in this charter to "the city" or "this city" refer to the City of Milton. The city shall have perpetual existence.

SECTION 1.11.
Corporate boundaries.

The incorporated area of this city shall consist of all of that portion of Fulton County, as set forth and described in Appendix A of this charter, which Appendix is incorporated herein by reference, and which portion of Fulton County was unincorporated as of January 1, 2006; and with such alterations as may be made thereafter from time to time by local law or in the manner provided by general state law. As used in this charter, the term "Territory" means the area described in this section. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk of the city and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Milton, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

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. 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;

(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 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 squares in the city; to provide for the commitment of such persons to any jail; 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, 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 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, pawn shops, 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 shall not exceed 4.731 unless a higher limit is recommended by resolution of the city council and approved by a majority of the qualified voters of the city; 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;

(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 six 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 Territory for 12 months immediately preceding the election of mayor or councilmembers, shall have attained the age of 21 years prior to the date of election, and, in the case of councilmembers, has 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 above said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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 Territory or of said city shall be eligible to qualify as voters in the election.
(b) All primaries and elections, including without limitation the special election of 2006 to elect the first mayor and council, 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) For the purpose of electing members of the council, the City of Milton shall consist of six council districts as described in Appendix B of this charter, which appendix is attached and incorporated into this charter by reference. Each candidate for election to the council other than the mayor must reside in the council district he or she seeks to represent, but such districts shall be residency districts only and not voting districts. All elections for all councilmembers shall be at-large by the voters of the entire city.

(d) The first election for mayor and councilmembers shall be a special election held in 2006 on the date specified in subsection (f) of this section. At said election, the 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, 2007. The mayor and councilmembers elected from Council Districts 1, 3, and 5 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2009. 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 and each councilmember, for the special election and each subsequent election for mayor and councilmember, shall be elected by the qualified electors of the city at large.

(f) A special election shall be held on the Tuesday after the first Monday in November, 2006, 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 said 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 2007. 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 six 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 candidates for mayor and councilmember who receive a majority of the votes cast in the applicable election shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in any of said elections, a run-off election shall be held between the two candidates receiving the highest number of votes. Such run-off 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 by ordinance for the provision of insurance, retirement, workers´ compensation, and other employee benefits to the mayor and members of the city council and shall 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 Milton.

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 Milton and may enforce such ordinances by imposing penalties for violations thereof.

(c) Except for the office of city manager and the executive aide to the mayor, the city council, by ordinance, 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 at 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 Act. 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) Every proposed ordinance shall be introduced in writing and in the form 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 Milton hereby ordains..." and every ordinance shall so begin.
(b) An ordinance may be introduced by the mayor or any councilmember and be read 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. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

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 clerk pursuant to Section 3.20 of this charter.
(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

SECTION 3.20.
Codification of ordinances.

(a) The clerk shall authenticate by the 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 Milton, 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 printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed 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 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 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 four 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, 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 of the city council;

(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 to take 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;

(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) Appoint city council committees and appoint councilmembers to oversee and report on the functions of the various departments of the city;

(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;

(11) Select and hire the executive aide;

(12) 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

(13) 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 appoint, subject to confirmation by the city council, a city manager for an indefinite term and which appointment shall set the city manager's initial compensation. The city manager shall be appointed 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 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 all 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.
Executive aide; appointment; qualifications; compensation; removal.

(a) The mayor shall appoint an executive aide for an indefinite term and shall set the executive aide's initial annual salary, subject to confirmation by the city council, which annual salary shall be not less than twice the annual salary of the mayor. The executive aide shall be appointed solely on the basis of that person's executive and administrative qualifications.
(b) The executive aide may be removed from office at the discretion of the mayor.
(c) The executive aide shall continue to receive the executive aide's salary until the effective date of removal.

SECTION 3.27.
Powers and duties of the executive aide.

(a) The executive aide shall report directly to the mayor.
(b) The duties and responsibilities of the executive aide shall at all times be as set forth by the mayor.
(c) The executive aide shall have the authority, upon the specific request of the mayor, to act on behalf of the mayor in the mayor's ceremonial or administrative capacity.
(d) The executive aide shall have no authority to act on behalf of the mayor in a legislative or executive capacity.

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 or 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. The initial mayor pro tempore shall serve for a term expiring December 31, 2007, and successors shall serve for terms of four years. 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 in the same manner as the original election.

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 directors. The director involved may appeal to the city council which, after a hearing, may override the suspension. Any removal of a director shall be by the city council.

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) All members of boards, commissions, and authorities of the city shall be appointed by a majority vote of the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.
(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 for cause by a 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 one year. 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 Milton.

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 4.731, unless a higher millage rate is recommended by resolution of the city council and subsequently approved by a majority of the eligible voters of the city by 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.
Franchises.

The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

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 60 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 60 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 3.17 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 Milton, 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 Milton is granted an exemption on that person's homestead from City of Milton 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 Milton, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, 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 Milton, 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, 2007.

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 Milton 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 Milton who is a senior citizen is granted an exemption on that person's homestead from City of Milton 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 Milton, 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 Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, 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 Milton, 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, 2007.

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 Milton, 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 Milton who is a senior citizen is granted an exemption on that person's homestead from City of Milton 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 Milton, 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 Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, 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 Milton, 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, 2007.

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 Milton, 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 Milton who is a senior citizen or who is disabled is granted an exemption on that person's homestead from City of Milton 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 Milton, 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 Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, 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 Milton, 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, 2007.

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.
Charter language on other general matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

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 Tuesday after the first Monday in November, 2006, the qualified electors of the City of Milton shall be those qualified electors of Fulton County residing within the corporate limits of the City of Milton as described by Section 1.11 of this charter. At subsequent municipal elections, the qualified electors of the City of Milton 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 Milton to be held on the Tuesday after the first Monday in

November, 2006, the election superintendent of Fulton County is vested with the powers and duties of the election superintendent of the City of Milton and the powers and duties of the governing authority of the City of Milton.

SECTION 7.14.
Referendum.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, 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 Milton, as provided in Section 7.13 of this charter, for approval or rejection. The superintendent shall set the date of such election for the date of the general primary in 2006. 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 Do you approve the creation of the City of Milton and the property tax rate cap and the granting of the homestead exemptions described in the
( ) NO Act creating the City of Milton?"

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 Act and those provisions of the Act 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 Tuesday after the first Monday in November, 2006, 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 December 1, 2006, except that the initial mayor and councilmembers shall

take office immediately following their election and by action of a quorum may prior to December 1, 2006, 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 Milton. Accordingly there shall be a transition period beginning on December 1, 2006, and ending at midnight on November 30, 2007. 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 Milton all government services and functions which Fulton County provided in that area during 2005 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 Milton, responsibility for any such service or function shall be transferred to the City of Milton. Beginning December 1, 2006, the City of Milton shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of Milton in the same manner as authorized immediately prior to the effective date of this section; provided, however, that upon at least 30 days´ prior written notice to Fulton County by the City of Milton, the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with Fulton County after December 1, 2006, until such time as Fulton County receives subsequent notice from the City of Milton that such authority shall be transferred to the City of Milton.

(c) During the transition period, the governing authority of the City of Milton:

(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 2007 and 2008;

(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 Milton shall not exercise its jurisdiction. During the transition period, all ordinances of Fulton County shall remain applicable within the territorial limits of Milton 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 Milton may during the transition period transfer all or part of such regulatory authority and the appropriate court jurisdiction to the City of Milton. Any transfer of jurisdiction to the City of Milton 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 Milton 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 Milton commencing to exercise its planning and zoning powers, the Municipal Court of the City of Milton 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 Milton 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, delay in securing approval under the federal Voting Rights Act, 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 Milton, 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 Milton. All members of the charter commission must reside in the City of Milton. 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

The corporate limits of the City of Milton shall consist of that portion of Fulton County described as follows:

(1) Subject to the exclusion of that territory described in the other paragraphs of this Appendix A, the City of Milton shall include territory within the following boundary: Beginning at the intersection of Arnold Mill Road (a/k/a State Route 140) and the Fulton/Cherokee County line, run generally southwest along the center line of Arnold Mill Road to that point where Arnold Mill Road first intersects the Alpharetta City limits south of Green Road; thence follow the meanderings of the Alpharetta City

limits generally northeastward and eastward to LL 1103; then proceeding north along the western edge of LL 1103 and LL 1058 to the northwestern most corner of the Harrington Falls subdivision; then proceeding eastward along the northern boundary of the Harrington Falls subdivision to the northwestern most corner of parcel 22463010340275; then proceeding east along the northern border of parcel 22463010340275 to the centerline of Providence Road, then south along the centerline of Providence Road to the Alpharetta City limits; then following the meanderings of the Alpharetta City limits generally easterly to the intersection of Ga. Route 400 and the Fulton/Forsyth County line; run thence generally north along the Fulton/Forsyth County Line and thence west and south along the Fulton County line to the point of beginning;

(2) The following territory shall be excluded from the corporate limits of the City of Milton:

A. parcel number 22447010580238 in its entirety;

B. all of the unincorporated land within LL 1123 and LL 1124, south and east of the centerline of Cumming Highway (a/k/a, Main Street, a/k/a Alpharetta Highway and a/k/a State Highway 9);

C. all of the unincorporated land within LL 1111 and LL 1050 south and east of the centerline of Cogburn Road;

D. all of the unincorporated land within LL 833, LL 834 and LL 895 that is situated south and east of the southernmost right of way of Bethany Bend Road;

E. all of the unincorporated land within LL 896 that is situated west of the westernmost right of way of Cogburn Road;

F. that property identified by parcel number 22-50900896-046 in LL 905, to the westernmost right of way of Cogburn Road.;

(3) As used in paragraph (1), of this Appendix A, the city limits of Alpharetta shall be those in existence as of January 1, 2006, including all properties that have legally been annexed into the City of Alpharetta as of that date; and

(4) The City of Milton shall not include any noncontiguous portion of the City of Alpharetta or the City of Roswell that was legally included within the city limits of either city as of January 1, 2006.

APPENDIX B

Council Districts 1 through 6 shall consist of the territory of the City of Milton described in the Redistricting Plan Components Report attached to this Act and made a part thereof and further identified as "Plan Name: miltonp6re Plan Type: Local User: Blake Administrator: H046."

When used in such attachment, the terms "Tract" and "BG" (Block Group) 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 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a "BG" heading shall mean and describe individual Blocks within a Block Group as provided in

the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Milton which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the City of Milton which is described in that attachment as being 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 with that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia.

APPENDIX C

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

I, Representative Jan Jones, Georgia State Representative from the 46th District and the author of this bill introduced at the 2005 Session of the General Assembly of Georgia, which grants an original municipal charter to the City of Milton 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.
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 _____, 20__.

_____
Representative, 46th District
Georgia House of Representatives

District 001
Fulton County
Tract: 115.01
BG: 4
4005 4007 4010 4014 4015 4016 4018 4019 4020 4021 4022 4023
4024 4025 4026 4028 4029 4030 4031 4034 4035 4039 4040 4043
BG: 5
5000 5001 5002 5003 5006 5009 5010
Tract: 116.04
BG: 4
4028

District 002

Fulton County
Tract: 115.01
BG: 4
4011 4012 4013
BG: 9
9000 9001 9002 9003 9004 9005 9006 9007 9008 9009 9010 9011
9015 9016 9017 9018 9019 9020 9021 9022 9023 9024 9025 9034
9035 9036 9037 9038 9039 9040 9041 9042 9043 9044 9066 9067
9068 9069 9070 9071 9072 9073 9074 9075 9076 9077 9084 9085
9086 9087 9088 9089 9091 9999

District 003
Fulton County
Tract: 115.01
BG: 4
4000 4008 4009 4017
BG: 9
9012 9013 9014 9026 9027 9028 9029 9030 9031 9032 9033 9045
9046 9047 9048 9049 9050 9051 9052 9053 9054 9055 9056 9057
9058 9059 9060 9061 9062 9063 9064 9065 9083 9997 9998

District 004
Fulton County
Tract: 115.01
BG: 4
4001 4002 4003 4004 4006
BG: 9
9078 9079 9080 9096 9996
Tract: 116.04
BG: 2
2004
That part of block 2006 which lies within the City of Milton.
2007
That part of block 2030 which lies within the City of Milton.
That part of block 2031 which lies within the City of Milton.
2999
BG: 4
4000 4001
That part of block 4002 which lies within the City of Milton.

4008 4009 4010 4011 4013 4999

District 005
Fulton County
Tract: 115.01
BG: 9
9081 9082 9090 9092 9093 9094 9095
Tract: 116.04
BG: 2
2000 2001 2002 2003 2008 2009 2010 2026 2011 2012 2013 2014
2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2027

District 006
Fulton County
Tract: 116.04
BG: 5
5000 5001 5002 5003 5004

The following substitute, offered by the Committee on Rules, was read and adopted:

A BILL

To incorporate the City of Milton in Fulton County, Georgia; to provide a charter for the City of Milton; 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 bonds for officials; to provide for eminent domain; to provide for penalties; 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 Milton 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 Milton." References in this charter to "the city" or "this city" refer to the City of Milton. The city shall have perpetual existence.

SECTION 1.11.
Corporate boundaries.

The incorporated area of this city shall consist of all of that portion of Fulton County, as set forth and described in Appendix A of this charter, which Appendix is incorporated herein by reference, and which portion of Fulton County was unincorporated as of January 1, 2006; and with such alterations as may be made thereafter from time to time by local law or in the manner provided by general state law. As used in this charter, the term "Territory" means the area described in this section. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk of the city and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Milton, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

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. 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;

(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 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 squares in the city; to provide for the commitment of such persons to any jail; 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, 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 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, pawn shops, 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 shall not exceed 4.731 unless a higher limit is recommended by resolution of the city council and approved by a majority of the qualified voters of the city; 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;

(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 six 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 Territory for 12 months immediately preceding the election of mayor or councilmembers, shall have attained the age of 21 years prior to the date of election, and, in the case of councilmembers, has 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 above said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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 Territory or of said city shall be eligible to qualify as voters in the election.
(b) All primaries and elections, including without limitation the special election of 2006 to elect the first mayor and council, 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) For the purpose of electing members of the council, the City of Milton shall consist of six council districts as described in Appendix B of this charter, which appendix is attached and incorporated into this charter by reference. Each candidate for election to the council other than the mayor must reside in the council district he or she seeks to represent, but such districts shall be residency districts only and not voting districts. All elections for all councilmembers shall be at-large by the voters of the entire city.

(d) The first election for mayor and councilmembers shall be a special election held in 2006 on the date specified in subsection (f) of this section. At said election, the 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, 2007. The mayor and councilmembers elected from Council Districts 1, 3, and 5 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2009. 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 and each councilmember, for the special election and each subsequent election for mayor and councilmember, shall be elected by the qualified electors of the city at large.
(f) A special election shall be held on the Tuesday after the first Monday in November, 2006, 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 said 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 2007. 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 six 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 candidates for mayor and councilmember who receive a majority of the votes cast in the applicable election shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in any of said elections, a run-off election shall be held between the two candidates receiving the highest number of votes. Such run-off 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 by ordinance for the provision of insurance, retirement, workers´ compensation, and other employee benefits to the mayor and members of the city council and shall 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 Milton.

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 Milton and may enforce such ordinances by imposing penalties for violations thereof.

(c) Except for the office of city manager and the executive aide to the mayor, the city council, by ordinance, 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 at 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 Act. 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) Every proposed ordinance shall be introduced in writing and in the form 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 Milton hereby ordains..." and every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any councilmember and be read 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. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

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 clerk pursuant to Section 3.20 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

SECTION 3.20.

Codification of ordinances.

(a) The clerk shall authenticate by the 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 Milton, 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 printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed 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 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 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 four 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, 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 of the city council;

(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 to take 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;
(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) Appoint city council committees and appoint councilmembers to oversee and report on the functions of the various departments of the city;
(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;
(11) Select and hire the executive aide;
(12) 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
(13) 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 appoint, subject to confirmation by the city council, a city manager for an indefinite term and which appointment shall set the city manager's initial compensation. The city manager shall be appointed 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 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 all 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.
Executive aide; appointment; qualifications; compensation; removal.

(a) The mayor shall appoint an executive aide for an indefinite term and shall set the executive aide's initial annual salary, subject to confirmation by the city council, which annual salary shall be not less than twice the annual salary of the mayor. The executive aide shall be appointed solely on the basis of that person's executive and administrative qualifications.
(b) The executive aide may be removed from office at the discretion of the mayor.
(c) The executive aide shall continue to receive the executive aide's salary until the effective date of removal.

SECTION 3.27.
Powers and duties of the executive aide.

(a) The executive aide shall report directly to the mayor.
(b) The duties and responsibilities of the executive aide shall at all times be as set forth by the mayor.
(c) The executive aide shall have the authority, upon the specific request of the mayor, to act on behalf of the mayor in the mayor's ceremonial or administrative capacity.
(d) The executive aide shall have no authority to act on behalf of the mayor in a legislative or executive capacity.

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 or 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. The initial mayor pro tempore shall serve for a term expiring December 31, 2007, and successors shall serve for terms of four years. 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 in the same manner as the original election.

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 directors. The director involved may appeal to the city council which, after a hearing, may override the suspension. Any removal of a director shall be by the city council.

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) All members of boards, commissions, and authorities of the city shall be appointed by a majority vote of the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.
(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 for cause by a 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 one year. 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 Milton.

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 4.731, unless a higher millage rate is recommended by resolution of the city council and subsequently approved by a majority of the eligible voters of the city by 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.
Franchises.

The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

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 60 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 60 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 3.17 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 Milton, 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 Milton is granted an exemption on that person's homestead from City of Milton 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 Milton, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, 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 Milton, 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, 2007.

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 Milton 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 Milton who is a senior citizen is granted an exemption on that person's homestead from City of Milton 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 Milton, 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 Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, 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 Milton, 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, 2007.

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 Milton, 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 Milton who is a senior citizen is granted an exemption on that person's homestead from City of Milton 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 Milton, 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 Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, 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 Milton, 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, 2007.

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 Milton, 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 Milton who is a senior citizen or who is disabled is granted an exemption on that person's homestead from City of Milton 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 Milton, 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 Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, 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 Milton, 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, 2007.

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.
Charter language on other general matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

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 Tuesday after the first Monday in November, 2006, the qualified electors of the City of Milton shall be those qualified electors of Fulton County residing within the corporate limits of the City of Milton as described by Section 1.11 of this charter. At subsequent municipal elections, the qualified electors of the City of Milton 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 Milton to be held on the Tuesday after the first Monday in November, 2006, the election superintendent of Fulton County is vested with the powers and duties of the election superintendent of the City of Milton and the powers and duties of the governing authority of the City of Milton.

SECTION 7.14.
Referendum.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, 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 Milton, as provided in Section 7.13 of this charter, for approval or rejection. The superintendent shall set the date of such election for the date of the general primary in 2006. 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 Do you approve the creation of the City of Milton and the property tax rate cap and the granting of the homestead exemptions described in the
( ) NO Act creating the City of Milton?"

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 Act and those provisions of the Act 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 Tuesday after the first Monday in November, 2006, 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 December 1, 2006, except that the initial mayor and councilmembers shall take office immediately following their election and by action of a quorum may prior to December 1, 2006, 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 Milton. Accordingly there shall be a transition period beginning on December 1, 2006, and ending at midnight on November

30, 2008. 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 Milton all government services and functions which Fulton County provided in that area during 2005 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 Milton, responsibility for any such service or function shall be transferred to the City of Milton. Beginning December 1, 2006, the City of Milton shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of Milton in the same manner as authorized immediately prior to the effective date of this section; provided, however, that upon at least 30 days´ prior written notice to Fulton County by the City of Milton, the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with Fulton County after December 1, 2006, until such time as Fulton County receives subsequent notice from the City of Milton that such authority shall be transferred to the City of Milton.

(c) During the transition period, the governing authority of the City of Milton:

(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 2007 and 2008;

(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 Milton shall not exercise its jurisdiction. During the transition period, all ordinances of Fulton County shall remain applicable within the territorial limits of Milton 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 Milton may during the transition period transfer all or part of such regulatory authority and the appropriate court jurisdiction to the City of Milton. Any transfer of jurisdiction to the City of Milton 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 Milton 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 Milton commencing to exercise its planning and zoning powers, the Municipal Court of the City of Milton 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 Milton 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, delay in securing approval under the federal Voting Rights Act, 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 Milton, 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 Milton. All members of the charter commission must reside in the City of Milton. 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

The corporate limits of the City of Milton shall consist of that portion of Fulton County described as follows:

(1) Subject to the exclusion of that territory described in the other paragraphs of this Appendix A, the City of Milton shall include territory within the following boundary: Beginning at the intersection of Arnold Mill Road (a/k/a State Route 140) and the Fulton/Cherokee County line, run generally southwest along the center line of Arnold Mill Road to that point where Arnold Mill Road first intersects the Alpharetta City limits south of Green Road; thence follow the meanderings of the Alpharetta City limits generally northeastward and eastward to LL 1103; then proceeding north along the western edge of LL 1103 and LL 1058 to the northwestern most corner of the Harrington Falls subdivision; then proceeding eastward along the northern boundary of the Harrington Falls subdivision to the northwestern most corner of parcel 22463010340275; then proceeding east along the northern border of parcel 22463010340275 to the centerline of Providence Road, then south along the centerline of Providence Road to the Alpharetta City limits; then following the meanderings of the Alpharetta City limits generally easterly to the intersection of Ga. Route 400 and the Fulton/Forsyth County line; run thence generally north along the

Fulton/Forsyth County Line and thence west and south along the Fulton County line to the point of beginning;

(2) The following territory shall be excluded from the corporate limits of the City of Milton:

A. parcel number 22447010580238 in its entirety;

B. all of the unincorporated land within LL 1123 and LL 1124, south and east of the centerline of Cumming Highway (a/k/a, Main Street, a/k/a Alpharetta Highway and a/k/a State Highway 9);

C. all of the unincorporated land within LL 1111 and LL 1050 south and east of the centerline of Cogburn Road;

D. all of the unincorporated land within LL 833, LL 834 and LL 895 that is situated south and east of the southernmost right of way of Bethany Bend Road;

E. all of the unincorporated land within LL 896 that is situated west of the westernmost right of way of Cogburn Road;

F. that property identified by parcel number 22-50900896-046 in LL 905, to the westernmost right of way of Cogburn Road.;

(3) As used in paragraph (1), of this Appendix A, the city limits of Alpharetta shall be those in existence as of January 1, 2006, including all properties that have legally been annexed into the City of Alpharetta as of that date; and

(4) The City of Milton shall not include any noncontiguous portion of the City of Alpharetta or the City of Roswell that was legally included within the city limits of either city as of January 1, 2006.

APPENDIX B

Council Districts 1 through 6 shall consist of the territory of the City of Milton described in the Redistricting Plan Components Report attached to this Act and made a part thereof and further identified as "Plan Name: miltonp6re Plan Type: Local User: Blake Administrator: H046."

When used in such attachment, the terms "Tract" and "BG" (Block Group) 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 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a "BG" heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Milton which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the City of Milton which is described in that attachment as being 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 with that district contiguous to such part

which contains the least population according to the United States decennial census of 2000 for the State of Georgia.

APPENDIX C

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

I, Representative Jan Jones, Georgia State Representative from the 46th District and the author of this bill introduced at the 2005 Session of the General Assembly of Georgia, which grants an original municipal charter to the City of Milton 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.
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 _____, 20__.

_____
Representative, 46th District
Georgia House of Representatives

District 001
Fulton County
Tract: 115.01
BG: 4
4005 4007 4010 4014 4015 4016 4018 4019 4020 4021 4022 4023
4024 4025 4026 4028 4029 4030 4031 4034 4035 4039 4040 4043
BG: 5
5000 5001 5002 5003 5006 5009 5010
Tract: 116.04
BG: 4
4028

District 002
Fulton County
Tract: 115.01
BG: 4
4011 4012 4013
BG: 9
9000 9001 9002 9003 9004 9005 9006 9007 9008 9009 9010 9011
9015 9016 9017 9018 9019 9020 9021 9022 9023 9024 9025 9034
9035 9036 9037 9038 9039 9040 9041 9042 9043 9044 9066 9067

9068 9069 9070 9071 9072 9073 9074 9075 9076 9077 9084 9085
9086 9087 9088 9089 9091 9999

District 003
Fulton County
Tract: 115.01
BG: 4
4000 4008 4009 4017
BG: 9
9012 9013 9014 9026 9027 9028 9029 9030 9031 9032 9033 9045
9046 9047 9048 9049 9050 9051 9052 9053 9054 9055 9056 9057
9058 9059 9060 9061 9062 9063 9064 9065 9083 9997 9998

District 004
Fulton County
Tract: 115.01
BG: 4
4001 4002 4003 4004 4006
BG: 9
9078 9079 9080 9096 9996
Tract: 116.04
BG: 2
2004
That part of block 2006 which lies within the City of Milton.
2007
That part of block 2030 which lies within the City of Milton.
That part of block 2031 which lies within the City of Milton.
2999
BG: 4
4000 4001
That part of block 4002 which lies within the City of Milton.
4008 4009 4010 4011 4013 4999

District 005
Fulton County
Tract: 115.01
BG: 9
9081 9082 9090 9092 9093 9094 9095
Tract: 116.04
BG: 2

2000 2001 2002 2003 2008 2009 2010 2026 2011 2012 2013 2014
2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2027

District 006
Fulton County
Tract: 116.04
BG: 5
5000 5001 5002 5003 5004

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:

N Abdul-Salaam
Y Amerson
E Anderson
N Ashe
Y Barnard
E Barnes
Y Bearden
N Beasley-Teague
Benfield
Y Benton
Y Black
Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
N Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
Davis
Y Day
N Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
N Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
N Heckstall
Y Hembree
Henson
Y Hill, C
Y Hill, C.A
N Holmes
Y Holt
Y Horne
Y Houston
N Howard, E
E Hudson
N Hugley
E Jackson
Y Jacobs
N James
Y Jamieson
Y Jenkins
Y Jennings
Johnson
Y Jones, J
Y Jones, S
N Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
N Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
N Morgan
Y Morris
Mosby
Y Mosley
Y Mumford
Y Murphy, J
N Murphy, Q
Y Neal
Y Oliver
Y O'Neal
N Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
N Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Y Sims, F
Sinkfield
Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
N Smyre
N Stanley-Turner
Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Tumlin
Y Walker
Y Warren
Watson
Y Wilkinson
Y Willard
N Williams, A
N Williams, E
E Williams, R
Wix
Y Yates
Richardson,
Speaker

On the passage of the Bill, by substitute, the ayes were 127, nays 21.

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

Representatives Carter of the 159th and Mitchell of the 88th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 988. By Representatives Hill of the 180th, Lane of the 167th, Keen of the 179th, Smith of the 168th and Mosley of the 178th:

A BILL to be entitled an Act to amend Chapter 12 of Title 50 of the O.C.G.A., relating to state government commissions and other agencies, so as to provide for the establishment of the War of 1812 Bicentennial Commission; to provide for the membership of the commission and the powers and duties of the commission; to provide for expenses; to provide for matters relating to commemorating the historic events that preceded and are associated with the War of 1812; to provide for abolition of the commission; to provide for repeal of the laws relating to such commission and the powers and duties of the commission; to create the War of 1812 Commemoration Commission and provide for its membership, powers, duties, and operations; 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 adopted:

A BILL

To amend Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to state government commissions and other agencies, so as to provide for the establishment of the War of 1812 Bicentennial Commission; to provide for the membership of the commission and the powers and duties of the commission; to provide for expenses subject to available funds; to provide for matters relating to commemorating the historic events that preceded and are associated with the War of 1812; to provide for abolition of the commission; to provide for repeal of the laws relating to such commission and the powers and duties of the commission; to create the War of 1812 Commemoration Commission and provide for its membership, powers, duties, and operations; 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 12 of Title 50 of the Official Code of Georgia Annotated, relating to state government commissions and other agencies, is amended by adding a new article to read as follows:

"ARTICLE 9

50-12-140.

This article shall be known and may be cited as the 'War of 1812 Bicentennial Commission Act.'

50-12-141.

(a) The General Assembly finds and declares that the War of 1812 was a perilous time in our young nation's history. The war was essentially fought over our nation's sovereign right to free trade and the inviolability of our nation's vessels on the high seas; it serves as a timeless reminder of the vulnerability of Georgia's coastline and land borders to attack by elements of a hostile foreign power. During the war period, July 18, 1812, through February 18, 1815, there were 39 counties in Georgia those being: Baldwin, Bryan, Bulloch, Burke, Camden, Chatham, Clarke, Columbia, Effingham, Elbert, Emanuel; Franklin, Glynn, Greene, Hancock, Jackson, Jasper, Jefferson, Jones, Laurens, Liberty, Lincoln, Madison, McIntosh, Montgomery, Morgan, Oglethorpe, Pulaski, Putnam, Richmond, Screven, Tattnall, Telfair, Twiggs, Warren, Washington, Wayne, Wilkes, and Wilkinson; Emanuel was added on Dec. 10, 1812. Although not designated within the borders of the state, there existed during the war period territory that would eventually be designated as counties of Georgia; in addition to which, new counties were created from existing counties, and some counties whose boundaries were later redefined were the site of historically significant activity during the War of 1812. Among those counties, but not specifically limited to those now mentioned, are: Appling, Bibb, Bleckley, Charlton, Coffee, Crawford, Crisp, Dodge, Dooly, Early, Lee, Monroe, Muscogee, Pierce, Talbot, Taylor, Ware, Wilcox, Worth, and Upson. While not all counties suffered combat, each of the 39 aforementioned counties contributed troops to the state militia; some had fortifications situated within their respective boundaries; and all had militia training grounds. Various regions of Georgia were affected by the War of 1812 in different ways: coastal regions were subject to combat with British forces, British raiding parties, and the interdiction of coastal shipping between the ports of Savannah and St. Marys; beyond Fort Hawkins (the present day City of Macon), Georgia settlers and troops were subject to raids by rebel elements of the Creek nation allied to Great Britain. Georgia territory occupied by British forces included Brunswick, Cumberland Island, Jekyll Island, St. Marys, and St. Simons Island. The same naval and military forces that burned Washington, D.C., and attacked Fort McHenry, inspiring Francis Scott Key to write the poem which became known as the 'Star Spangled Banner,' also invaded Cumberland Island, attacked St. Marys and the Battery at Cantonment Point Petre, and wreaked havoc along Georgia's coast. The final

combat between British military forces and American military forces, specifically the Georgia Militia, took place on the St. Marys River, near Coleraine, on February 23, 1815, and the final shots fired in anger between British naval forces and American naval forces in American territorial sea took place in Georgia waters on March 16, 1815, off Wassaw Island.

(b) The bicentennial commemoration period offers an excellent opportunity to enhance educational programs, add to the general knowledge of that era, and engender history and heritage based tourism within the state. Therefore, it is in the interest of the state to provide appropriate commemorative activities to maximize public understanding of the meaning of the War of 1812 in the history of Georgia.

(c) The purpose of the commission is to ensure a suitable state-wide observance of the War of 1812 by complementing, cooperating with, and providing assistance to the programs and activities of the various counties involved in the commemoration. The commission is to encourage War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites. The commission is to engage the state archeologist in compiling an inventory of War of 1812 archeological assets on land and in waters under Georgia jurisdiction or control and work in concert with the appropriate federal government agencies when warranted to accomplish that goal.

(d) The commission is also to welcome international involvement in the War of 1812 observances; contribute to, coordinate with, participate in, and enhance the activities of the National War of 1812 Bicentennial Commission; foster and promote the protection of War of 1812 resources; and assist in the appropriate development of heritage and history based tourism and economic benefits to the State of Georgia.

50-12-142.

As used in this article, the term:

(1) 'Commemoration' means commemoration of the War of 1812.

(2) 'Commission' means the War of 1812 Bicentennial Commission established in this article.

(3) 'Commissioner' means the commissioner of natural resources.

(4) 'Counties' means those counties mentioned in subsection (a) of Code Section 50-12-141, to wit: Appling, Baldwin, Bibb, Bleckley, Bryan, Bulloch, Burke, Camden, Charlton, Chatham, Clarke, Coffee, Columbia, Crawford, Crisp, Dodge, Dooly, Early, Effingham, Elbert, Emanuel, Franklin, Glynn, Greene, Hancock, Jackson, Jasper, Jefferson, Jones, Laurens, Lee, Liberty, Lincoln, Madison, McIntosh, Montgomery, Monroe, Morgan, Muscogee, Oglethorpe, Pierce, Pulaski, Putnam, Richmond, Screven, Talbot, Tattnall, Taylor, Telfair, Twiggs, Ware, Warren, Washington, Wayne, Wilcox, Wilkes, Wilkinson, Worth, and Upson, and includes agencies and entities of each county.

(5) 'Qualified resident' means any resident of the State of Georgia with an interest in, support for, and expertise appropriate to the commemoration.

50-12-143.

(a) The commission shall be composed of 28 members as follows:

(1) Thirteen members shall be qualified residents appointed by the commissioner after consideration of nominations submitted by the county commissioners of Baldwin, Bibb, Camden, Chatham, Crawford, Crisp, Fulton, Glynn, Liberty, McIntosh, Pulaski, Telfair, and Twiggs counties;

(2) Three members shall be qualified residents appointed by the commissioner after consideration of nominations submitted by the mayors of the City of Savannah, City of Macon, and the City of St. Marys;

(3) Three members shall be employees of the Department of Natural Resources appointed by the commissioner;

(4) One shall be an employee of the Georgia Department of Defense;

(5) One shall be an employee of the Department of Economic Development, Tourism Division;

(6) One shall be an employee of the University System of Georgia from a department of history;

(7) One shall be an employee of the Department of Education;

(8) Four shall be qualified residents appointed by the commissioner, of whom:

(A) One shall be recommended by the majority leader of the Senate;

(B) One shall be recommended by the minority leader of the Senate;

(C) One shall be recommended by the majority leader of the House of Representatives; and

(D) One shall be recommended by the minority leader of the House of Representatives; and

(9) One member shall be appointed by the commissioner from among individuals with experience in the history of the War of 1812.

(b) Those residents of Georgia nominated by the Governor to serve on the National War of 1812 Bicentennial Commission shall ensure the coordination of efforts by the State of Georgia War of 1812 Bicentennial Commission with the efforts of the National War of 1812 Bicentennial Commission.

(c) The appointments of members of the commission shall be made not later than 120 days after the date of enactment of this article.

(d) A member shall be appointed for the life of the commission.

(e) A vacancy on the commission:

(A) Shall not affect the powers of the commission; and

(B) Shall be filled in the same manner as the original appointment was made.

(f) The commission shall act only on an affirmative vote of a majority of the members of the commission.

(g) A majority of the members of the commission shall constitute a quorum.

(h) The commission shall select a chairperson and a vice chairperson from among the members of the commission.

(i) The commission shall hold its initial meeting no later than 60 days after the date on which all members of the commission have been appointed.

(j) During the years 2006 through 2011, not less than three times a year the commission shall meet at the call of the chairperson or a majority of the members of the commission.

(k) During the years 2012 through 2015, not less than two times a year the commission shall meet at the call of the chairperson or a majority of the members of the commission.

(l) The commission shall:

(1) Plan, encourage, develop, execute, and coordinate programs, observances, and activities commemorating the historic events that preceded and are associated with the War of 1812;

(2) Facilitate the commemoration throughout the State of Georgia;

(3) Coordinate the activities of the commission with appropriate private, city, and federal agencies including, but not limited to, the National Park Service and the federal Department of Defense;

(4) Encourage civic, patriotic, historical, educational, religious, economic, tourism, and other organizations throughout the State of Georgia to organize and participate in the commemoration to expand the understanding and appreciation of the significance of the War of 1812;

(5) Provide technical assistance to counties, cities, localities, the Department of Natural Resources, and nonprofit organizations to further the commemoration and commemorative events;

(6) Subject to available funds, direct the following regional development centers to coordinate the efforts of the participating counties within their respective regions: Coastal Georgia, Central Savannah River, Heart of Georgia, Atlanta Regional Commission, Southeast Georgia, Northeast Georgia, Middle Georgia, Middle Flint Lower Chattahoochee, South Georgia, and Southwest Georgia;

(7) Subject to available funds, direct the aforementioned regional development centers to provide a calendar of events to the state Departments of Transportation, Economic Development, and Education no later than six months prior to the event date;

(8) Design, develop, and provide, during the commemoration period January 1, 2012, through May 30, 2015, for the purposes of education and tourism, a website that shall include a calendar of commemoration festivities state wide and an explanation of events preceding and associated with the War of 1812 as it was prosecuted on Georgia soil, in Georgia waters, and by military and naval units associated with the State of Georgia deployed in other states or territories;

(9) Design, develop, and provide, during the commemoration period January 1, 2012, through May 30, 2015, an exhibit that will travel throughout the state to interpret events of the War of 1812 for the educational benefit of the residents of and tourists to the State of Georgia;

(10) Subject to available funds, direct the state archeologist to produce an inventory of historically significant structures and, upon completion of said inventory, shall execute surveys of sites associated with the War of 1812;

(11) Subject to available funds, direct the state archeologist to produce, with the assistance of a state historian, an inventory of historically significant shipwrecks in Georgia waters and, upon completion of said inventory, shall, with the cooperation of appropriate state and federal agencies, execute surveys of significant shipwrecks associated with the War of 1812 in Georgia waters;

(12) Subject to available funds, direct a state historian to provide not later than July 18, 2011, information relating the location of battlegrounds, fortifications, historic sites, routes, trails, and other places of interest to the State Department of Transportation so that agency may produce a 'War of 1812 Trail' map which shall be made available for the Georgia War of 1812 Bicentennial period: July 18, 2012, through March 16, 2015;

(13) Subject to available funds, direct a state historian to compile for distribution to appropriate state historic sites and Georgia schools a pamphlet including the biographies of notable War of 1812 era Georgians: citizens, military figures, political figures, and namesakes for Georgia counties;

(14) Ensure that the War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(15) Examine and review essential facilities and infrastructure at War of 1812 sites and enable necessary improvements to enhance and maximize visitor experience at the sites.

(m) The commission shall prepare a strategic plan and annual performance plans for any activity carried out by the commission under this article.

(n) The commission shall have no authority to obligate state funds or to require any unit of state or local government to expend or obligate funds. Where any provisions of this article make any power or duty of the commission subject to availability of funding, such provisions are intended to make the exercise of such power or duty contingent on the commission having received grants, donations, or contract funds sufficient for such purpose.

50-12-144.

(a) The commission shall submit to the General Assembly an annual report that contains a list of each gift, bequest, or devise to the commission or a member of the commission with a value of more than $250.00, together with the identity of the donor of each gift, bequest, or devise.

(b) Not later than September 30, 2015, the commission shall submit to the commissioner and the General Assembly a final report that includes:

(1) A summary of the activities of the commission;

(2) A final accounting of any funds received or expended by the commission; and

(3) The final disposition of any historically significant item acquired by the commission and other properties not previously reported.

50-12-145.

(a) The commission may:

(1) Solicit, accept, use, and dispose of gifts or donations of money, services, and real and personal property related to the commemoration;

(2) Appoint such advisory committees as the commission determines to be necessary to carry out this article;

(3) Authorize any member or employee of the commission to take any action the commission is authorized to take under this article;

(4) Use the United States mails in the same manner and under the same conditions as other agencies of the state government; and

(5) Make grants to communities, nonprofit commemorative commissions or organizations, and research and scholarly organizations to develop programs and products to assist in researching, publishing, marketing, and distributing information relating to the commemoration.

(b) In carrying out this Code section, the commission may:

(1) Procure supplies, services, and property; and

(2) Make or enter into contracts, leases, or other legal agreements.

(c) Any contract, lease, or other legal agreement made or entered into by the commission shall not extend beyond the date of termination of the commission.

(d) The commission may secure directly from a state agency such information as the commission considers to be necessary to carry out this Code section and, upon request of the chairperson of the commission, the head of the agency shall provide information to the commission.

50-12-146.

(a) Except as provided in subsection (b) of this Code section, a member of the commission shall serve without compensation.

(b) A member of the commission who is an officer or employee of the State of Georgia shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the State of Georgia.

(c) Subject to available funds, a member of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under the law while away from the home or regular place of business of the member in the performance of the duties of the commission.

(d) Subject to available funds, the chairperson of the commission may, without regard to merit system laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the commission to perform the duties of the commission.

(e) Subject to available funds, the employment of an executive director shall be subject to confirmation by the commission.

(f) Subject to available funds, the chairperson of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of the law relating to classification of positions and general schedule pay rates.

(g) At the request of the commission and subject to available funds, the head of any state agency may assign, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the commission to assist the commission in carrying out the duties of the commission under this article.
(h) The assignment of an employee under subsection (g) of this Code section shall be without loss of merit system status or privilege.
(i) The commission may:
(1) Accept the services of personnel assigned from counties and cities; and
(2) Subject to available funds, reimburse counties and cities for the services of assigned personnel.
(j) The commission may accept and use such voluntary and uncompensated services as the commission determines necessary.
(k) Subject to available funds, the commissioner shall provide to the commission, on a reimbursable basis, such administrative support services as the commission may request.
(l) Subject to available funds, the chairperson of the commission may procure temporary and intermittent services at rates for individuals that do not exceed the daily equivalent of the annual rate.
(m) Nothing in this Code section supersedes the authority of the counties or the Department of Natural Resources concerning the commemoration.
(n) Nothing in this article shall be construed to require state appropriations.

50-12-147.
(a) The commission shall terminate on December 31, 2015.
(b) Not later than the date of termination, the commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, and exhibits and any materials donated to the commission that relate to the War of 1812 to the Fort Morris (Fort Defiance) State Historic Site.
(c) Any funds held by the commission on the date of termination shall be deposited in the general fund of the treasury.
(d) This article shall stand repealed in its entirety December 31, 2015."

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.

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:

Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
E Barnes
Y Bearden
Y Beasley-Teague
Benfield
Y Benton
Y Black
Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Y Fludd
Y Forster
Y Franklin
Y Freeman
Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
Y Morgan
Y Morris
Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Y Sims, F
Sinkfield
Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Tumlin
Y Walker
Y Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
E Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 148, nays 0.

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

Representatives Abdul-Salaam of the 74th and Mitchell of the 88th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Scott of the 153rd District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

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

HB 510 Do Pass, by Substitute
HB 1435 Do Pass, by Substitute

Respectfully submitted,
/s/ Scott of the 153rd
Chairman

Representative Hill of the 21st 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 House and has instructed me to report the same back to the House with the following recommendation:

HR 1493 Do Pass

Respectfully submitted,
/s/ Hill of the 21st
Chairman

The following supplemental Rules Calendar was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
MONDAY, MARCH 6, 2006

Mr. Speaker and Members of the House:

Your Committee on Rules has met and submits the following supplemental to the calendar already adopted this March 06, 2006, by adding the following:

DEBATE CALENDAR

Open Rule

HB 1075 Bond; used motor vehicle dealers; increase amount
HB 1092 Suicide Prevention Program; create
HB 1252 Driver training schools; definitions; provide
HB 1364 Handicapped persons; medicare prescription drug insurance plan; provisions
HB 1373 Budgetary Responsibility Oversight Committee; repeal creation
HB 1380 Food; adulteration and misbranding; provide certain exemptions
HB 1404 Commissioner of Agriculture; farmers' market; change provisions

Modified Open Rule

HB 1224 Health Share Volunteers in Medicine Act; revise certain definitions

Modified Structured Rule

None

Structured Rule

HB 1083 Georgia Medical Center Authority; projects; change definition
HB 1164 Budget Act; amend
HR 413 Warren V. Johnson Bridge; designate
HR 1302 Stephen J. Schmidt, Sr. Memorial Highway; dedicate

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

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

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

HB 1164. By Representatives Ehrhart of the 36th, Harbin of the 118th and Forster of the 3rd:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the O.C.G.A., the "Budget Act," so as to provide for the collection and compilation of certain information with respect to the impact of judicial

settlements and decrees on the state budgetary and appropriations process; to provide for findings and intent; to require certain information to be included in the budget estimates of budget units; to provide for the compilation of such information in the budget report; to provide for the inclusion of certain information in legislative budget tracking documents; to provide that the payment or expenditure of state funds for purposes of compliance with a judicial decree or settlement shall be subject to appropriation and allotment of funds or an object class transfer; to define a term; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Abdul-Salaam
Y Amerson
E Anderson
N Ashe
Y Barnard
E Barnes
Y Bearden
N Beasley-Teague
Benfield
Benton
Y Black
Bordeaux
E Borders
Y Bridges
N Brooks
Y Brown
N Bruce
E Bryant
N Buckner, D
N Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
N Dean
Y Dickson
Y Dodson
Y Dollar
N Drenner
N Dukes
Y Ehrhart
Y England
N Epps
Y Everson
Y Fleming
N Floyd, H
Y Floyd, J
Fludd
Y Forster
Y Franklin
Y Freeman
N Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
N Heard, K
N Heckstall
Y Hembree
N Henson
Y Hill, C
Y Hill, C.A
N Holmes
Y Holt
Y Horne
Y Houston
N Howard, E
E Hudson
Hugley
E Jackson
Y Jacobs
N James
N Jamieson
Y Jenkins
Y Jennings
Johnson
Y Jones, J
N Jones, S
N Jordan
Y Keen
Y Keown
N Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Y Lord
Loudermilk
N Lucas
Y Lunsford
Y Maddox
N Mangham
Y Manning
N Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
N Morgan
Y Morris
N Mosby
Y Mosley
Y Mumford
Y Murphy, J
N Murphy, Q
Y Neal
N Oliver
Y O'Neal
N Orrock
Y Parham
Y Parrish
Y Parsons
N Porter
Y Powell
Y Ralston
N Randall
Ray
N Reece, B
Y Reece, S
E Reese
Rice
Y Roberts
Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
Shaw
Y Sheldon
E Sims, C
N Sims, F
N Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
N Smyre
N Stanley-Turner
Stephens
N Stephenson
Y Talton
Y Teilhet
Thomas, A.M
N Thomas, B
Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
N Williams, A
N Williams, E
E Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 108, nays 41.

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

Representatives Abdul-Salaam of the 74th, Benton of the 31st, Mitchell of the 88th, Rice of the 51st, Rogers of the 26th, Shaw of the 176th, and Wix of the 33rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Benfield of the 85th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

HB 1083. By Representatives Harbin of the 118th, Burmeister of the 119th and Fleming of the 117th:

A BILL to be entitled an Act to amend Chapter 15 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Medical Center Authority, so as to change the definition of projects of the authority; to change certain purposes of the authority and to provide for additional purposes; to provide for an exemption from certain sales and use taxation; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 15 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Medical Center Authority, so as to provide for the comprehensive revision of said chapter; to change certain provisions regarding definitions; to change certain provisions regarding the corporate purposes and general nature of the authority; to provide for additional powers of the authority; to provide for the issuance of bonds, refunding bonds, notes, or other instruments; to provide for procedures, conditions, and limitations; to change certain provisions regarding tax exemptions; to change certain provisions regarding the status of certain moneys as trust funds; to provide for the supplemental nature of certain powers and authority granted pursuant to the provisions of said Chapter 15; 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 15 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Medical Center Authority, is amended by striking paragraph (3) of Code Section 20-15-2, relating to definitions regarding the authority, and inserting in its place a new paragraph (3) to read as follows:

"20-15-2.

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

(1) 'Authority' means the Georgia Medical Center Authority.

(2) 'Bonds' or 'revenue bonds' means any bonds issued by the authority under this chapter, including refunding bonds.

~~(2)~~(3) 'Cost of the project' means the cost of construction; the cost of all lands, properties, rights, easements, and franchises acquired; the cost of all machinery and equipment; financing charges; interest prior to and during construction and for one year after completion of construction; the cost of engineering, architectural, and legal expenses and of plans and specifications and other expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; the cost of intellectual property; and such other expenses as may be necessary or incident to the financing authorized in this chapter, the construction of any project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under this chapter for such project.

~~(3)~~(4) 'Project' means and includes one or any combination of the following: ~~biomedical and biotechnical research centers,~~ life sciences industry research and development, manufacturing facilities, and programs based in ~~Augusta,~~ the State of Georgia, to include office space, laboratories, treatment centers, and other related buildings, structures, equipment, as well as associated facilities such as parking facilities and common areas; and improvements of every kind and character deemed by the authority necessary or convenient for its purposes.

(b) Any project or combination of projects shall be deemed 'self-liquidating' if, in the judgment of the authority, the revenues, rents, or earnings to be derived by the authority therefrom will be sufficient to pay the cost of maintaining, repairing, and operating the project and to pay the principal of and interest on revenue bonds which may be issued for the cost of such project, projects, or combination of projects."

SECTION 2.

Said chapter is further amended by striking Code Section 20-15-4, relating to purposes of the authority, and inserting in its place a new Code Section 20-15-4 to read as follows:

"20-15-4.

The corporate purpose and the general nature of the business of the authority shall be:

(1) The provision of ~~biomedical and biotechnical research centers,~~ life sciences industry research and development and manufacturing facilities, and programs based in ~~Augusta, Georgia, in cooperation with the board of regents~~ the State of Georgia;

(2) The commercialization of biomedical and biotechnical research results;

(3) The promotion of closer ties between academic institutions of the state and the biomedical industry so as to capitalize on present and future state intellectual resources;

~~(4) The generation of sustained research funding in the form of revenues from licensed and commercialized intellectual property with excess revenues reinvested in biomedical research infrastructure and programs;~~

~~(5) The promotion of continuing investment in the intellectual capacity of the Medical College of Georgia by cooperating with the board of regents in the retention and recruitment of clinical faculty; and~~

(4) The facilitation of the development of a life sciences industrial cluster in the State of Georgia; and

~~(6)~~(5) The advancement of local and state economic growth.

Nothing in this chapter shall be construed to conflict with the powers and authority of the board of regents over its institutions."

SECTION 3.

Said chapter is further amended by striking Code Section 20-15-5, relating to powers of the authority, and inserting in its place a new Code Section 20-15-5 to read as follows:

"20-15-5.

The authority is authorized:

(1) To have a seal and alter it at pleasure;

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

(3) To appoint, select, and employ officers, agents, and employees, including but not limited to engineering, architectural, and construction experts and fiscal agents; to contract for the services of individuals or organizations not employed full time by the authority who or which are engaged primarily in the rendition of personal services rather than the sale of goods or merchandise, such as, but not limited to, the services of accountants, engineers, architects, consultants, and advisors, and to allow suitable compensation for such services; and to make provisions with regard to its employees for group insurance, retirement, or other employee benefit arrangements, provided that no part-time or contract employees shall participate in group insurance or retirement benefits and to establish conditions of employment of authority employees;

(4) To make contracts and to execute all instruments necessary or convenient, including but not limited to contracts for construction of projects or contracts with respect to the leasing or use of projects which the authority causes to be erected or acquired;

(5) To plan, survey, subdivide, administer, construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects as defined in this chapter, such projects to be located on property owned or leased by the authority or the State of Georgia or under the control and management of the

authority. The cost of any such project shall be paid from the authority's income or from such proceeds and any loan, gift, or grant from the United States of America or any agency or instrumentality thereof, or the State of Georgia or any county, municipal corporation, authority, or local government or governing body thereof;

(6) To extend credit or make loans to any person, firm, corporation, limited liability company, or other type of entity for the planning, design, construction, acquisition, refinancing, or carrying out of any project, which credit or loans shall be secured by loan agreements, deeds to secure debt, security agreements, contracts, and all other instruments, fees, or charges, upon such terms and conditions as the authority shall determine reasonable in connection with such loans, including provision for the establishment and maintenance of reserves and insurance funds, and to require the inclusion in any contract, loan agreement, deed to secure debt, security agreement, or other instrument, of such provisions for guaranty, insurance, construction, use, operation, maintenance, and financing of a project as the authority may deem necessary or desirable;

(7) To acquire, accept, or retain equitable interests, security interests, or other interests in any property, real or personal, by deed to secure debt, assignment, security agreement, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer, in order to secure the repayment of any moneys loaned or credit extended by the authority;

(8) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of such bonds and for the rights of the holders thereof;

(9) To borrow money for any of its corporate purposes, on either an unsecured or secured basis, and to execute loan agreements, promissory notes, and other contracts and instruments in connection therewith and to provide for the repayment of such loans and for the rights of the lenders thereof;

(10) As security for repayment of its revenue bonds, loans, or notes, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property, real or personal, of such authority, to the extent of its interest therein, and to execute any trust agreement, indenture, or security agreement containing any provisions not in conflict with law, which trust agreement, indenture, or security agreement may provide for foreclosure or forced sale of any part of the authority upon default on such bonds, loans, or notes, either in payment of principal or interest in the performance of any term or condition as are contained in such agreement or indenture. The state waives any right which it may have to prevent the forced sale or foreclosure of any property of the authority so mortgaged or encumbered, to the extent of the interest of the authority therein but not any interest of the state therein, and any such mortgage or encumbrance may be foreclosed in accordance with law and the terms thereof;

(11) To procure or to provide insurance against any loss in connection with its programs, property, and other assets;

~~(6)~~(12) To accept loans or grants, or both, of money, materials, or property of any kind from the United States of America or any agency or instrumentality thereof upon such terms and conditions as the United States of America or such agency or instrumentality may impose and to administer trusts;
~~(7)~~(13) To exercise any power which is usually possessed by private corporations performing similar functions and which is not in conflict with the Constitution and laws of this state;
~~(8)~~(14) To act as agent for the United States of America or any agency, department, corporation, or instrumentality thereof, in any manner within the purposes or powers of the authority;
~~(9)~~(15) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, as the authority may deem necessary or expedient in facilitating its business;
~~(10)~~(16) To receive and accept loans, gifts, grants, donations, or contributions of property, facilities, or services, with or without consideration, from any person, firm, or corporation or from the State of Georgia, or any agency or instrumentality thereof, or from any county, municipal corporation, or local government or governing body;
~~(11)~~(17) To hold, use, administer, and expend such sum or sums as may hereafter be received as income, as gifts, or as appropriations by authority of the General Assembly for any of the purposes of this authority;
~~(12)~~(18) To do all things necessary or convenient to carry out the powers and purposes of the authority;
~~(13)~~(19) To acquire, lease (as lessee), purchase, hold, own, and use any franchise or any property, real or personal, tangible or intangible, or any interest therein; and to sell, lease (as lessor), transfer, or dispose thereof whenever the same is no longer required for purposes of the authority, or exchange the same for other property or rights which are useful for the purposes of the authority;
~~(14)~~(20) To fix, alter, charge, and collect fares, rates, rentals, and other charges for its facilities and for admission to its grounds at reasonable rates to be determined by the authority;
~~(15)~~(21) To contract with the Georgia State Financing and Investment Commission for the construction of the project as provided for in Article 2 of Chapter 17 of Title 50; or to contract with other authorities, departments, or agencies of the State of Georgia; or to contract with private developers, architects, and engineers for the construction of the project; and
~~(16)~~(22) To invest and reinvest any or all idle funds or moneys, including, but not limited to, funds held in reserve or from contributions, gifts, or grants, which cannot be immediately used for the purpose for which received, such investment to be made in any security or securities which are legal investments for executors or trustees; provided, however, that investments in such securities will at all times be held for and, when sold, used for the purposes for which the money was originally received."

SECTION 4.

Said chapter is further amended by adding seven new Code sections immediately following Code Section 20-15-5, to be designated Code Sections 20-15-5.1, 20-15-5.2, 20-15-5.3, 20-15-5.4, 20-15-5.5, 20-15-5.6, and 20-15-5.7, respectively, to read as follows:

"20-15-5.1.

(a) Revenue bonds issued by the authority shall be paid solely from the property (including, but not limited to, real property, fixtures, personal property, revenues, or other funds) pledged, mortgaged, conveyed, assigned, hypothecated, or otherwise encumbered to secure or to pay such bonds. No revenue bonds shall be issued by the authority under this chapter unless its members adopt a resolution finding that the project or combination of projects for which such bonds are to be issued will be self-liquidating.

(b) All revenue bonds shall be authorized by resolution of the authority, adopted by a majority vote of the full membership of the authority at a regular or special meeting.

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

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

(e) Any limitations with respect to interest rates or any maximum interest rate or rates found in the usury laws of this state or any other laws of this state shall not apply to revenue bonds of the authority.

(f) The authority shall not have outstanding at any one time bonds and notes exceeding $300 million; provided, however, that such limitations shall not apply with respect to bonds and notes issued to refund outstanding bonds and notes.

20-15-5.2.

(a) Bonds of the authority shall be confirmed and validated in accordance with the procedure of Article 3 of Chapter 82 of Title 36.

(b) Bonds issued by the authority may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such

exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.
(c) Bonds shall bear a certificate of validation. The signature of the clerk of the Superior Court of Richmond County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state.

20-15-5.3.
(a) Subject to the limitations and procedures provided by this Code section and by Code Section 20-15-5.2, the agreements or instruments executed by the authority may contain such provisions not inconsistent with law as shall be determined by the members of the authority.
(b) The proceeds derived from the sale of all bonds issued by the authority shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted in this chapter, all or part the cost of any project, or for the purpose of refunding any bonds or bond anticipation notes issued in accordance with this chapter.
(c) Issuance by the authority of one or more series of bonds or bond anticipation notes for one or more projects shall not preclude it from issuing other bonds in connection with the same project or with any other projects; but the proceeding wherein any subsequent bonds are issued shall recognize and protect any prior loan agreement, mortgage, deed to secure debt, trust deed, security agreement, or other agreement or instrument made for any prior issue of bonds, unless in the resolution authorizing such prior issue the right is expressly reserved to the authority to issue subsequent bonds on a parity with such prior issue.
(d) The authority shall have the power and is authorized, whenever bonds of the authority shall have validated as provided in this chapter, to issue from time to time its notes in anticipation of such bonds as validated and to renew from time to time any such notes by the issuance of new notes, whether or not the notes to be renewed have matured. The authority may issue such bond anticipation notes only to provide funds which would otherwise be provided by the issuance of the bonds as validated. Such notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the authority may sell such notes at public sale or at private sale. Any resolution or resolutions authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or resolutions authorizing bonds of the authority of any issue thereof; and the authority may include in any notes any terms, covenants, or conditions which the authority is authorized to include in any bonds. Validation of such bonds shall be a condition precedent to the issuance of such notes, but it shall not be required that such notes be judicially validated. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation on which they are to be issued.

20-15-5.4.
The authority may sell its bonds in such manner and for such price as it may determine to be for the best interests of the authority. Whenever the authority shall determine to issue its bonds, it shall request the Georgia State Financing and Investment Commission to approve the bonds and carry out other services for the authority as provided by Article 2 of Chapter 17 of Title 50.

20-15-5.5.
Revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, and things which are specified or required by this chapter. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of paying the cost of any one or more, including combination of, projects at any one unit or any number of units. Any resolution providing for the issuance of revenue bonds under this chapter shall become effective immediately upon its passage and need not be published or posted. Any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its full membership.

20-15-5.6.
Revenue bonds issued under this chapter shall not be deemed to constitute a debt of the state or a pledge of the faith and credit of the state, but such bonds shall be payable solely from the property provided for in Code Section 20-15-5.1; and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment; and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this Code section.

20-15-5.7.
The bonds authorized in this chapter are made securities in which all public officers and public bodies of this state and all municipalities and all political subdivisions; all insurance companies and associations and other persons carrying on an insurance business; all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business; all administrators, guardians, executors, trustees, and other fiduciaries; and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also made securities which may be deposited with and shall be received by all public officers and public bodies of this state and all municipalities and political subdivisions for any purpose for which the deposit of the bonds or other obligations of this state is authorized."

SECTION 5.

Said chapter is further amended by striking Code Section 20-15-6, relating to public purposes and tax exemptions of the authority, and inserting in its place a new Code Section 20-15-6 to read as follows:

"20-15-6.

It is found, determined, and declared that the creation of the authority and the carrying out of its corporate purposes are in all respects for the benefit of the people of this state and constitute a public purpose and that the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by this chapter. The State of Georgia covenants with the holders of the bonds that the authority shall be required to pay no taxes or assessments upon any of the property acquired or leased by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation or maintenance of the facilities erected, maintained, or acquired by it or any fees, rentals, or other charges for the use of such facilities or other income received by the authority, and that the bonds of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state; provided, however, in no event shall the exemptions granted in this Code section extend to any lessee or other private person or entity. The exemption from taxation provided for in this Code section shall include exemptions from sales and use taxes on property purchased by the authority."

SECTION 6.

Said chapter is further amended by striking Code Section 20-15-7, relating to the status of certain moneys as trust funds, and inserting in its place a new Code Section 20-15-7 to read as follows:

"20-15-7.

All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of revenue bonds, as grants or other contributions, or as revenues, rents, and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this chapter."

SECTION 7.

Said chapter is further amended by adding a new Code section at the end thereof, to be designated Code Section 20-15-16, to read as follows:.

"20-15-16.

This chapter shall be deemed to provide an additional and alternative method for the doing of things authorized by this chapter, shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing."

SECTION 8.

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

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

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

Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
E Barnes
Y Bearden
Y Beasley-Teague
Y Benfield
Y Benton
Y Black
Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Henson
Hill, C
Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Y Sims, F
Y Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
E Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 155, nays 0.

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

Representatives Mitchell of the 88th and Rogers of the 26th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1373. By Representatives Harbin of the 118th, Burkhalter of the 50th and Keen of the 179th:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to financial affairs, and Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, so as to change provisions relating to the state budget process and budgetary information; to repeal the creation of the Budgetary Responsibility Oversight Committee and matters relative thereto; to provide for certain reports with respect to federal funds and other agency funds; to repeal certain duties and responsibilities of the Budgetary Responsibility Oversight Committee; 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:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	E Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	E Sims, C
Y Benfield	Y Drenner	E Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
E Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker

E Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	E Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	E Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 157, nays 0.

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

Representative Mitchell of the 88th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1252. By Representatives Rice of the 51st, Murphy of the 23rd, Talton of the 145th and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to driver training schools, so as to provide for relevant definitions; to clarify the qualifications for a limited and temporary driver school permit; to provide qualifications for commercial driver training school operators; to provide standards for business names of driver training schools; to provide for fees; 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 amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to driver training schools, so as to provide for relevant definitions; to clarify the qualifications for a limited and temporary driver school permit; to provide qualifications for commercial driver training school operators; to provide standards for business names of driver training schools; to provide for fees; 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 13 of Title 43 of the Official Code of Georgia Annotated, relating to driver training schools, is amended by striking Code Section 43-13-2, relating to definitions relative to driver training schools, in its entirety and inserting in its place the following:

"43-13-2.

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

(1) 'Commercial driver training school,' except as provided in subsection (b) of this Code section, means any person, partnership, limited liability company, or corporation giving driving instruction for hire to ten or more persons per calendar year for the purpose of assisting such persons to meet the requirements for licensed driving of Class A or Class B motor vehicles in this state.

(2) 'Department' means the Department of Driver Services acting directly or through its duly authorized officers and agents.

(3) 'Driver training course' means a course including but not limited to classroom instruction; behind-the-wheel instruction; instruction by means of simulation training; and defensive driving, distance learning, or virtual driver training courses approved by the Department of Driver Services for the purpose of assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state.

(4) 'Driver training ~~schools~~ school,' except as provided in subsection (b) of this Code section, means any person, partnership, limited liability company, or corporation giving driving instruction for hire to ten or more persons per calendar year for the purpose of assisting such persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state, except for motorcycle operator safety training programs conducted by or on behalf of the Department of Driver Services pursuant to Chapter 15 of Title 40. The term shall also include any public school system offering a driver training course during the regular school day as part of a student curriculum at no cost to the student.

~~(4)~~(5) 'Driver's license examiners' means examiners appointed by the Department of Driver Services for the purpose of giving driver's license examinations.

~~(5)~~(6) 'Motor vehicle' means every vehicle which is self-propelled upon, or by which any person or property is or may be transported or drawn upon, a public highway except devices used exclusively upon stationary rails or tracks.

~~(6)~~(7) 'Person' means every natural person, firm, partnership, limited liability company, association, corporation, or school.

(b) The terms 'commercial driver training school' as defined in paragraph (2) of subsection (a) of this Code section and 'driver training school' as defined in paragraph (4) of subsection (a) of this Code section shall not include:

(1) Hospitals and state licensed rehabilitation centers offering a driver training course for the purpose of rehabilitating persons to maintain or obtain a Class C license; provided, however, that such facilities shall be required to file a memorandum of understanding with the commissioner of the Department of Driver Services in the prescribed format of the department;

(2) Any person, partnership, limited liability company, or corporation offering a for-hire defensive driving safety course for the purpose of providing training to assist

persons to obtain a Class C or Class M license through means of behind-the-wheel training, simulator training, or offering a defensive driving safety course consisting of less than 30 hours of classroom and six hours of behind-the-wheel training. These entities shall be required to obtain a limited license as a driver training school, register and identify all of its vehicles, and shall become subject to the same insurance requirements for a driver training school as outlined in Code Section 43-13-4. Limited driver training schools offering classroom or simulator training only will not be required to comply with the liability insurance requirements outlined in Code Section 43-13-4. The commissioner of the Department of Driver Services shall promulgate and adopt rules and regulations for the qualifications and establish the application fees for the driver training school limited license. The commissioner shall issue the driver training school limited license if the application is complete and the applicant demonstrates compliance with the laws of this state and the rules and regulations of the commissioner regarding insurance and safety. The driver training school limited license shall be valid for a period of four years; or

(3) Any person, partnership, limited liability company, or corporation which offers occasional driver training instruction. These entities may obtain a temporary driver training permit for a period of seven consecutive days beginning and ending on the dates specified on the face of the permit. Temporary driver training permits shall be obtained by schools, individuals, or other entities which offer occasional driver training instruction that do not maintain a permanent classroom located within the state. The fee for each temporary driver training permit shall be $100.00 per week and $25.00 for each vehicle. No temporary driver training permit shall be issued without the commissioner having first received satisfactory proof that the applicant meets the insurance requirements as defined in Code Section 43-13-4 and the vehicle and safety requirements as set forth in the rules and regulations of the commissioner. A temporary driver training permit shall be displayed in a conspicuous location at any time instruction is being given and a copy of such permit shall be located in each vehicle that is registered for the purpose of providing instruction."

SECTION 2.

Said chapter is further amended by striking Code Section 43-13-3, relating to license requirements for driver training school operators, in its entirety and inserting in its place the following:

"43-13-3.

No person shall operate a driver training school, operate a commercial driver training school, or engage in the business of giving instruction for hire to ten or more persons per calendar year in the driving of motor vehicles or in the preparation of an applicant for examination given by driver's license examiners for a driver's license or permit unless a license, a limited license, or a temporary driver training permit therefor has been secured from the department. Separate licenses shall be required for the operation of a driver training school and a commercial driver training school."

SECTION 3.

Said chapter is further amended by striking Code Section 43-13-4, relating to qualifications of driver training school operators, in its entirety and inserting in its place the following:

"43-13-4.

Every person who desires to operate a driver training school or a commercial driver training school shall meet the following requirements:

(1) Be of good moral character;

(2) Maintain an established place of business in the State of Georgia which is open to the public;

(3) Maintain bodily injury and property damage liability insurance on motor vehicles while used in driver training instruction, insuring the liability of the driver training school, the driving instructors, and any person taking instruction, in at least the following amounts: $100,000.00 for bodily injury to or death of one person in any one accident and, subject to such limit for one person, ~~$200,000.00~~ $300,000.00 for bodily injury to or death of two or more persons in any one accident and the amount of ~~$20,000.00~~ $50,000.00 for damage to property of others in any one accident. Evidence of such insurance coverage, in the form of a certificate from the insurance carrier, shall be filed with the department; and such certificate shall stipulate that the insurance shall not be canceled except upon ten days´ prior written notice to the department. Such insurance shall be written by a company authorized to do business in this state;

(4) Provide a continuous surety company bond in the principal sum of $2,500.00 for the protection of the contractual rights of students in such form as will meet with the approval of the department and written by a company authorized to do business in this state; provided, however, that the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of $2,500.00 per location, and a single bond at such rate for all schools operated by the same person may be provided in satisfaction of this paragraph. The surety on any such bond may cancel such bond on giving 30 days´ notice thereof in writing to the department and shall be relieved of liability for any breach of any condition of the bond which occurs after the effective date of cancellation. If at any time said bond is not valid and in force, the license of the school or program shall be deemed suspended by operation of law until a valid surety company bond is again in force;

(5) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles as prescribed by the department; and

(6) Pay to the department an application fee ~~of $25.00~~ for the approval of driver training schools and instructors, commercial driver training schools and instructors, and limited license driver training schools and instructors. The amount of this fee shall be established by the commissioner of driver services and shall, as best as the commissioner shall determine, approximate the expense incurred by the department in consideration of the license applications. These licenses and each renewal thereof

shall be valid for a period of four years unless suspended or revoked prior to the expiration of that time period."

SECTION 4.

Said chapter is further amended by striking Code Section 43-13-4.1, relating to business names of driver training schools, in its entirety and inserting in its place the following:

"43-13-4.1.

(a) No driver training school or commercial driver training school shall be permitted to use, adopt, or conduct any business under any name that is like or deceptively similar to any name of a Georgia corporation registered with the Secretary of State.

(b) This Code section shall not prohibit the franchising or licensing of any part or all of the name of a driver training school or commercial driver training school by the owner of the rights therein to another licensed commercial driver training school."

SECTION 5.

Said chapter is further amended by striking paragraphs (2) and (5) of Code Section 43-13-5, relating to qualifications of driver training school instructors, in their entirety and inserting in their respective places the following:

"(2) Present to the department evidence of credit in driver education and safety from an accredited college or university equivalent to credits in those subjects which are required of instructors in the public schools of this state or give satisfactory performance on a written, oral, performance, or combination examination administered by the department testing both knowledge of the field of driver education and skills necessary to instruct and impart driving skills and safety to students. The examination shall be administered quarterly or upon the written application of four or more prospective licensees. The examination fee shall ~~not exceed $25.00~~ be established by the commissioner of driver services;"

"(5) Pay to the department an application fee ~~of $5.00~~ to be established by the commissioner of driver services."

SECTION 6.

This Act shall become effective on July 1, 2006.

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 Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
E Barnes
Y Bearden
Y Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Y Sims, F
Y Sinkfield
Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
E Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 0.

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

Representative Mitchell of the 88th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1404. By Representatives McCall of the 30th, Roberts of the 154th and Crawford of the 127th:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to farmers´ markets, so as to

change certain provisions relating to authority of the Commissioner of Agriculture to provide for safety and security at farmers´ markets; to provide for law enforcement on the premises of farmers´ markets; 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.

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

Y Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
E Barnes
Y Bearden
Y Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
N Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
N Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
Y Lindsey
Y Lord
N Loudermilk
Y Lucas
N Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Rogers
Y Royal
Y Rynders
Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Sims, F
Y Sinkfield
Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Willard
Y Williams, A
Y Williams, E
E Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 149, nays 4.

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

Representative Mitchell of the 88th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative May of the 111th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 1092. By Representatives Manning of the 32nd, Stephens of the 164th, Cooper of the 41st, Brown of the 69th, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to provide for legislative findings; to provide for the creation of the Suicide Prevention Program; to provide for the duties and powers related to the program; to provide for staff for the program; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to provide for legislative findings; to provide for the creation of the Suicide Prevention Program; to provide for the duties and powers related to the program; to provide for staff for the program; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, is amended by adding a new Code section to the end of such chapter to read as follows:

"31-2-9.

(a) The General Assembly makes the following findings:

(1) Every year in Georgia, approximately 850 people die from suicide;

(2) More Georgians die from suicide than from homicide;

(3) More teenagers and young adults die from suicide than from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chronic lung disease combined;

(4) Many who attempt suicide do not seek professional help after the attempt;

(5) In Georgia, three out of four suicide deaths involve a firearm;

(6) Factors such as aging, drug and alcohol abuse, unemployment, mental illness, isolation, and bullying in school contribute to causes of suicide; and

(7) Education is necessary to inform the public about the causes of suicide and the early intervention programs that are available.

(b) There is created the Suicide Prevention Program to be managed by the injury prevention section of the Division of Public Health of the Department of Human Resources.

(c) The injury prevention section, in implementing the Suicide Prevention Program, shall:

(1) Establish a link between state agencies and offices, including but not limited to the department's Division of Aging Services, Division of Family and Children Services, and Division of Mental Health, Developmental Disabilities, and Addictive Diseases, local government agencies, health care providers, hospitals, nursing homes, and jails to collect data on suicide deaths and attempted suicides;

(2) Work with public officials to improve firearm safety;

(3) Improve education for nurses, judges, physician assistants, social workers, psychologists, and other counselors with regard to suicide education and prevention and expand educational resources for professionals working with those persons most at risk of suicide;

(4) Provide training and minimal screening tools for clergy, teachers and other educational staff, and correctional workers on how to identify and respond to persons at risk of suicide;

(5) Provide educational programs for family members of persons at an elevated risk of suicide;

(6) Develop standardized protocols to be used by the Department of Human Resources in reviewing suicide death scene investigations;

(7) Work to increase the number of follow-back studies of suicides;

(8) Work to increase the number of hospitals that code for external cause of injuries;

(9) Implement a state-wide reporting system for reporting suicides;

(10) Support pilot projects to link and analyze information on self-destructive behavior from various, distinct data systems; and

(11) Perform such other tasks as deemed appropriate to further suicide education and prevention in Georgia.

(d) The Suicide Prevention Program shall be provided staff to consist of a full-time coordinator, half-time data analyst/epidemiologist, and administrative support, all subject to available funding."

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 Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
E Barnes
N Bearden
Y Beasley-Teague
Y Benfield
N Benton
N Black
Y Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
N Butler
N Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
N Davis
Y Day
Y Dean
N Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
N Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Forster
N Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
N Graves, T
Y Greene
Y Hanner
Y Harbin
N Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
N Holt
N Horne
Y Houston
Howard, E
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
N Lakly
Y Lane, B
Y Lane, R
Y Lewis
E Lindsey
Y Lord
N Loudermilk
Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
N May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Mitchell
Y Morgan
Y Morris
Y Mosby
N Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
N Roberts
Y Rogers
Y Royal
N Rynders
Y Sailor
Y Scheid
Y Scott, A
N Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Y Sims, F
Y Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
E Williams, R
Y Wix
N Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 136, nays 21.

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

Representatives Jones of the 46th and Mitchell of the 88th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1380. By Representatives Graves of the 12th, McCall of the 30th, Roberts of the 154th, Ray of the 136th, Black of the 174th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to redefine a term; to provide certain exemptions from laws relating to adulteration and misbranding of food; to provide certain exemptions from laws relating to food service establishments; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to redefine a term; to provide certain exemptions from laws relating to adulteration and misbranding of food; to provide certain exemptions from laws relating to food service establishments; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to adulteration and misbranding of food, is amended in Code Section 26-2-21, relating to definitions relative to said article, by striking paragraph (5) of subsection (a), and inserting in lieu thereof the following:

"(5) 'Food sales establishment' means retail and wholesale grocery stores; retail seafood stores and places of business; food processing plants, except those food processing plants which are currently required to obtain a license from the Commissioner under any other provision of law; bakeries; confectioneries; fruit, nuts, and vegetable stores ~~or roadside stands~~; wholesale sandwich and salad manufacturers, including vending machines and operations connected therewith; and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off the premises<u>; provided, however, that such term shall not include roadside stands where farm or garden produce is sold</u>. Within a food sales establishment, there may be a food service component, not separately operated, which may serve customers on site. This food service component shall be considered as part of the food sales establishment. The food sales component of any food service establishment defined in Code Section 26-2-370 shall not be included in this definition. This term shall not include 'food service establishments' as defined in Code Section 26-2-370. This term also shall not include establishments engaged in the sale

of food primarily for consumption off the premises if such sale is an authorized part of and occurs upon the site of a fair or festival which:

(A) Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;

(B) Lasts 120 hours or less; and

(C) When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted."

SECTION 2.

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

"26-2-25.1.

The provisions of Code Section 26-2-25 shall not apply to any:

(1) Person not regularly engaged in the business of manufacturing and selling food and who prepares food only on order of and for sale directly to the ultimate consumer;

(2) Educational, charitable, or religious organization not regularly engaged in the business of manufacturing, processing, or selling food;

(3) Individual who prepares and sells food that is not potentially hazardous food at a community event or farmers´ market, other than a state farmers´ market, with gross receipts of $7,500.00 or less in a calendar year from the prepared food items, subject to the following requirements:

(A) The seller shall display prominently at the point of sale a clearly legible sign or placard stating, 'These products are homemade and not subject to state inspection,' unless the food items were prepared in a kitchen that is licensed and inspected; and

(B) Prepared foods sold under this paragraph shall be labeled to accurately reflect the name and address of the person preparing and selling the foods; or

(4) Person who receives less than $7,500.00 in gross receipts in a calendar year from the sale of home-processed and home-canned food products if:

(A) The products are:

(i) Pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower;

(ii) Products such as cakes, fruit pies, breads, rolls, jams, jellies, and honey; or

(iii) Home-processed and home-canned in this state;

(B) The products are sold or offered for sale at a community or social event or a farmers´ market in this state, other than a state farmers´ market;

(C) The seller displays prominently at the point of sale a clearly legible sign or placard stating, 'These canned goods are homemade and not subject to state inspection,' unless the products were processed and canned in a kitchen that is licensed and inspected; and

(D) Each container of the product sold or offered for sale under this paragraph is accurately labeled to provide the name and address of the person who processed and canned the goods and the date on which the goods were processed and canned."

SECTION 3.

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

"26-2-32.1.

(a) It shall be unlawful for any person or firm to advertise for sale any shelled pecans that are less than whole on any outdoor advertising as such term is defined in Code Section 32-6-71 unless such outdoor advertising states, in letters at least one-half as tall and bold as the tallest and boldest type on the outdoor advertising, the size category of shelled pecan materials being offered for sale, such as but not limited to pecan halves, granules, meal, or any combination thereof.

(b) Violation of subsection (a) of this Code section shall constitute dissemination of a false advertisement for purposes of Code Section 26-2-22. Each day that an outdoor advertisement does not conform to the requirements of subsection (a) of this Code section shall constitute a separate offense."

SECTION 4.

Article 13 of Chapter 2 of Title 26, relating to food service establishments, is amended by adding a new Code section to read as follows:

"26-2-379.

This article shall not apply to any:

(1) Person not regularly engaged in the business of manufacturing and selling food and who prepares food only on order of and for sale directly to the ultimate consumer;

(2) Educational, charitable, or religious organization not regularly engaged in the business of manufacturing, processing, or selling food;

(3) Individual who prepares and sells food that is not potentially hazardous food at a community event or farmers´ market, other than a state farmers´ market, with gross receipts of $7,500.00 or less in a calendar year from the prepared food items, subject to the following requirements:

(A) The seller shall display prominently at the point of sale a clearly legible sign or placard stating, 'These canned goods are homemade and not subject to state inspection,' unless the food items were prepared in a kitchen that is licensed and inspected; and

(B) Prepared foods sold under this paragraph shall be labeled to accurately reflect the name and address of the person preparing and selling the foods; or

(4) Person who receives less than $7,500.00 in gross receipts in a calendar year from the sale of home-processed and home-canned food products if:

(A) The products are:

(i) Pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower;

(ii) Products such as cakes, fruit pies, breads, rolls, jams, jellies, and honey; or

(iii) Home-processed and home-canned in this state;

(B) The products are sold or offered for sale at a community or social event or a farmers´ market in this state, other than a state farmers´ market;

(C) The seller displays prominently at the point of sale a clearly legible sign or placard stating, 'These canned goods are homemade and not subject to state

inspection,' unless the products were processed and canned in a kitchen that is licensed and inspected; and

(D) Each container of the product sold or offered for sale under this paragraph is accurately labeled to provide the name and address of the person who processed and canned the goods and the date on which the goods were processed and canned."

SECTION 5.

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

The following amendment was read and adopted:

Representatives Black of the 174th, McCall of the 30th, and Graves of the 12th move to *amend the Committee substitute to HB 1380 by striking line 20 of page 2 and inserting in lieu thereof the following:*

receipts of $7,500.00 or less in a calendar year from all goods sold at retail, including but not limited to the prepared food items, subject to

By striking lines 27 and 28 of page 2 and inserting in lieu thereof the following:

(4) Person who receives less than $7,500.00 in gross receipts in a calendar year from all goods sold at retail, including but not limited to the sale of home-processed and home-canned food products, if:

By striking line 31 of page 3 and inserting in lieu thereof the following:

receipts of $7,500.00 or less in a calendar year from all goods sold at retail, including but not limited to the prepared food items, subject to

By striking lines 3 and 4 of page 4 and inserting in lieu thereof the following:

(4) Person who receives less than $7,500.00 in gross receipts in a calendar year from all goods sold at retail, including but not limited to the sale of home-processed and home-canned food products, if:.

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:

Abdul-Salaam	N Crawford	Y Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A

N Ashe
Y Barnard
E Barnes
Y Bearden
Y Beasley-Teague
Y Benfield
N Benton
Y Black
N Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
N Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Day
N Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Henson
Y Hill, C
Y Horne
Houston
N Howard, E
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Jones, J
Y Jones, S
N Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
E Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Y Mitchell
N Morgan
Y Morris
Y Mosby
N Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
N Oliver
Y O'Neal
N Orrock
Y Parham
Y Parrish
N Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
N Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Y Sims, F
Y Sinkfield
Y Smith, B
Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Y Stephenson
Y Talton
Y Teilhet
N Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
N Williams, A
N Williams, E
E Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 138, nays 18.

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

Representatives Abdul-Salaam of the 74th and Jones of the 46th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1364. By Representatives Sheldon of the 105th, Walker of the 107th, Cox of the 102nd, Graves of the 137th and Carter of the 159th:

A BILL to be entitled an Act to amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, so as to provide for assistance in matters relating to the medicare prescription drug insurance plan; to provide a short title; to provide for legislative findings; to provide for

definitions; to provide for other related matters; to repeal conflicting laws; and for other purposes.

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

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

Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
E Barnes
Y Bearden
Y Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
N Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Houston
Y Howard, E
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
E Lindsey
Y Lord
Y Loudermilk
Y Lucas
Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Y Mitchell
Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
E Setzler
Y Shaw
Y Sheldon
E Sims, C
Y Sims, F
Y Sinkfield
Y Smith, B
Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
E Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 152, nays 1.

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

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1224. By Representatives Channell of the 116th, Cooper of the 41st, Brown of the 69th, Sheldon of the 105th and Manning of the 32nd:

A BILL to be entitled an Act to amend Code Section 31-8-192 of the Official Code of Georgia Annotated, relating to the definitions relative to the "'Health Share' Volunteers in Medicine Act"; so as to revise the definitions of "low-income" and "volunteer"; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 31-8-192 of the Official Code of Georgia Annotated, relating to the definitions relative to the "'Health Share' Volunteers in Medicine Act"; so as to revise the definitions of "low-income" and "volunteer"; 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:

SECTION 1.

Code Section 31-8-192 of the Official Code of Georgia Annotated, relating to the definitions relative to the "'Health Share' Volunteers in Medicine Act", is amended by striking paragraphs (5) and (8) and inserting in their respective places the following:

"(5) 'Low-income' means:

(A) A person who is Medicaid eligible under the laws of this state;

(B) A person:

(i) Who is without health insurance; or

(ii) Who has health insurance that does not cover the injury, illness, or condition for which treatment is sought; and

whose family income does not exceed 200 percent of the federal poverty level as defined annually by the federal Office of Management and Budget;

(C) A person:

(i) Who is without dental insurance; or

(ii) Who has dental insurance that does not cover the injury, illness, or condition for which treatment is sought; and

whose family income does not exceed 200 percent of the federal poverty level as defined annually by the federal Office of Management and Budget; or

(D) Any client or beneficiary of the department or the Department of Human Resources who voluntarily chooses to participate in a program offered or approved by the department or the Department of Human Resources and meets the program eligibility guidelines of the department or the Department of Human Resources whose family income does not exceed 200 percent of the federal poverty level as defined annually by the federal Office of Management and Budget."

"(8) 'Volunteer' means any person who, of his or her own free will, ~~provides goods or services~~ and in support of or in assistance to the program of health care services provided pursuant to this article to any governmental contractor, provides goods or clerical services, computer services, or administrative support services, with ~~no~~ or without monetary or material compensation. This term shall not include a health care provider."

SECTION 2.

This Act shall become effective on July 1, 2006.

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:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Houston	E McClinton	E Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	E Sims, C
Y Benfield	Y Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Floyd, J	Y Jones, S	Y Neal	Y Smyre
E Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M

Y Butler	Y Golick	Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
E Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	E Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	E Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	E Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Y Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 154, nays 0.

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

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1075. By Representative Parham of the 141st:

A BILL to be entitled an Act to amend Code Section 43-47-8 of the Official Code of Georgia Annotated, relating to license applications filed with the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, so as to increase the amount of the bond for used motor vehicle dealers; 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 adopted:

A BILL

To amend Code Section 43-47-8 of the Official Code of Georgia Annotated, relating to license applications filed with the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, so as to increase the amount of the bond for used motor vehicle dealers; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-47-8 of the Official Code of Georgia Annotated, relating to license applications filed with the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, is amended by striking subsection (h) in its entirety and substituting in its place the following:

"(h) The bond shall be in the amount of ~~$20,000.00~~ $35,000.00 for used car dealers and $10,000.00 for used parts dealers and shall be filed, immediately upon the granting of the license, with the division director by the licensee and shall be approved by the division director as to form and as to the solvency of the surety. The prospective licensee may file the required bond with the division director for the division director's approval prior to the granting of a license."

SECTION 2.

This Act shall become effective on January 1, 2007, and be applicable to bond renewals on or after that date.

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:

Abdul-Salaam	Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Houston	E McClinton	E Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	E Sims, C
Y Benfield	Y Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
E Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin

Y Carter	Y Graves, T	Y Lane, R	Ralston	Walker
E Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	E Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	E Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	E Williams, R
Y Coleman, T	Y Hembree	Y Mangham	N Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 154, nays 1.

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

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HR 413. By Representative Hanner of the 148th:

A RESOLUTION dedicating the bridge on SR 45 that spans the Kinchafoonee Creek in Webster County as the Warren V. Johnson Bridge; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

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

PART I

WHEREAS, the Johnson family of Webster County has owned land and resided in the area of Kinchafoonee Creek in Webster County for almost a century; and

WHEREAS, when SR 45 was constructed, the Johnson family gave the state approximately two miles of right of way so that the state could build the road; and

WHEREAS, dedicating the bridge on SR 45 that spans the Kinchafoonee Creek in Webster County in honor of Warren V. Johnson will recognize the contribution made by this family to the state and the significance of this family in the life of its community.

PART II

WHEREAS, Harry H. Eason was born on August 15, 1915, and he spent his career as a superintendent for H.G. Smith Construction Company building bridges throughout south Georgia; and

WHEREAS, in 1956, he moved his family to Tifton, where his company had been awarded the contract to construct bridges for Interstate Highway 75 from Tifton to Ashburn, and Mr. Eason was assigned the task of supervising the construction of those bridges; and

WHEREAS, he was known to work as hard as any of his crew in the construction project and each of the bridges was constructed on time and the work was approved without correction; and

WHEREAS, many of the bridges he built were of a complicated design which were even more difficult to construct in the days before computers; and

WHEREAS, it is only fitting that a bridge be named for such a renowned bridge builder as Mr. Harry H. Eason.

PART III

WHEREAS, on a day in the 1880s, at least 15 years before the Wright Brothers' famous flight at Kitty Hawk, North Carolina, Micajah Clark Dyer rode his "apparatus for navigating the air" — the term airplane would not be coined for decades — down a slip on Rattlesnake Mountain in Union County, Georgia, and flew low over a meadow on his farm in the Choestoe community near Blairsville; and

WHEREAS, Mr. Dyer, who was born in South Carolina on July 23, 1822, and who farmed in Union County, Georgia, to support his large family, received his only formal education in a one-room school, but despite this limitation developed a reputation as a true genius because of his many inventions; and

WHEREAS, most of Mr. Dyer's inventions have been lost in the veil of time, but it is known that he equipped his house with running water, built an efficient water-powered grist mill, and invented a "perpetual motion" machine that could power devices; but his most famous invention was his flying machine, for which he was awarded a patent in September, 1874, and which he continued to improve and refine until his death on January 26, 1891; and

WHEREAS, stories of his flying machine were kept alive through Dyer family oral tradition until 2004, when, thanks to the modern invention of the Internet, family members were able to identify the 1874 patent and obtain a copy, proof that the machine had, in fact, been built and that sophisticated plans had been filed with the United States

Patent Office, although the flight from Rattlesnake Mountain over the meadow remains unverified local lore; and

WHEREAS, although the flying machine invented in the remote North Georgia mountains never made it into the history books, family history indicates that Mr. Dyer's widow, Morena Owenby Dyer, sold the machine and plans to the Redwine Brothers in Atlanta, who, in turn, sold them to the Wright Brothers of Ohio, so it is probable that Micajah Clark Dyer did, indirectly, contribute to the first human flight.

PART IV

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the bridge on SR 45 that spans the Kinchafoonee Creek in Webster County is dedicated as the Warren V. Johnson Bridge, and the Department of Transportation is authorized and directed to erect and maintain appropriate signs to identifying the bridge.

BE IT FURTHER RESOLVED that the bridge on Chula Brookfield Road over Interstate Highway 75 in Turner County, Georgia, is hereby dedicated as the Harry H. Eason Bridge in honor of this distinguished Georgian, and the Department of Transportation is authorized and directed to erect and maintain appropriate signs so dedicating the bridge.

BE IT FURTHER RESOLVED that the portion of Georgia Highway 180 in Union County from the intersection with US Highway 129 to the Towns County line be dedicated the Micajah Clark Dyer Parkway, and the Department of Transportation is authorized and directed to place and maintain appropriate markers designating the Micajah Clark Dyer Parkway.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Department of Transportation, Warren V. Johnson, Harry H. Eason, and the family of Micajah Clark Dyer.

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:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Houston	E McClinton	E Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw

Y Bearden
Y Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
E Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Y Henson
Y Hill, C
E Hudson
Y Hugley
E Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
E Lindsey
Y Lord
Y Loudermilk
Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
E Millar
Y Mills
Y Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sheldon
E Sims, C
Y Sims, F
Y Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
E Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the adoption of the Resolution, by substitute, the ayes were 155, nays 0.

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

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HR 1302. By Representatives Jacobs of the 80th and Millar of the 79th:

A RESOLUTION honoring the life and accomplishments of Stephen J. Schmidt, Sr., and dedicating the Stephen J. Schmidt, Sr., Memorial Highway; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

To dedicate certain portions of the state highway system; to provide for related matters; to repeal conflicting laws; and for other purposes.

PART I

WHEREAS, news of the passing of Stephen J. Schmidt, Sr., was received by members of the Oglethorpe University community with much sorrow; and

WHEREAS, during World War II he was a B-29 pilot in the Pacific theater where he flew 15 missions and named his plane the "Stormy Petrel"; and

WHEREAS, he owned Dixie Seal & Stamp Company; was a stockholder in the Atlanta Crackers and a founding member of the Braves 400 Club; and was inducted into the Georgia Sports Hall of Fame in 1992; and

WHEREAS, he was a member of the Oglethorpe University class of 1940 and was a loyal alumnus, Trustee Emeritus, and true friend to the Oglethorpe University Community; and

WHEREAS, he and his wife, Jeanne Fuller Schmidt, class of 1942, had been an integral part of the university for over 65 years; and

WHEREAS, Steve became an Oglethorpe Trustee in 1963 and served as chair from 1970 until 1989, and he was awarded an honorary doctorate in 1986; and

WHEREAS, visible reminders of the Schmidt family's great contributions to Oglethorpe University include the Schmidt Residence Hall, the Schmidt Center, and the Schmidt Endowed Scholarship; and

WHEREAS, Stephen J. Schmidt, Sr., was known as "Mr. Oglethorpe" and it is only fitting and proper that this man of vision and significance be honored by dedicating a portion of the highway bordering his beloved university in his honor.

PART II

WHEREAS, James M. Cannon, Sr., served with dedication on the City Council of Leesburg, Georgia, for many years; and

WHEREAS, he was a member of the Board of Directors of First State Bank of Leesburg; and

WHEREAS, he was a sheriff's deputy for many years when he was a younger man in Lee County, Georgia; and

WHEREAS, James M. Cannon, Sr., owned and operated a service station in the City of Leesburg for many years; and

WHEREAS, his family owned and operated a peanut mill in Leesburg for many years; and

WHEREAS, he was raised in Leesburg and lived in Leesburg his entire life; and

WHEREAS, the current U.S. Highway 19 Bypass is constructed on a portion of James M. Cannon, Sr.'s, father's farm; and

WHEREAS, James M. Cannon, Sr., was a dedicated family man, church man, councilman, businessman, and friend to the City of Leesburg and it is only fitting that the U.S. Highway 19 Bypass be named in his memory.

PART III

WHEREAS, Henry L. Howard was one of the best known and most respected businessmen and elected officials in the City of Augusta; and

WHEREAS, he was elected to the Richmond County Board of Commissioners in 1985 and served as the chairman in 1987; and

WHEREAS, he implemented the Richmond County Employee Incentive Program and the observance of the Martin Luther King, Jr. Day for county employees; and

WHEREAS, Henry L. Howard was elected to the Georgia State Legislature in 1990 and served through 2005; and

WHEREAS, he was the recipient of honors which included the appointment by Governor Joe Frank Harris as Lieutenant Colonel, Aide de Camp Governor's Staff in 1985, "Advocate of the Year Award" presented by the CSRA Business League in 1987, the "Outstanding Citizen's Award" presented by the Georgia Association of Beauty Culturist in 1987, and the award for the "Regional Minority Advocate of the Year" by the Minority Business Development Agency; and

WHEREAS, Henry L. Howard was a legend that has left us with an example of a life well lived as a public servant and it is only fitting that an important highway interchange should be named in his honor.

PART IV

WHEREAS, in 1956 the Georgia Department of Transportation hired a 25 year-old man named Theodore S. McKenzie; and

WHEREAS, this young man began as a project engineer trainee and ended up, 30 years later, retiring from the Georgia Department of Transportation with honors, receiving numerous plaques and declarations of commendation; and

WHEREAS, Ted McKenzie, after his retirement from the Georgia Department of Transportation, continued to work as a member of advisory teams representing the United States Federal Highway Administration, the United States Department of Transportation, and the United Nations, providing technical assistance to the highway departments in a number of countries around the world; and

WHEREAS, Ted McKenzie has not only served his country and the State of Georgia but has specifically served Glynn County in many ways, including, for example, acting in direct charge of numerous grading, base, and paving projects as well as overseeing bridge projects over the Turtle River and the South Brunswick River Basin, in which the foundations included the first 54" arid 36" diameter cylindrical pile ever used in Georgia.

PART V

WHEREAS, Mr. Jack Wingate has lived a life most people can only dream of, making a living in the sport he dearly loves, as fishing guide; and

WHEREAS, since 1957, he has owned and operated a fish camp located on Lake Seminole, a camp which has gained national recognition among the best fishermen in the country as "Lunker Lodge," so named because of the phenomenal successes they have recognized during their stays there, thanks in part to Mr. Wingate's legendary abilities as a guide; and

WHEREAS, Mr. Wingate has almost singlehandedly been responsible for garnering for Lake Seminole a national reputation as one of the country's premier fishing and hunting locations, and as a result, thousands of sportsmen visit Georgia each year to fish and hunt at Lake Seminole, contributing greatly to the state and local economy; and

WHEREAS, he has always been eager to use his tremendous talent as a fishing guide to help others, and he established a camp for young people which over the past 26 years has given hundreds of Georgia's youth a quality fishing experience and has started many on a lifetime of enjoying the sport; and

WHEREAS, in recognition of his ability and his service to his fellow citizens, Mr. Wingate has been inducted into the National Freshwater Fishing Hall of Fame as a Legendary Guide.

PART VI

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that that portion of SR 141 from its intersection with Hermance Drive to its

intersection with Lanier Drive in DeKalb County is dedicated as the Stephen J. Schmidt, Sr., Memorial Highway.

BE IT FURTHER RESOLVED that the Leesburg U.S. Highway 19 Bypass is dedicated as the James M. Cannon, Sr., Memorial Bypass.

BE IT FURTHER RESOLVED that the interchange at Dean's Bridge Road and the Bobby Jones Expressway (I-520) in Augusta/Richmond County is dedicated as the Henry L. Howard Memorial Interchange.

BE IT FURTHER RESOLVED that the Interchange of I-95 and U.S. Highway 341 in Glynn County is dedicated as the Ted McKenzie Interchange.

BE IT FURTHER RESOLVED that the portion of State Road 97 in Decatur County from the U.S. Highway 84 bypass southward to the Florida state line is dedicated as the Jack Wingate Highway.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain signs identifying the highway facilities dedicated in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the Department of Transportation, Jeanne Fuller Schmidt, the family of James M. Cannon, Sr., the family of Henry L. Howard, Mr. Theodore S. McKenzie, and Mr. Jack Wingate.

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:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Houston	E McClinton	E Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	E Sims, C
Y Benfield	Y Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V

Y Bruce
E Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Butler
Y Byrd
Y Carter
E Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Floyd, J
Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Lane, R
Y Lewis
E Lindsey
Y Lord
Y Loudermilk
Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
E Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Smyre
Y Stanley-Turner
Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
Y Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
E Williams, R
Y Wix
Y Yates
Richardson,
Speaker

On the adoption of the Resolution, by substitute, the ayes were 158, nays 0.

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

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

By unanimous consent, the following Bill of the House was withdrawn from the Committee on Judiciary Non-Civil and referred to the Committee on Game, Fish, & Parks:

HB 1490. By Representatives Burns of the 157th, Lane of the 158th and Jenkins of the 8th:

A BILL to be entitled an Act to amend Code Section 12-3-10 of the O.C.G.A., relating to directing persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and regulations and prohibited acts generally, so as to change certain provisions relating to prohibitions against having or using certain boats on state park lakes; to amend Code Section 16-9-70 of the O.C.G.A., relating to criminal use of an article with an altered identification mark, so as to include vessels within the applicability of said Code section; to amend Chapter 7 of Title 52 of the O.C.G.A., relating to the registration, operation, and sale of watercraft, so as to change certain provisions relating to definitions; to change certain

provisions relating to requirement as to numbering of vessels; to provide for forfeiture proceedings; to provide penalties for violations; to provide for an effective date; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Resolutions of the House were withdrawn from the Committee on Health & Human Services and referred to the Committee on Appropriations:

HR 1663. By Representatives Sheldon of the 105th, Brown of the 69th, Manning of the 32nd, Cox of the 102nd, Graves of the 137th and others:

A RESOLUTION creating the House Study Committee on Public Health; and for other purposes.

HR 1664. By Representatives Sheldon of the 105th, Brown of the 69th, Manning of the 32nd, Cox of the 102nd, Graves of the 137th and others:

A RESOLUTION creating the Joint Study Committee on Public Health; and for other purposes.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Judiciary:

HB 1313. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Title 8 of the O.C.G.A., relating to buildings and housing, Title 22 of the O.C.G.A., relating to eminent domain, and Title 36 of the O.C.G.A., relating to local government, so as to provide for the comprehensive revision of provisions regarding eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's eminent domain power; to change certain language relating to blighted areas; to provide for a new definition of blighted areas; to change certain provisions regarding housing authorities´ power of eminent domain; to amend Chapter 3 of Title 23 of the O.C.G.A., relating to equitable remedies and proceedings, so as to grant standing to municipalities and counties to seek certain equitable remedies and proceedings; to repeal conflicting laws; and for other purposes.

Representative Cooper of the 41st District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

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

HB 873	Do Pass, by Substitute	HB 1191	Do Pass, by Substitute
HB 907	Do Pass, by Substitute	HR 1341	Do Pass, by Substitute
HB 1008	Do Pass, by Substitute		

Respectfully submitted,
/s/ Cooper of the 41st
Chairman

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 1460 Do Pass

The following Resolution of the House, favorably reported by the Committee on Rules, was read and adopted:

HR 1460. By Representatives Jones of the 44th, Sinkfield of the 60th, Stephenson of the 92nd, Mitchell of the 88th and Brooks of the 63rd:

A RESOLUTION honoring Delta Sigma Theta Sorority, Inc.; declaring March 6, 2006, as Delta Sigma Theta Day; inviting representatives of the sorority to appear before this body; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1668. By Representative Day of the 163rd:

A RESOLUTION recognizing Clark Creative and Cari Clark; and for other purposes.

HR 1669. By Representative Day of the 163rd:

A RESOLUTION recognizing Old Savannah Tours and Will Green; and for other purposes.

HR 1670. By Representatives Fludd of the 66th, Watson of the 91st, Randall of the 138th, Mosby of the 90th, Brooks of the 63rd and others:

A RESOLUTION commending the Association of Black Cardiologists; and for other purposes.

HR 1671. By Representatives Day of the 163rd, Neal of the 1st, Keen of the 179th, Loudermilk of the 14th, Davis of the 109th and others:

A RESOLUTION commending E. Lanier "Lanny" Finch; and for other purposes.

HR 1672. By Representative Day of the 163rd:

A RESOLUTION recognizing Edwin Rothschild Byck; and for other purposes.

HR 1673. By Representative Day of the 163rd:

A RESOLUTION recognizing Precision Performance Motorcycles and Anthony Fregenti; and for other purposes.

HR 1674. By Representative Mills of the 25th:

A RESOLUTION commending the West Hall High School wrestling team; and for other purposes.

HR 1675. By Representatives Buckner of the 130th and Smith of the 129th:

A RESOLUTION recognizing Ranger First Class (RFC) Mitchell N. Oliver; and for other purposes.

HR 1676. By Representative Porter of the 143rd:

A RESOLUTION commending Ms. Myrna May White and congratulating her on being named the director of the Office of Public Affairs for the Department of Aviation at Hartsfield-Jackson Atlanta International Airport; and for other purposes.

HR 1677. By Representatives Cummings of the 16th, Powell of the 29th and Benton of the 31st:

A RESOLUTION recognizing the month of May, 2006, as "Motorcycle Awareness and You Month" in Georgia; and for other purposes.

HR 1678. By Representative Day of the 163rd:

A RESOLUTION recognizing Mr. Jim Hicks; and for other purposes.

HR 1679. By Representative May of the 111th:

A RESOLUTION commending Dr. Jimmy C. Stokes; and for other purposes.

HR 1680. By Representatives Thomas of the 55th, Williams of the 165th, Beasley-Teague of the 65th, Dean of the 59th, Sinkfield of the 60th and others:

A RESOLUTION commending Empress Itege Menen Asfaw and proclaiming March 25, 2006 as Empress Itege Asfaw Day; and for other purposes.

HR 1681. By Representative Warren of the 122nd:

A RESOLUTION recognizing A. Frank Williams for his contributions to the City of Hephzibah, Georgia; and for other purposes.

HR 1682. By Representative Ehrhart of the 36th:

A RESOLUTION recognizing Harrison High School's Advanced Placement Certified School status; and for other purposes.

HR 1683. By Representatives Maxwell of the 17th, Mills of the 25th, Cox of the 102nd, Meadows of the 5th, Houston of the 170th and others:

A RESOLUTION commending the United Mitochondrial Disease Foundation; and for other purposes.

HR 1684. By Representative Ehrhart of the 36th:

A RESOLUTION commending public health nurses; and for other purposes.

HR 1685. By Representative Cox of the 102nd:

A RESOLUTION commending the Parkview High School swim and dive team; and for other purposes.

HR 1686. By Representative Ehrhart of the 36th:

A RESOLUTION commending Mr. Billy Tauzin; and for other purposes.

HR 1687. By Representative Bearden of the 68th:

A RESOLUTION commending the Plantation Women's Club of Fairfield; and for other purposes.

HR 1688. By Representative Bearden of the 68th:

A RESOLUTION expressing regret at the passing of Clyde C. Jones; and for other purposes.

HR 1689. By Representatives Henson of the 87th, Jennings of the 82nd, Oliver of the 83rd, Watson of the 91st and Drenner of the 86th:

A RESOLUTION congratulating Major C. R. (Rodney) Maddox on the occasion of his retirement; and for other purposes.

HR 1690. By Representatives Henson of the 87th, Jennings of the 82nd, Oliver of the 83rd, Watson of the 91st and Drenner of the 86th:

A RESOLUTION commending Lee Hagan on becoming an Eagle Scout; and for other purposes.

HR 1691. By Representatives Cummings of the 16th and Richardson of the 19th:

A RESOLUTION commending Dr. Ralph D. King; and for other purposes.

Representative Harbin of the 118th District, Chairman of the Committee on Appropriations, submitted the following report:

Mr. Speaker:

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

HB 1027 Do Pass, by Substitute

Respectfully submitted,
/s/ Harbin of the 118th
Chairman

The Speaker announced the House in recess until 6:00 o'clock, P.M., at which time the House will stand adjourned, pursuant to the adjournment Resolution previously adopted by the House and Senate, until 10:00 o'clock, A.M., Wednesday, March 8, 2006.