Representative Hall, Atlanta, Georgia

Monday, March 13, 2006

The House met pursuant to adjournment at 9:00 o'clock, A.M., this day and was called to order by the Speaker.

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

Abdul-Salaam	Cox	Houston	E McClinton	Scott, A
Amerson	Crawford	Hugley	Meadows	Scott, M
E Anderson	Cummings	James	Millar	Setzler
Ashe	Davis	Jamieson	Mills	Shaw
Barnard	Dickson	Jenkins	Mosley	Sheldon
Bearden	Dodson	Jennings	Mumford	Sims, F
Benton	Dukes	Johnson	Murphy, J	Smith, B
Borders	Ehrhart	Jones, S	Murphy, Q	Smith, P
Bridges	England	Keown	Neal	Smith, R
Brooks	Everson	Knight	O'Neal	Smith, T
Bruce	Fleming	Knox	Parham	Smith, V
Bryant	Floyd, J	Lakly	Parsons	Smyre
Buckner, D	Forster	Lane, B	Porter	Talton
Burmeister	Franklin	E Lane, R	Ralston	Teilhet
Butler	Freeman	Lord	Randall	Thomas, B
Byrd	Gardner	Loudermilk	Ray	Tumlin
Carter	Geisinger	Lunsford	Reece, S	Walker
Casas	Graves, T	Maddox	Reese	E Warren
Chambers	Greene	Mangham	Rice	Wilkinson
Channell	Hatfield	Manning	Roberts	Willard
Cheokas	Heard, J	Martin	Rogers	Williams, A
Coan	Heard, K	Maxwell	Royal	Williams, E
Cole	Hembree	May	Rynders	Williams, R
Coleman, B	Hill, C	McCall	Scheid	Richardson, Speaker
Cooper	Holt			

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

Representatives Barnes of the 78th, Black of the 174th, Bordeaux of the 162nd, Brown of the 69th, Buckner of the 76th, Burkhalter of the 50th, Burns of the 157th, Coleman of the 144th, Dean of the 59th, Dollar of the 45th, Floyd of the 99th, Fludd of the 66th, Golick of the 34th, Graves of the 137th, Hanner of the 148th, Harbin of the 118th, Henson of the 87th, Hill of the 180th, Holmes of the 61st, Horne of the 71st, Howard of the 121st, Hudson of the 124th, Jackson of the 161st, Jordan of the 77th, Keen of the 179th, Lewis of the 15th, Lucas of the 139th, Marin of the 96th, Mitchell of the 88th, Morris of the 155th, Mosby of the 90th, Oliver of the 83rd, Orrock of the 58th, Parrish of the 156th, Powell of the 29th, Reece of the 11th, Sims of the 169th, Sinkfield of the 60th, Smith of the 70th, Stanley-Turner of the 53rd, Stephens of the 164th, Stephenson of the 92nd, Thomas of the 55th, Wix of the 33rd, and Yates of the 73rd.

They wish to be recorded as present.

Prayer was offered by the Reverend Larry Wynn, Hebron Baptist Church, Dacula, 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 Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1600. By Representatives Butler of the 18th, Bearden of the 68th and Brown of the 69th:

A BILL to be entitled an Act to amend an Act relating to the board of education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, so as to reconstitute the board of education; to change the descriptions of the education districts; to provide for definitions and inclusions; to provide for the election and terms of office of members of the board; to provide for vacancies; to provide for eligibility and qualifications; to provide for

submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; 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 1601. By Representative Buckner of the 76th:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to selection and qualification of candidates and presidential electors, so as to establish a code of conduct for candidates for elective office; to provide for legislative intent; to provide for administration by the State Ethics Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1602. By Representatives Buckner of the 76th, Ashe of the 56th, Thomas of the 55th, Manning of the 32nd and Barnes of the 78th:

A BILL to be entitled an Act to amend Code Section 31-12-14 of the Official Code of Georgia Annotated, relating to the breast cancer, prostate cancer, or ovarian cancer research fund, so as to change certain provisions regarding the state income tax check off option for making contributions to such fund; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1603. By Representatives Jackson of the 161st, Stephens of the 164th, Bordeaux of the 162nd, Bryant of the 160th and Carter of the 159th:

A BILL to be entitled an Act to amend an Act governing the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, particularly by an Act approved April 14, 1997 (Ga. L. 1997, p. 4031), so as to modify the compensation of members of the Board of Public Education for the City of Savannah and the County of Chatham; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1604. By Representative Smyre of the 132nd:

A BILL to be entitled an Act to amend Chapter 5 of Title 7 of the Official Code of Georgia Annotated, relating to credit cards and credit card banks, so as to authorize qualifying organizations to conduct criminal background checks through fingerprint comparisons; 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 1607. By Representatives Buckner of the 76th and Powell of the 29th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that it shall be illegal for a candidate to qualify in a primary or election in a district in which he or she is not qualified to run for office; to eliminate the restriction on when a challenge to a candidate's qualifications may be filed by an elector; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1608. By Representatives Richardson of the 19th and Maxwell of the 17th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Paulding County, approved April 17, 1975 (Ga. L. 1975, p. 2916), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 4145), so as to change the compensation of the chairperson and members of the commission; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1609. By Representatives Fleming of the 117th and Channell of the 116th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Washington, Georgia, approved February 14, 1958 (Ga. L. 1958, p. 2139), 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.

HR 1734. By Representatives Willard of the 49th, Lindsey of the 54th, Orrock of the 58th, Sinkfield of the 60th, Dean of the 59th and others:

A RESOLUTION compensating Mrs. Claudia Barnes; and for other purposes.

Referred to the Committee on Appropriations.

HR 1777. By Representatives Buckner of the 76th, Jordan of the 77th, Abdul-Salaam of the 74th, Barnes of the 78th, Randall of the 138th and others:

A RESOLUTION urging the United States Congress to support additional funding for development of commuter rail service in the State of Georgia; and for other purposes.

Referred to the Committee on Transportation.

HR 1778. By Representatives Burkhalter of the 50th, Keen of the 179th, Richardson of the 19th, Fleming of the 117th, Burmeister of the 119th and others:

A RESOLUTION creating the House Tag Tax Study Committee; and for other purposes.

Referred to the Committee on Rules.

HR 1789. By Representatives Buckner of the 76th and Powell of the 29th:

A RESOLUTION urging the United States Congress to take action to eliminate untraceable phone records; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HR 1790. By Representative Smith of the 129th:

A RESOLUTION honoring the lives of Cason and Virginia Callaway and dedicating the Cason and Virginia Callaway Conservation Highway in their memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1791. By Representatives Sheldon of the 105th, Fleming of the 117th, Meadows of the 5th, Coan of the 101st, Yates of the 73rd and others:

A RESOLUTION commending the Association County Commissioners of Georgia and the Georgia Municipal Association for creating the Council of Local Governments; urging the Council of Local Governments to address

several issues that create conflict between cities and counties; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

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

HB 1583	HR 1700
HB 1584	HR 1732
HB 1585	SB 64
HB 1586	SB 349
HB 1587	SB 380
HB 1588	SB 505
HB 1589	SB 506
HB 1591	SB 510
HB 1592	SB 523
HB 1593	SB 529
HB 1594	SB 538
HB 1595	SB 539
HB 1596	SB 561
HB 1597	SB 562
HB 1598	SB 593
HB 1599	SB 626
HB 1605	SB 627
HB 1606	SB 628
HR 1695	SB 629
HR 1696	SB 630
HR 1697	SB 633
HR 1698	SR 1025

Representative Scheid of the 22nd District, Secretary 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 508 Do Pass, by Substitute

Respectfully submitted,
/s/ Scheid of the 22nd
Secretary

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 has instructed me to report the same back to the House with the following recommendations:

HB 1528	Do Pass, by Substitute	HB 1574	Do Pass
HB 1557	Do Pass	HB 1575	Do Pass
HB 1558	Do Pass	HB 1576	Do Pass
HB 1559	Do Pass	HB 1577	Do Pass
HB 1560	Do Pass	HB 1578	Do Pass
HB 1561	Do Pass	HB 1579	Do Pass
HB 1562	Do Pass	HB 1580	Do Pass
HB 1572	Do Pass	HB 1581	Do Pass
HB 1573	Do Pass		

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

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

HOUSE RULES CALENDAR
MONDAY, MARCH 13, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 30th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 338	Hunting; primitive weapons; amend provisions
HB 379	Employees' Retirement; disability benefits; eligibility provisions
HB 483	Teachers Retirement; credit for prior service
HB 547	Impact fees; single family construction; provide maximum
HB 582	Employees' Retirement; temporary full-time service; obtain creditable service

HB 710 Special license plates; identifying persons with diabetes
HB 873 Physician's assistants; public health or state of emergency; render assistance
HB 1008 "Georgia Hospice Law"; palliative care; amend provisions
HB 1044 Firearms; carrying and possession; municipal and city court judges; amend provisions
HB 1168 Winery; tasting room; permit sales
HB 1193 Vehicles; false or secret compartments; prohibit owning or operating
HB 1223 County Board of Health; contracts; revise certain provisions
HB 1227 Agricultural Education Oversight Commission; create
HB 1228 Career and Technical Education Oversight Commission; create
HB 1230 Georgia Development Impact Fee Act; change certain provisions
HB 1248 Alcoholic beverages; comprehensive revision of provisions; provide
HB 1259 Private detectives and private security officers; licensing; revise
HB 1282 Deeds; recording; provisions
HB 1290 Telephone service provider; customer records; prohibit sale or transfer
HB 1302 Georgia Street Gang Terrorism and Prevention Act; change certain provisions
HB 1307 Georgia Register; publication; change certain provisions
HB 1318 Board and Department of Corrections; employee benefits; provisions
HB 1342 Nonprofit organizations; noncash prizes; provisions
HB 1359 Georgia Assignment Pool Underwriting Authority; create
HB 1371 The Pharmacy Audit Bill of Rights; enact
HB 1412 Certain government vehicles; clean and renewable fuels; require use
HB 1417 Administrative Office of the Courts; assist board of jury commissioners; allow
HB 1424 Dogs; hunting; change certain provisions
HB 1451 Long-term Care Partnership Program; revise certain definitions
HB 1456 Accident and sickness policy; age of dependent; provisions
HB 1460 Shrimp and shrimping; lawful methods of; size of cast nets; change provisions
HB 1473 Social Security Act; certain waivers; require prior legislative approval
HB 1483 Quality Basic Education Act; amend provisions
HB 1484 Personal insurance; insurable interest; clarify circumstances
HB 1490 State park lakes; watercraft; change provisions
HR 1094 Sales and use and motor fuel taxes; aviation fuel; revenue provisions - CA
HR 1551 Joint Comprehensive Water Desalination Study Committee; create

Modified Open Rule

HB 1436 Wine; restaurant patrons; resealed partially consumed bottle; authorize

Modified Structured Rule

HB 1392 Drivers; right of way violation; collision; provide penalties
HB 1445 Prescription drugs; effects on pregnancy; provisions for pharmacist
HR 30 Peace Officers' Annuity and Benefit Fund; retirement credit; funding - CA
HR 1299 Trauma care; trust fund; provisions - CA

Structured Rule

HB 111 Sales and use tax; change certain definitions
HB 304 Business and occupation tax; certain regulatory fees by local governments
HB 654 All-terrain vehicles; additional definitions; provisions
HB 848 Homestead exemption; senior citizens; actual levy amount
HB 874 Public disclosure of records; certain exception; clarify
HB 1121 Sales and use tax exemption; National Infantry Museum and Heritage Park; provisions
HB 1195 Civil case; complaints and judgments; change provisions
HB 1222 Motor vehicles; alcohol, drugs, or other substances; provisions
HB 1244 Motor fuel; public mass transit; change certain provisions
HB 1249 Ad valorem taxation exemption; watercraft in inventory; provide
HB 1300 Bonds; aggregate amount; raise
HB 1305 Seed - Capital Fund; investments; provisions
HB 1361 Redevelopment Powers Law; change certain definitions
HB 1502 State revenue commissioner; property appraisal and assessment; provide
HB 1506 Businesses; revocation of certificate of registration; prohibit certain sales
HR 1045 State lottery; HOPE Scholarship Program; designation of funds - CA
HR 1345 Religious or faith based organizations; public aid; receive - CA

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 were taken up for consideration and read the third time:

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.

The following Committee substitute was read and adopted:

A BILL

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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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), is amended by striking subsection (a) of Section 1 and inserting in its place a new subsection (a) to read as follows:

"(a) Each resident of the Banks County School District who is a senior citizen is granted an exemption on that person's homestead from all Banks County School District ad valorem taxes for educational purposes in the amount of $20,000.00 of the assessed value of that homestead, if that person's income, together with the income of the spouse of such person who resides within such homestead, does not exceed $10,000.00 for the immediately preceding taxable year. The value of that property in excess of such exempted amount shall remain subject to taxation."

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Banks County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the Banks County School District for approval or rejection. The election superintendent shall conduct that election on the date of the November, 2006, state-wide general election and shall issue the call and conduct that election as provided by general law. 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 Banks County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which increases the homestead exemption from Banks County School District ad valorem taxes for educational
( ) NO purposes for residents of that school district who are 65 years of age or over and who have annual incomes not exceeding $10,000.00 from $16,000.00 to $20,000.00?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 shall become of full force and effect on January 1, 2007. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Banks County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

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

SECTION 4.

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

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

HB 1557. By Representative Barnard of the 166th:

A BILL to be entitled an Act to amend an Act to re-create and reincorporate the City of Collins, approved April 17, 1975 (Ga. L. 1975, p. 3792), so as to repeal a provision relating to limitations on terms of service; to provide for other 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 1558. By Representative Burns of the 157th:

A BILL to be entitled an Act to amend an Act to incorporate and to grant a new charter to the City of Sylvania, approved March 1, 1963 (Ga. L. 1963, p. 2030), as amended, so as to change the corporate boundaries of such city; to

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

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

HB 1559. By Representatives Burns of the 157th and Carter of the 159th:

A BILL to be entitled an Act to provide a new charter for the City of Guyton; 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 mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal an Act incorporating the City of Guyton in the County of Effingham, approved April 12, 1982 (Ga. L. 1982, p. 3806); to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1560. By Representative Greene of the 149th:

A BILL to be entitled an Act to amend an Act creating the State Court of Miller County, approved March 2, 1935 (Ga. L. 1935, p. 538), as amended, particularly by an Act approved March 18, 1986 (Ga. L. 1986, p. 3921), so as to change the compensation of the judge and solicitor-general of said court; 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 1561. By Representative Greene of the 149th:

A BILL to be entitled an Act to provide that the judge of the Probate Court of Randolph County shall have the authority to appoint a person other than the

clerk of the superior court to serve as clerk of the Probate Court of Randolph County; 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 1562. By Representative Hanner of the 148th:

A BILL to be entitled an Act to amend an Act providing a charter for the City of Richland, Georgia, approved August 8, 1922 (Ga. L. 1922, p. 925), as amended, so as to change the corporate limits of such city by annexing certain territory in Stewart County into such city; 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 1572. By Representatives Murphy of the 23rd, Knox of the 24th and Amerson of the 9th:

A BILL to be entitled an Act to provide a salary supplement for each judge of the Superior Court of the Bell-Forsyth Judicial Circuit; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1573. By Representative Mills of the 25th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Flowery Branch, approved April 11, 1979 (Ga. Laws 1979, p. 3404), as amended, so as to establish the corporate limits of the City of Flowery Branch; 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 1574. By Representatives Murphy of the 23rd, Knox of the 24th and Amerson of the 9th:

A BILL to be entitled an Act to amend an Act creating and establishing a civil service system in Forsyth County for the employees of Forsyth County,

approved March 13, 1978 (Ga. L. 1978, p. 3576), as amended, particularly by an Act approved April 19, 2000 (Ga. L. 2000, p. 4272), so as to exempt certain employees of the sheriff from the civil service system and from any rights, protections, privileges, or right of appeal under the civil service system; 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 1575. By Representatives Mills of the 25th, Rogers of the 26th, Reece of the 27th and Benton of the 31st:

A BILL to be entitled an Act to provide for the continuation of an alternative method of distribution of the net proceeds of the sales and use tax for educational purposes authorized under Article VIII, Section VI, Paragraph IV of the Constitution among the Hall County School District, City of Gainesville Independent School District, and City of Buford Independent School District; to provide for applicability; to provide an effective date; to provide for 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 1576. By Representatives Knox of the 24th, Murphy of the 23rd and Amerson of the 9th:

A BILL to be entitled an Act to amend an Act creating the State Court of Forsyth County and the office of solicitor-general of Forsyth County, approved April 15, 1996 (Ga. L. 1996, p. 4558), as amended, so as to change the provisions relating to the compensation of the solicitor-general of Forsyth County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1577. By Representative Loudermilk of the 14th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Adairsville ad valorem taxes for municipal purposes in the amount of $10,000.00 of the assessed value of the homestead for residents of that city; to provide for definitions; to specify the terms and conditions of the

exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 1578. By Representative Loudermilk of the 14th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Adairsville ad valorem taxes for municipal purposes in the amount of $28,000.00 of the assessed value of the homestead for residents of that city who are disabled and whose household income does not exceed $20,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 1579. By Representative Loudermilk of the 14th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Adairsville ad valorem taxes for municipal purposes in the amount of $40,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 1580. By Representative Loudermilk of the 14th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Adairsville ad valorem taxes for municipal purposes in the amount of $10,000.00 of the assessed value of the homestead for residents of that city 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.

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

HB 1581. By Representatives Smith of the 70th and Horne of the 71st:

A BILL to be entitled an Act to provide that the board of education of Coweta County shall be authorized to provide group medical insurance for a former member, including such member's spouse and dependents, under certain conditions; to provide for payment; to provide for related matters; to provide conditions 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.

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 Amerson
E Anderson
Y Ashe
Y Barnard
Barnes
Y Bearden
Beasley-Teague
Y Benfield
Y Benton
Y Black
Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Dickson
Y Dodson
Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Epps
Y Everson
Y Fleming
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 Hill, C.A
Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Hudson
Y Hugley
Jackson
Y Jacobs
Y James
Y Jamieson
Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Keown
Y Kidd
Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
Y Millar
Y Mills
Mitchell
Morgan
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
Porter
Y Powell
Y Ralston
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Sheldon
Sims, C
Y Sims, F
Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Smyre
Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker

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

On the passage of the Bills, the ayes were 136, nays 0.

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

Due to a mechanical malfunction, the vote of Representative Orrock of the 58th was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representatives Greene of the 149th, Hudson of the 124th, and Jenkins of the 8th 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 177. By Senators Tate of the 38th and Fort of the 39th:

A BILL to be entitled an Act to amend Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the Teachers Retirement System of Georgia, so as to change the benefit formula for the Teachers Retirement System of Georgia from 2 percent to 2.5 percent; to provide a postretirement benefit adjustment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 334. By Senators Zamarripa of the 36th, Reed of the 35th, Tate of the 38th and Fort of the 39th:

A BILL to be entitled an Act to amend the "Atlanta Urban Enterprise Zone

Act," approved March 24, 1988 (Ga. L. 1988, p. 4164), as amended, particularly by an Act approved April 20, 1998 (Ga. L. 1998, p. 4493), so as to change criteria for the designation of urban enterprise zones; to repeal conflicting laws; and for other purposes.

SB 420. By Senators Unterman of the 45th, Schaefer of the 50th, Johnson of the 1st, Thomas of the 2nd, Harp of the 29th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to child custody proceedings, so as to provide for the creation, authorization, procedure, revocation, and termination of a power of attorney from a parent to a grandparent for the care of a grandchild; to provide for short titles; to provide definitions; to provide for the creation of a pilot program to provide a subsidy to certain grandparents raising grandchildren under certain circumstances; to provide for an assessment and evaluation of the pilot program; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 480. By Senators Unterman of the 45th, Thomas of the 54th and Goggans of the 7th:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the O.C.G.A., relating to nurses, so as to provide for the certification of qualified medication aides; to provide for a short title; to provide legislative findings; to provide for definitions; to provide for the delegation of certain nursing tasks; to provide for powers and responsibilities of the Georgia Board of Examiners of Licensed Practical Nurses; to provide for certification standards and requirements; to provide for the issuance and renewal of certificates; to provide for permitted and prohibited activities; to provide for requirements of community living arrangements which utilize qualified medication aides; to provide for sanctions; to provide for construction; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 495. By Senators Mullis of the 53rd and Shafer of the 48th:

A BILL to be entitled an Act to amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, so as to provide an increase in fees and charges and provide a fee for blaster certification cards; to require a license prior to conducting blast hole drilling; to amend Chapter 8 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of blasting operations generally, so as to provide additional definitions; to require a

license for blast hole drilling; to require liability insurance for licensed blasters; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 503. By Senators Hamrick of the 30th and Hill of the 4th:

A BILL to be entitled an Act to amend Chapter 21A of Title 15, Title 17, and Code Section 42-8-34.1 of the O.C.G.A., relating respectively to judicial accounting, criminal procedure, and to legal defense for indigents, requirements for revocation of probated or suspended sentence, so as to change certain provisions relating to the Georgia Public Defender Standards Council and the provision of legal services to indigent persons; to clarify that the application fee for indigent defense services is not a prerequisite to obtaining legal services; to specify the types of standards that shall be submitted to the General Oversight Committee for the Georgia Public Defender Standards Council; to change certain provisions relating to the budget for the Office of the Georgia Capital Defender; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 570. By Senator Carter of the 13th:

A BILL to be entitled an Act to amend Code Section 40-8-73.1 of the Official Code of Georgia Annotated, relating to affixing of materials which reduce light transmission or increase light reflectance through windows or windshields of motor vehicles, so as to authorize a person who is a certified optometrist to provide an attestation in support of a medical exemption for restrictions to limitations on reducing light transmission or increasing light reflectance on windows of motor vehicles; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 573. By Senators Carter of the 13th and Cagle of the 49th:

A BILL to be entitled an Act to amend Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to regulation of specialized land transactions, so as to provide that the seller may withdraw escrow funds in excess of 1 percent of the purchase price of a condominium in order to fund construction and development of the condominium property; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 592. By Senators Grant of the 25th, Hill of the 4th, Kemp of the 46th and Harp of the 29th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to the disposition of surplus property, so as to provide for the sale of certain property by fixed price; to permit the negotiated sale of surplus property to charitable institutions; to change certain provisions relating to the disposition of surplus property by the Department of Administrative Services; to provide for penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 606. By Senators Douglas of the 17th, Grant of the 25th and Schaefer of the 50th:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to prohibit disruptive conduct at funerals, memorial services, or funeral processions; to provide for legislative intent; to provide for the elements of such offense; to provide for a criminal penalty; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

SB 615. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to the terms of superior courts, so as to change the term of court in Atkinson, Berrien, Clinch, Cook, and Lanier counties in the Alapaha Judicial Circuit; to repeal conflicting laws; and for other purposes.

HB 1078. By Representative Greene of the 149th:

A BILL to be entitled an Act to create the Randolph County Water and Sewer Authority and provide for its activation; to provide for a short title; to provide for definitions; to provide for the purposes, powers, duties, and functions of the authority and authorize certain contracts and agreements; to provide for the membership and appointment of members of the authority and their terms of office, qualifications, duties, powers, methods of filling vacancies, compensation, and expenses; to provide for organization, meetings, and quorum of the authority; to provide for an attorney of the authority; to provide for an audit and budgets; to authorize the authority to contract with others regarding its functions, to contract with others pertaining to the use of the utilities and facilities of the authority, and to execute leases and do all things necessary or convenient for the operation of such undertakings or projects; to repeal conflicting laws; and for other purposes.

HB 1079. By Representative Greene of the 149th:

A BILL to be entitled an Act to provide a board of elections for Randolph County; to define its powers and duties concerning primaries and elections; to define certain terms; to provide a method for appointment, resignation, and removal of its members; to provide for the qualifications and terms of its members; to provide for a chairperson, clerical assistants, and other employees; to provide for compensation of such persons and the members of the board; to provide for facilities; to relieve the judge of the probate court from certain responsibilities; to provide for submission under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

HB 1102. By Representative Greene of the 149th:

A BILL to be entitled an Act to repeal an Act providing a new charter for the City of Coleman, approved April 19, 2000 (Ga. L. 2000, p. 3658), and abolish said city; to provide for the disposition of the assets, property, and legal rights and obligations of the city and the winding up of city affairs; to provide for submission under the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 1350. By Representative Smith of the 113th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Oconee County, approved April 18, 1917 (Ga. L. 1917, p. 384), as amended, particularly by an Act approved April 17, 1975 (Ga. L. 1975, p. 3105), so as to provide for terms for the members of the board of commissioners of Oconee County; to provide for elections; to provide for a referendum; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1363. By Representative Parrish of the 156th:

A BILL to be entitled an Act to amend an Act creating a new charter for the Town of Pulaski, approved April 9, 1999 (Ga. L. 1999, p. 3946), as amended, so as to provide authority for the mayor and councilmembers to perform and be compensated for duties related to the operation of the water system and other administrative functions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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.

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.

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 Senate has adopted by the requisite constitutional majority the following resolutions of the Senate:

SR 793. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "Standard for Removal of a Circuit Public Defender for Cause Pursuant to O.C.G.A. § 17-12-20," hereinafter referred to as the "Standard for Removal for Cause"; to provide for an effective date; and for other purposes.

SR 954. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "State of Georgia Performance Standards for Criminal Defense Representation in Indigent Criminal Cases," hereinafter referred to as the "Performance Standard"; to provide for an effective date; and for other purposes.

SR 955. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "State of Georgia Performance Standards for Juvenile Defense Representation in Indigent Delinquency and Unruly Cases," hereinafter referred to as the "Performance Standard in Juvenile Court"; to provide for an effective date; and for other purposes.

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

SB 177. By Senators Tate of the 38th and Fort of the 39th:

A BILL to be entitled an Act to amend Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the Teachers Retirement System of Georgia, so as to change the benefit formula for the Teachers Retirement System of Georgia from 2 percent to 2.5 percent; to provide a postretirement benefit adjustment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

SB 334. By Senators Zamarripa of the 36th, Reed of the 35th, Tate of the 38th and Fort of the 39th:

A BILL to be entitled an Act to amend the "Atlanta Urban Enterprise Zone Act," approved March 24, 1988 (Ga. L. 1988, p. 4164), as amended, particularly by an Act approved April 20, 1998 (Ga. L. 1998, p. 4493), so as to change criteria for the designation of urban enterprise zones; to repeal conflicting laws; and for other purposes.

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

SB 420. By Senators Unterman of the 45th, Schaefer of the 50th, Johnson of the 1st, Thomas of the 2nd, Harp of the 29th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to child custody proceedings, so as to provide for the creation, authorization, procedure, revocation, and termination of a power of attorney from a parent to a grandparent for the care of a grandchild; to provide for short titles; to provide definitions; to provide for the creation of a pilot program to provide a subsidy to certain grandparents raising grandchildren under certain circumstances; to provide for an assessment and evaluation of the pilot program; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 480. By Senators Unterman of the 45th, Thomas of the 54th and Goggans of the 7th:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the O.C.G.A., relating to nurses, so as to provide for the certification of qualified medication aides; to provide for a short title; to provide legislative findings; to provide for definitions; to provide for the delegation of certain nursing tasks; to provide for powers and responsibilities of the Georgia Board of Examiners of Licensed Practical Nurses; to provide for certification standards and requirements; to provide for the issuance and renewal of certificates; to provide for permitted and prohibited activities; to provide for requirements of community living arrangements which utilize qualified medication aides; to provide for sanctions; to provide for construction; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 495. By Senators Mullis of the 53rd and Shafer of the 48th:

A BILL to be entitled an Act to amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, so as to provide an increase in fees and charges and provide a fee for blaster certification cards; to require a license prior to conducting blast hole drilling; to amend Chapter 8 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of blasting operations generally, so as to provide additional definitions; to require a

license for blast hole drilling; to require liability insurance for licensed blasters; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

SB 503. By Senators Hamrick of the 30th and Hill of the 4th:

A BILL to be entitled an Act to amend Chapter 21A of Title 15, Title 17, and Code Section 42-8-34.1 of the O.C.G.A., relating respectively to judicial accounting, criminal procedure, and to legal defense for indigents, requirements for revocation of probated or suspended sentence, so as to change certain provisions relating to the Georgia Public Defender Standards Council and the provision of legal services to indigent persons; to clarify that the application fee for indigent defense services is not a prerequisite to obtaining legal services; to specify the types of standards that shall be submitted to the General Oversight Committee for the Georgia Public Defender Standards Council; to change certain provisions relating to the budget for the Office of the Georgia Capital Defender; 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.

SB 570. By Senator Carter of the 13th:

A BILL to be entitled an Act to amend Code Section 40-8-73.1 of the Official Code of Georgia Annotated, relating to affixing of materials which reduce light transmission or increase light reflectance through windows or windshields of motor vehicles, so as to authorize a person who is a certified optometrist to provide an attestation in support of a medical exemption for restrictions to limitations on reducing light transmission or increasing light reflectance on windows of motor vehicles; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

SB 573. By Senators Carter of the 13th and Cagle of the 49th:

A BILL to be entitled an Act to amend Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to regulation of specialized land transactions, so as to provide that the seller may withdraw escrow funds in excess of 1 percent of the purchase price of a condominium in order to fund

construction and development of the condominium property; 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.

SB 592. By Senators Grant of the 25th, Hill of the 4th, Kemp of the 46th and Harp of the 29th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to the disposition of surplus property, so as to provide for the sale of certain property by fixed price; to permit the negotiated sale of surplus property to charitable institutions; to change certain provisions relating to the disposition of surplus property by the Department of Administrative Services; to provide for penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

SB 606. By Senators Douglas of the 17th, Grant of the 25th and Schaefer of the 50th:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to prohibit disruptive conduct at funerals, memorial services, or funeral processions; to provide for legislative intent; to provide for the elements of such offense; to provide for a criminal penalty; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 615. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to the terms of superior courts, so as to change the term of court in Atkinson, Berrien, Clinch, Cook, and Lanier counties in the Alapaha Judicial Circuit; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SR 793. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "Standard for Removal of a Circuit Public Defender for Cause Pursuant to O.C.G.A. § 17-12-20," hereinafter referred to as the "Standard for Removal for Cause"; to provide for an effective date; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SR 954. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "State of Georgia Performance Standards for Criminal Defense Representation in Indigent Criminal Cases," hereinafter referred to as the "Performance Standard"; to provide for an effective date; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SR 955. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "State of Georgia Performance Standards for Juvenile Defense Representation in Indigent Delinquency and Unruly Cases," hereinafter referred to as the "Performance Standard in Juvenile Court"; to provide for an effective date; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

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

Brown of the 69th and Millar of the 79th.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1792. By Representative Porter of the 143rd:

A RESOLUTION recognizing Coach Clinton Thomas for his contributions to Dublin High School and inviting him to appear before the House of Representatives; and for other purposes.

HR 1793. By Representative Porter of the 143rd:

A RESOLUTION commending the Dublin High School varsity basketball team on its historic 2006 state championship season and inviting the team to appear before the House of Representatives; and for other purposes.

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 1473. By Representatives Brown of the 69th, Channell of the 116th, Stephens of the 164th, Shaw of the 176th and Ehrhart of the 36th:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require prior legislative approval for the submission of certain waivers pursuant to Section 1115 of the federal Social Security Act; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, further consideration of HB 1473 was suspended until later in the legislative day.

HB 483. By Representatives Lane of the 158th, Parrish of the 156th and Burns of the 157th:

A BILL to be entitled an Act to amend Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement benefits under the Teachers Retirement System of Georgia, so as to provide for such credit for certain prior service as a temporary full-time employee; to provide for application and conditions; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

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

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

Y 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	May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler

Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Coleman, T
Y Cooper
Y Cox
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
Y 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
Heckstall
Y Hembree
Y Henson
Hill, C
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Meadows
Y Millar
Mills
Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
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
Y Reese
Y Rice
Y Roberts
Rogers
Y Royal
Y Rynders
Y Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 156, nays 0.

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

Representative Stanley-Turner of the 53rd 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 873. By Representatives Walker of the 107th, Hudson of the 124th, Day of the 163rd and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physician's assistants, so as to allow physician's assistants to render assistance during a state of emergency or public health emergency; to provide 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 Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physician's assistants, so as to allow physician's assistants to render assistance during a state of emergency or public health emergency; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physician's assistants, is amended by adding a new subsection (i) to Code Section 43-34-103, relating to the duties and scope of employment of physician's assistants, to read as follows:

"(i)(1) Notwithstanding any provision of this article to the contrary, a physician's assistant licensed pursuant to this article or licensed, certified, or otherwise authorized to practice in any other state or federal jurisdiction and whose license, certification, or authorization is in good standing who responds to a need for medical care created by conditions which characterize those of a state of emergency or public health emergency may render such care that the physician's assistant is able to provide with such supervision as is available at the immediate scene or at the local site where such need for medical care exists or at a relief site established as part of a state or local safety plan established pursuant to Chapter 3 of Title 38. Such services shall be provided by a physician's assistant in response to the request of an appropriate state or local official implementing a state or local emergency management plan or program, and in accordance with applicable guidelines established by such officials or plans. The authority granted by this Code section shall last no longer than 48 hours or such time as the board may establish under guidelines for supervision of the physician's assistant rendering medical care.

(2) For the purposes of this subsection, the term 'public health emergency' has the same meaning as in paragraph (6) of Code Section 38-3-3, and the term 'state of emergency' has the same meaning as in paragraph (7) of Code Section 38-3-3."

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:

Y Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Byrd
Y Carter
Y 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
Y 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
Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
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
E 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
Y Millar
Y Mills
Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Setzler
Y Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 162, nays 0.

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

Representative Thomas of the 55th 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 874. By Representatives Chambers of the 81st, Jacobs of the 80th, Millar of the 79th, Willard of the 49th and Ralston of the 7th:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to exceptions and exemptions to requirements for disclosure of public records, so as to clarify an exception; to provide that public disclosure shall not be required for records that are specifically required by federal statute or regulation to be kept confidential; 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
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y 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
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
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Harbin
Y Hatfield
Heard, J
Y Heard, K
Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
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
E Lane, R
Y Lewis
Y Lindsey
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
Millar
Y Mills
Mitchell
Morgan
Morris
Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

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

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

Representative Heard of the 104th 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 1168. By Representatives Stephens of the 164th, Burkhalter of the 50th, Parrish of the 156th and Amerson of the 9th:

A BILL to be entitled an Act to amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, so as to permit sales of distilled spirits, malt beverages, and wines not produced for consumption on the premises at a tasting room of a winery; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

A BILL

To amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, so as to authorize sales of wine by a farm winery in tasting rooms at festivals; to permit sales of distilled spirits, malt beverages, and wines not produced for consumption on the premises at a tasting room of a winery; 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 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, is amended by striking subsections (a) and (b) of Code Section 3-6-21.1, relating to licensing of farm wineries to engage in retail and wholesale sales, and inserting new subsections (a) and (b) to read as follows:

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

(1) 'Farm winery' means a domestic winery located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery, or a domestic winery which:

(A) Makes at least 40 percent of its annual production from agricultural produce grown in this state;

(B) Is owned and operated by persons who are engaged in the production of a substantial portion of the Georgia agricultural produce used in its annual production;

and for this purpose such production of a substantial portion of such Georgia agricultural produce shall be determined by the commissioner; and

(C) Produces less than 100,000 gallons per year.

(2) 'Festival' means a specific outdoor public celebration or gathering for which a license or permit has been issued by the appropriate governing authority which involves the use either of public parks or public streets and which includes entertainment, dancing, music, dramatic productions, art exhibition, parades, or the sale of merchandise, food or alcohol, or any combination of the foregoing. Festival does not include events which are solely parades, foot races, or political demonstrations unless such parade, foot race, or political demonstration is proposed as an integral part of a larger festival.

~~(2)~~(3) 'Tasting room' means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given complimentary or for a fee.

(b)(1) The commissioner may authorize any licensee which is a farm winery whose annual production of wine is made in Georgia from at least the percentages of Georgia grown agricultural products provided in paragraph (2) of this subsection during the years of production provided in paragraph (2) of this subsection to sell its wine and the wine of any other Georgia farm winery licensee at retail:

(A) In ~~in~~ a tasting room or other facility on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises; and ~~and to sell its wine and the wine of any other Georgia farm winery licensee at retail for~~

(B)(i) For consumption on the premises and in closed packages for consumption off the premises in tasting rooms at up to five additional locations in the state:

(I) Four of which shall not constitute a festival as defined in this Code section; and

(II) One of which shall be at festivals in the state for up to three days per festival. ~~but only if the annual production of wine by the farm winery is made in Georgia from at least the following percentages of Georgia grown agricultural products during the years of production provided below:~~

(ii) The license for the tasting room at festivals shall be one license entitling the licensee to have tasting rooms which meet the requirements of this Code section at any festival and such license shall be issued for the same fee as a license for any other tasting room permitted under this Code section.

~~(1)~~(2)(A) First-year production: Ten percent from Georgia grown berries, fruits, or grapes

~~(2)~~(B) Second-year production: Twenty percent from Georgia grown berries, fruits, or grapes

~~(3)~~(C) Third-year production: Thirty percent from Georgia grown berries, fruits, or grapes

~~(4)~~(D) Fourth-year production and thereafter: Forty percent from Georgia grown berries, fruits, or grapes"

SECTION 2.

Said chapter is further amended by striking paragraph (2) of subsection (b) of Code Section 3-6-21.3, relating to the sale by farm wineries of wines, distilled spirits, and malt beverages on or contiguous to its own premises, and inserting in its place the following:

"(2) Notwithstanding any other provisions of this title to the contrary, in all counties or municipalities in which the sale of distilled spirits, malt beverages, and wines is lawful, the commissioner further may authorize such licensee to make sales of distilled spirits, malt beverages, and wines not produced by such licensee for consumption on the premises at facilities located on the premises of the winery, ~~or~~ on property located contiguous to the winery and owned by the winery or by an affiliate of the winery, or in its tasting rooms located on or off the premises of the winery, provided that any alcoholic beverages sold pursuant to this paragraph shall be purchased by the winery from a licensed wholesaler at wholesale prices."

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, was agreed to, by substitute.

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

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

On the passage of the Bill, by substitute, the ayes were 142, nays 15.

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

Representatives England of the 108th and Morris of the 155th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

Representative Scott of the 2nd stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1248. By Representatives Williams of the 4th, Dickson of the 6th and Tumlin of the 38th:

A BILL to be entitled an Act to amend Title 3 of the O.C.G.A., relating to alcoholic beverages, so as to provide for the comprehensive revision of provisions regarding alcoholic beverages; to change certain provisions regarding definitions; to change certain provisions regarding license or tax forms and filings; to change certain provisions regarding certain refunds or credits; to change certain provisions regarding limitations on credit; to change certain provisions regarding seizure and disposition of contraband; to change certain provisions regarding local government licensing powers; to change certain provisions regarding criminal penalties; to change certain provisions regarding license bonds; to change certain provisions regarding

license or tax stamps; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to provide for the comprehensive revision of provisions regarding alcoholic beverages; to change certain provisions regarding definitions; to change certain provisions regarding license or tax forms and filings; to change certain provisions regarding certain refunds or credits; to change certain provisions regarding limitations on credit; to change certain provisions regarding seizure and disposition of contraband; to change certain provisions regarding local government licensing powers; to change certain provisions regarding criminal penalties; to change certain provisions regarding license bonds; to change certain provisions regarding license or tax stamps; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by striking Code Section 3-1-2, relating to definitions regarding alcoholic beverages, and inserting in its place a new Code Section 3-1-2 to read as follows:

"3-1-2.

As used in this title, the term:

(1) 'Alcohol' means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(2) 'Alcoholic beverage' means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

(3) 'Brewpub' means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in Code Section 3-5-36 for retail consumption on the premises and solely in draft form. As used in this article, the term 'eating establishment' means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

(4) 'Broker' means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.

(5) 'Commissioner' means the state revenue commissioner.

(6) 'County or municipality' means those political subdivisions of this state as defined by law and includes any form of political subdivision consolidating a county with one or more municipalities.
(7) 'Department' means the Department of Revenue.
(8) 'Distilled spirits' means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.
(9) 'Fortified wine' means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.
(10) 'Gallon' or 'wine gallon' means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.
(10.1) 'Hard cider' means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than 6 percent alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this title, hard cider shall be deemed a malt beverage. The term does not include 'sweet cider.'
(11) 'Importer' means any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.
(12) 'Individual' means a natural person.
(13) 'Malt beverage' means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.
(14) 'Manufacturer' means any maker, producer, or bottler of an alcoholic beverage. The term also means:
(A) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
(B) In the case of malt beverages, any brewer; and
(C) In the case of wine, any vintner.
(15) 'Military reservation' means a duly commissioned post, camp, base, or station of a branch of the armed forces of the United States located on territory within this state which has been ceded to the United States.
(16) 'Package' means a bottle, can, keg, barrel, or other original consumer container.
(17) 'Person' means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

(18) 'Retail consumption dealer' means any person who sells distilled spirits for consumption on the premises at retail only to consumers and not for resale.

(19) 'Retailer' or 'retail dealer' means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

(20) 'Shipper' means any person who ships an alcoholic beverage from outside this state.

(21) 'Standard case' means six containers of 1.75 liters, 12 containers of 750 milliliters, 12 containers of one liter, 24 containers of 500 milliliters, 24 containers of 375 milliliters, 48 containers of 200 milliliters, or 120 containers of 50 milliliters.

~~(22) 'Tax stamp' means the official mark, stamp, or indicium of the department used to indicate the payment of taxes imposed by this title.~~

~~(23)~~(22) 'Taxpayer' means any person made liable by law to file a return or to pay tax.

~~(24)~~(23) 'Wholesaler' or 'wholesale dealer' means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

~~(25)~~(24) 'Wine' means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this Code section."

SECTION 2.

Said title is further amended by striking Code Section 3-1-3, relating to use of existing forms and filings relating to licenses or taxes, and inserting in its place a new Code Section 3-1-3 to read as follows:

"3-1-3.

Every form of license or tax document ~~(including tax stamps)~~ or other license or tax related filing lawfully in use immediately prior to July 1, 1981, may continue to be so used or be effective until the commissioner, in accordance with this title, otherwise prescribes."

SECTION 3.

Said title is further amended by striking Code Section 3-2-13, relating to issuance of refunds or credits for taxes paid or stamps purchased, and inserting in its place a new

Code Section 3-2-13 relating to issuance of refunds or credits for taxes paid to read as follows:

"3-2-13.

(a) The commissioner may issue credits for taxes paid by or due from a wholesaler ~~or, in the case of taxes on distilled spirits, may issue credits for stamps purchased by a manufacturer, distiller, or wholesaler~~ when it is shown to the commissioner's satisfaction that any of the following events ~~have~~ has occurred:

(1) Alcoholic beverages have been received by the wholesaler through an error in shipment and the alcoholic beverages are returned to the shipper prior to any sale by the wholesaler in this state;

(2) Alcoholic beverages ordered by the wholesaler have been destroyed in transit prior to entry into the wholesaler's warehouse or storage area;

(3) Alcoholic beverages which are unfit for consumption upon receipt have been received by the wholesaler and the alcoholic beverages are returned to the shipper or destroyed prior to any sale by the wholesaler in this state;

(4) Alcoholic beverages have been destroyed while in the possession of a wholesaler within the state by an act of God, such as fire, flood, lightning, wind, or other natural calamity;

(5) Wines have been sold by the wholesaler for delivery and consumption outside the state, provided the sale and delivery shall in all respects comply with the requirements of Code Section 3-6-26.1; or

(6) Taxes were paid ~~or stamps were purchased~~ under a statute expressly held to be unconstitutional by a court of last resort and the payments were made under protest and the ground of the protest was the same as the basis for the ruling of unconstitutionality by the court of last resort.

(b) No person shall receive a credit for taxes paid ~~or stamps purchased~~ in any case where an amount equal to the amount of taxes paid ~~or to the cost of the stamps purchased~~ has been charged to or paid by any purchaser of the person seeking a refund or credit. When an applicant is issued a credit for taxes paid ~~or stamps purchased~~, in every case where an amount equal to the amount of taxes paid ~~or cost of the stamps purchased~~ has been charged to or paid by any purchaser of the applicant, the applicant shall refund or credit to the purchaser or customer an amount equal to the credit allowed by the commissioner.

(c) In the event that the commissioner issues a credit under this Code section to a person who has or will have insufficient tax liabilities to the State of Georgia against which to offset the credit, the commissioner shall issue a refund to such person for the unusable portion of the credit."

SECTION 4.

Said title is further amended by striking subsection (a) of Code Section 3-2-14, relating to limitations on credit, and inserting in its place a new subsection (a) to read as follows:

"(a) No credit for taxes paid on alcoholic beverages ~~or for stamps purchased~~ in payment of taxes on alcoholic beverages shall be allowed unless an application for

credit is filed with the commissioner within 90 days from the date payment is received by the commissioner. If, in the opinion of the commissioner, an application for credit of taxes paid pursuant to this title contains a false statement, the application shall be denied. When an applicant is indebted to the state or an applicant is in violation of this title, the commissioner shall decline to approve the credit until the applicant has complied with the laws of this state. In no event shall interest be allowed on any refund or credit for taxes paid on alcoholic beverages ~~or for stamps purchased in payment of taxes on alcoholic beverages~~. Nothing contained in this Code section shall be construed so as to allow for a credit or refund of any license fee lawfully due or paid under this title."

SECTION 5.

Said title is further amended by striking subsection (b) of Code Section 3-2-33, relating to seizure and disposition of contraband alcoholic beverages, and inserting in its place a new subsection (b) to read as follows:

"(b) Any peace officer or authorized agent of the commissioner shall declare as contraband any alcoholic beverage:

(1) Not ~~bearing the required tax stamps or markings as provided by this title or not~~ reported for collection of taxes under a reporting system established by the commissioner;

(2) Found in any county, municipality, or unincorporated area of any county where the sale of alcoholic beverages is not lawful when the alcoholic beverage is intended for use or sale contrary to law; or

(3) Sold, conveyed, or possessed, concealed, stored, or held for sale by any person who has not first obtained all licenses required by this title."

SECTION 6.

Said title is further amended by striking subsection (c) of Code Section 3-3-2, relating to local government licensing powers, and inserting in its place a new subsection (c) to read as follows:

"(c) As a prerequisite to the issuance of any initial such permit or license only, the applicant shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the governing authority submitting the fingerprints."

SECTION 7.

Said title is further amended by striking Code Section 3-3-23.1, relating to procedure and penalties upon violation of Code Section 3-3-23, and inserting in its place a new Code Section 3-3-23.1 to read as follows:

"3-3-23.1.

(a) It is unlawful for any person knowingly to violate any prohibition contained in Code Section 3-3-23, relating to furnishing alcoholic beverages to, and purchasing, attempting to purchase, and possession of alcoholic beverages by, a person under 21 years of age.

(b)(1) Any person convicted of violating any prohibition contained in subsection (a) of Code Section 3-3-23 shall, upon the first conviction, be guilty of a misdemeanor, except that any person convicted of violating paragraph (2) of subsection (a) of Code Section 3-3-23 shall, upon the first conviction, be guilty of a misdemeanor and shall be punished by not more than six months´ imprisonment or a fine of not more than $300.00, or both and except that any person convicted of violating paragraph (4) of subsection (a) of Code Section 3-3-23 shall, upon the first conviction, be guilty of a misdemeanor of a high and aggravated nature.

(2) Any person convicted of violating any prohibition contained in subsection (a) of Code Section 3-3-23 shall, upon the second or subsequent conviction, be guilty of a misdemeanor of a high and aggravated nature, except that any person convicted of violating paragraph (2) of subsection (a) of Code Section 3-3-23 shall, upon the second or subsequent conviction, be guilty of a misdemeanor.

(3) In addition to any other penalty provided for in paragraphs (1) and (2) of this subsection, the driver's license of any person convicted of attempting to purchase an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23 upon the first conviction shall be suspended for six months and upon the second or subsequent conviction shall be suspended for one year.

(c) Whenever any person who has not been previously convicted of any offense under this Code section or under any other law of the United States or this or any other state relating to alcoholic beverages pleads guilty to or is found guilty of a violation of paragraph (2) or (3) of subsection (a) of Code Section 3-3-23, the court, without entering a judgment of guilt and with the consent of such person, may defer further proceedings and place such person on probation upon such reasonable terms and conditions as the court may require. The terms of probation shall preferably be such as require the person to undergo a comprehensive rehabilitation program (including, if necessary, medical treatment), not to exceed three years, designed to acquaint such person with the ill effects of alcohol abuse and with knowledge of the gains and benefits which can be achieved by being a good member of society. Upon violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed accordingly. Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against him or her. Discharge and dismissal under this subsection shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this subsection or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this subsection may occur only once with respect to any person.

(d) Unless the officer has reasonable cause to believe such person is intoxicated, a law enforcement officer may arrest by issuance of a citation, summons, or accusation a

person accused of violating ~~only paragraph (2) of subsection (a)~~ any provision of Code Section 3-3-23. The citation, summons, or accusation shall enumerate the specific charges against the person and either the date upon which the person is to appear and answer the charges or a notation that the person will be later notified of the date upon which the person is to appear and answer the charges. If the person charged shall fail to appear as required, the judge having jurisdiction of the offense may issue a warrant or other order directing the apprehension of such person and commanding that such person be brought before the court to answer the charges contained within the citation, summons, or accusation and the charge of his or her failure to appear as required. Nothing in this subsection shall be construed to invalidate an otherwise valid arrest by citation, summons, or accusation of a person who is intoxicated.

(e) A law enforcement officer arresting a person by the issuance of a citation, summons, or accusation under subsection (d) of this Code section may require any such person having a driver's license or instruction permit to deposit such license or permit with the arresting officer in order to ensure the appearance of such person to answer the charges against him or her. The procedures and rules connected with the acceptance of such license or permit and subsequent disposition of the case shall be the same as provided for the acceptance of a driver's license as bail on arrest for traffic offenses pursuant to Code Section 17-6-11.

(f) In addition to any other punishment or sentence, the court may order all persons convicted under subsection (b) of this Code section or sentenced under subsection (c) of this Code section to complete a DUI Alcohol or Drug Use Risk Reduction Program prescribed by the Department of Driver Services within 120 days of such conviction or sentence. Failure to complete such program within 120 days shall be contempt of court and shall be punished by a fine of not more than $300.00 or 20 days imprisonment, or both. If the conviction or sentence results from a charge of unlawful possession of alcoholic beverages while operating a motor vehicle, the court shall report such conviction or sentence to the Department of Driver Services within ten days after conviction or sentencing."

SECTION 8.

Said title is further amended by striking Code Section 3-4-22, relating to license bonds, and inserting in its place a new Code Section 3-4-22 to read as follows:

"3-4-22.

(a) All applicants for ~~all~~ licenses other than retail licenses shall file with the commissioner, along with each initial application, a bond:

(1) Conditioned to pay all sums which may become due by the applicant to this state as taxes, license fees, or otherwise, arising out of the operation of the business for which licensure is sought; and

(2) Conditioned to pay all penalties which may be imposed upon the applicant for failure to comply with the laws and rules and regulations pertaining to distilled spirits.

The surety for the bonds shall be a surety company licensed to do business in this state, and the bonds shall be in such form as may be required by the commissioner and may be for a term of up to five calendar years.

(b) The bonds shall be in the following calendar year amounts:

(1) For distillers and manufacturers, $10,000.00;

(2) For wholesale dealers and importers, $5,000.00; and

(3) For ~~retail dealers and~~ brokers, $2,500.00.

(c) All applicants for annual renewal of licenses other than retail licenses must file an annual bond or have a multiyear bond on file with the department that extends at least through the end of the calendar year for which renewal is sought. Such bonds must meet the same conditions as those filed with the initial application."

SECTION 9.

Said title is further amended by striking subsection (a) of Code Section 3-4-23, relating to certificate of residence required for retail dealer's license or tax stamps, and inserting in its place a new subsection (a) to read as follows:

"(a) No retail dealer's license ~~or tax stamps for distilled spirits~~ shall be ~~sold~~ issued to any person unless an application is filed with the commissioner, accompanied by a certificate by the judge of the probate court of the county of the applicant's residence certifying that the applicant has been a bona fide resident of the county or municipality for at least 12 months immediately preceding the application and is a resident of the county or municipality where distilled spirits may be legally sold under this chapter."

SECTION 10.

Said title is further amended by striking Code Section 3-6-21, relating to filing of bonds, and inserting in its place a new Code Section 3-6-21 to read as follows:

"3-6-21.

(a) All applicants for ~~all~~ licenses other than retail licenses shall file with the commissioner, along with each initial application, a bond:

(1) Conditioned to pay all sums which may become due by the applicant to the state as taxes, license fees, or otherwise, arising out of the operation of the business for which licensure is sought; and

(2) Conditioned to pay all penalties which may be imposed upon the applicant for failure to comply with the laws and rules and regulations pertaining to wines.

The surety for the bonds shall be a surety company licensed to do business in this state, and the bonds shall be in such form as may be required by the commissioner and may be for a term of up to five calendar years.

(b) The bonds required pursuant to subsection (a) of this Code section shall be in the ~~following amounts:~~ amount of $5,000.00

~~(1) For wineries, $5,000.00; and~~

~~(2) For retail dealers, $500.00~~.

(c) ~~The commissioner may waive the requirement of a surety on the bonds of applicants for retail licenses if he determines that a surety is not essential to the protection of the interests of the state.~~ All applicants for annual renewal of licenses other than retail licenses must file an annual bond or have a multiyear bond on file with the department that extends at least through the end of the calendar year for which renewal is sought. Such bonds must meet the same conditions as those filed with the initial application."

SECTION 11.

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

The following amendment was read and adopted:

Representatives Graves of the 137th and Williams of the 4th move to *amend the Committee substitute to HB 1248 by redesignating Sections 10 and 11 as Sections 11 and 12, respectively, and inserting after Section 9 the following:*

SECTION 10.

Said title is further amended by striking Code Section 3-5-25.1, relating to bond requirement for application or renewal of license relative to malt beverages, and inserting in lieu thereof the following:

"3-5-25.1.

The commissioner may require, in addition to other bonds required by this title, a bond to be filed with the application for a license or the renewal of a license, other than a retail license, conditioned to pay all sums which may become due by the applicant to this state as taxes, license fees, or otherwise, by reason of or incident to, the operation of the business of the applicant and to comply with all the laws, rules, and regulations pertaining to malt beverages. The bond shall be in such form and in such amount approved by the commissioner, not to exceed $5,000.00 for brewers ~~and $500.00 for retailers~~."

The Committee substitute, as amended, was adopted.

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

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

Abdul-Salaam	Y Crawford	Y Hill, C.A	N Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	N Maxwell	Y Scheid
E Anderson	N Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M

Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Buckner, G
Y Burkhalter
Y Burmeister
Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
Y Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
N England
Y Epps
Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Y 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
N Hatfield
Y Heard, J
Y Heard, K
Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
James
N Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
N Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
N Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
E McClinton
Y Meadows
Y Millar
N Mills
Mitchell
Y Morgan
N Morris
Y Mosby
N Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
N 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
Y Reese
Y Rice
N Roberts
Y Rogers
Y Royal
N Rynders
Setzler
Y Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 146, nays 14.

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

Representatives Buckner of the 76th and Burns of the 157th 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 1259. By Representatives Hill of the 21st, Burmeister of the 119th, Day of the 163rd and Ralston of the 7th:

A BILL to be entitled an Act to amend Chapter 38 of Title 43 of the O.C.G.A., relating to private detectives and security agencies, so as to revise a definition; to revise the licensing process for private detectives and private security officers; to permit one or more individuals to qualify to hold the

license for an individual, firm, association, company, partnership, limited liability company, or corporation; to provide the board with authority to promulgate rules to ensure that individuals are capable of assuming full responsibility for operations of the particular individual, firm, association, company, partnership, limited liability company, or corporation; to revise the provisions for issuing permits for carrying firearms for certain private detectives and private security officers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to private detectives and security agencies, so as to revise a definition; to revise the licensing process for private detectives and private security officers; to permit one or more individuals to qualify to hold the license for an individual, firm, association, company, partnership, limited liability company, or corporation; to provide the board with authority to promulgate rules to ensure that individuals are capable of assuming full responsibility for operations of the particular individual, firm, association, company, partnership, limited liability company, or corporation; to revise the provisions for issuing permits for carrying firearms for certain private detectives and private security officers; to revise the provisions for granting of training instructor licenses to certain individuals; to remove the provisions making the chapter inapplicable to persons engaged in the business of furnishing information in connection with credit or marketing or engaged as a consumer reporting agency; to provide that engaging in private detective business or private security business without a license is a felony; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to private detectives and security agencies, is amended by striking paragraph (3) of Code Section 43-38-3, relating to definitions, and inserting in it place a new paragraph (3) to read as follows:

"(3) 'Private detective business' means the business of obtaining or furnishing, or accepting employment to obtain or to furnish, information with reference to:

(A) Crimes or wrongs done or threatened against the United States of America or any state or territory thereof;

(B) The background, identity, habits, conduct, business, employment, occupation, assets, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;

(C) The location, disposition, or recovery of lost or stolen property;

(D) The cause or responsibility for fires, libels, losses, accidents, damage, or injury to persons or property;

(E) The securing of evidence in the course of the private detective business to be used before any court, board, officer, or investigating committee; or

(F) The protection of individuals from serious bodily harm or death.

In addition to the aforementioned services, ´private detective business´ shall also mean providing, or accepting employment to provide, protection of persons from death or serious bodily harm."

SECTION 2.

Said chapter is further amended by striking subsection (a) of Code Section 43-38-6, relating to licenses and qualifications, and inserting in its place a new subsection (a) to read as follows:

"(a) Any individual, firm, association, company, partnership, limited liability company, or corporation desiring to engage in the private detective or private security business in this state shall make a verified application in writing to the division director for a license therefor. If the applicant is a firm, association, company, partnership, limited liability company, or corporation, the person filing the application on behalf of such firm, association, company, partnership, limited liability company, or corporation shall be a corporate officer of such corporation or an officer of such firm, association, partnership, or limited liability company; and such individual shall meet the qualifications set out in this Code section. In lieu of the foregoing requirement, the applicant of a firm, association, company, partnership, limited liability company, or corporation desiring to engage in the private security business may be the chief security officer, or equivalent position, of such entity, and such individual shall meet the qualifications set out in this Code section."

SECTION 3.

Said chapter is further amended by striking paragraph (7) of subsection (b) of Code Section 43-38-6, relating to licenses and qualifications, and inserting in its place a new paragraph (7) to read as follows:

"(7) The applicant for a private detective company license has had at least two years´ experience as an agent registered with a licensed detective agency or has had at least two years´ experience as a supervisor or administrator in in-house investigations, or has had at least two years´ experience ~~in law enforcement~~ as a peace officer as defined by subparagraph (A) of paragraph (8) of Code Section 35-8-2, or has a four-year degree in criminal justice or a related field from an accredited university or college; and the applicant for a security company license has had at least two years´

experience as a supervisor or administrator in in-house security operations or with a licensed security agency, or has had at least two years´ experience in law enforcement, or has a four-year degree in criminal justice or a related field from an accredited university or college;"

SECTION 4.

Said chapter is further amended by adding a new subsection (j) to Code Section 43-38-6, relating to licenses and qualifications, to read as follows:

"(j) In addition to the initial applicant, any individual, firm, association, company, partnership, limited liability company, or corporation desiring to engage in the private detective or private security business may choose to designate one or more individuals to qualify to hold the license for the individual, firm, association, company, partnership, limited liability company, or corporation. Such individual or individuals shall meet the same qualifications set out in this Code section as relate to the initial applicant, and the board shall have the authority to promulgate rules and regulations necessary to ensure that such additional individual or individuals are capable of assuming full responsibility for the operations of the particular individual, firm, association, company, partnership, limited liability company, or corporation in compliance with this Code section and with all rules and regulations promulgated pursuant to this Code section."

SECTION 5.

Said chapter is further amended by striking subsection (a) of Code Section 43-38-10, relating to permits to carry firearms, proficiency requirement, exemption from specified laws, denial, refusal to renew, and suspension of permits, and effect of license suspension and restoration, and inserting in its place a new subsection (a) to read as follows:

"(a) The board may grant a permit to carry a ~~pistol, revolver, or other~~ firearm to any person who is at least 21 years of age and who is licensed or registered in accordance with this chapter and who meets the qualifications and training requirements set forth in this Code section and such other qualifications and training requirements as the board by rule may establish <u>and who is not prohibited by federal or state law from possession of a firearm</u>. The board shall have the authority to establish limits on type and caliber of such weapons by rule. Application for such permit and for renewal thereof shall be made on forms provided by the division director. No weapons permit issued under this Code section shall be transferable to another individual."

SECTION 6.

Said chapter is further amended by adding a new subsection (k) to Code Section 43-38-10, relating to permits to carry firearms, proficiency requirement, exemption from specified laws, denial, refusal to renew, and suspension of permits, and effect of license suspension and restoration, to read as follows:

"(k) The board shall have the authority to refuse to grant a weapons permit to an applicant or to revoke the registration of a person registered by the board if that person would be ineligible for issuance of a license or permit pursuant to subsection (b) of

Code Section 16-11-129 or if such person would be prohibited under federal or state law from possessing a firearm."

SECTION 7.

Said chapter is further amended by adding a new subsection (e) to Code Section 43-38-10.1, relating to training instructors and training programs, to read as follows:

"(e) The board shall have the authority to refuse to grant a training instructor license to an applicant or to revoke the registration of an instructor licensed by the board if that person would be ineligible for issuance of a license or permit pursuant to subsection (b) of Code Section 16-11-129 or if such person would be prohibited under federal or state law from possessing a firearm."

SECTION 8.

Said chapter is further amended by striking subsection (a) of Code Section 43-38-14, relating to exceptions to operation of chapter and to local regulation, and inserting in its place a new subsection (a) to read as follows:

"(a) This chapter shall not apply to:

(1) An officer or employee of the United States of America or of this state or a political subdivision thereof while the employee or officer is engaged in the performance of official duties;

~~(2) A person engaged in the business of furnishing information in connection with credit or marketing and a person or firm engaged as a consumer reporting agency, as defined by the federal Fair Credit Reporting Act;~~

~~(3)~~(2) An attorney at law or a bona fide legal assistant in performing his or her duties;

~~(4)~~(3) Admitted insurers, agents, and insurance brokers licensed by the state while performing duties in connection with insurance transacted by them;

~~(5)~~(4) A peace officer employed on a full-time basis by a federal, state, county, or local law enforcement agency who contracts directly with an employer to work during his or her off-duty hours and whose off-duty employment is conducted on an independent contractor basis with another employer other than a peace officer engaged in the private detective or private security business or a private detective or private security agency, subject to Code Section 16-10-3, relating to the receipt of funds by state officers or employees for the enforcement of penal laws;

~~(6)~~(5) A firm engaged in the business of independent insurance claims adjusting whose employees hold a valid Georgia adjuster's license; or

~~(7)~~(6) The employees of a firm mentioned in paragraph ~~(6)~~ (5) of this subsection."

SECTION 9.

Said chapter is further amended by striking Code Section 43-38-16, relating to penalties, in its entirety and inserting in its place a new Code Section 43-38-16 to read as follows:

"43-38-16.

Any person who engages in the private detective business or private security business or offers, pretends, or holds himself or herself out as eligible to engage in the private

detective business or private security business and who is not legally licensed or registered under this chapter shall be guilty of a ~~misdemeanor~~ felony and, upon conviction thereof, shall be punished by a fine of not less than $500.00 nor more than $1,000.00 or by imprisonment for not less than two nor more than five years, or both. Each day or fraction of a day that he or she practices in violation of this chapter shall constitute a separate offense."

SECTION 10.

This Act shall become effective July 1, 2006, and shall not apply to any offense committed before that date. Any such offense committed before that date shall be governed by the statute in effect at the time the offense was committed.

SECTION 11.

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

The following amendment was read and adopted:

Representatives Martin of the 47th and Hill of the 21st move to *amend the Committee substitute to HB 1259 by striking all matter on lines 27 through 29 on page 4 and inserting in place thereof the following:*

(2) A person ~~engaged in the business of furnishing information in connection with credit or marketing and a~~ or firm engaged as a consumer reporting agency, as defined and regulated by the federal Fair Credit Reporting Act;

By renumbering the following paragraphs in subsection (a) accordingly.

By striking line 7 on page 5 and inserting in place thereof the following:

(6) The employees of a firm mentioned in paragraph (6) of this subsection."

The Committee substitute, as amended, was adopted.

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

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

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	May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler

Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
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
Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
Y Hanner
Y Harbin
N Hatfield
Y Heard, J
Y Heard, K
Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Meadows
Y 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
Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 158, nays 1.

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

Representative May of the 111th 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.

HB 1282. By Representatives Ralston of the 7th and O`Neal of the 146th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated, relating to the recording of deeds and other instruments, so as to provide for the filing of a notice of settlement; to provide for an index; to provide for a fee; to provide for a form; to provide for the effect of notice; to provide for duration; 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 Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated, relating to the recording of deeds and other instruments, so as to provide for the filing of a notice of settlement; to provide for an index; to provide for a fee; to provide for a form; to provide for the effect of notice; to provide for duration; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated, relating to the recording of deeds and other instruments, is amended by inserting at the end thereof a new Code section to read as follows:

"44-2-30.

(a) Any party, or his or her legal representative, to a settlement which will convey legal or equitable title to real estate or any interest therein or create any lien thereon by way of a deed to secure debt, mortgage, or other instrument may file an instrument to be designated a 'notice of settlement' with the clerk of the superior court of the county in which the real estate is situated. The notice of settlement shall be filed, permanently recorded, and indexed by the clerk of the superior court in the same manner as real estate records of the county. The clerk of the superior court shall transmit such information regarding notices of settlement as required by the Georgia Superior Court Clerks´ Cooperative Authority for inclusion in the state-wide uniform automated information system for real and personal property records, as provided for by Code Sections 15-6-97 and 15-6-98. The clerk of the superior court shall charge a fee for the filing and recording of the notice of settlement as is required for filing other instruments pertaining to real estate as set forth in division (f)(1)(A)(i) of Code Section 15-6-77.

(b) The notice of settlement provided for in subsection (a) of this Code section shall be signed by said party or legal representative and shall set forth the names of the parties to the settlement and a description of the real estate. If the notice is executed by any one other than an attorney at law of this state, the execution shall be acknowledged or proved in the manner provided by law for the acknowledgment or proof of deeds.

(c) After the filing of a notice of settlement, any person claiming title to, an interest in, or a lien upon the real estate described in the notice through any party in the notice shall be deemed to have acquired said title, interest, or lien with knowledge of the anticipated settlement and shall be subject to the terms, conditions, and provisions of the deed or mortgage between the parties filed within the period provided by subsection (e) of this Code section.

(d) The form of the notice of settlement shall be substantially as follows:

'NOTICE OF REAL ESTATE SETTLEMENT

This form must be executed by a party or legal representative. If the notice is executed by anyone other than an attorney at law in Georgia, it must be executed and acknowledged or proved in the same manner as a deed.

Name(s) and address(es)

_____
_____
_____
_____

Seller(s)

–and–

Name(s) and address(es)

_____
_____
_____
_____

Buyer(s)

–and–

Name(s) and address(es)

_____
_____
_____
_____

Mortgagee(s)

Notice of Settlement

NOTICE is hereby given of a contract, agreement, and mortgage and commitment between the parties hereto.

The lands to be affected are described as follows:

All that certain tract or parcel of lands and premises situate lying and being in the _____ of _____, County of _____ and State of Georgia, commonly known as _____ and more particularly described as follows:

Tax map reference

County of _____ Block No. ___ Lot No.___ Block ___

Prepared by:

_____
Name

_____
_____
Address

_____
Telephone Number'

(e) The notice of settlement shall be effective for 30 days from the date of filing; provided, however, that the notice of settlement shall be allowed to be renewed by a second filing for one additional 30 day period. Any lien filed during said 30 days shall attach to the premises described in the notice immediately upon the expiration of the 30 days, provided that the premises have not been conveyed and notwithstanding the filing of a subsequent notice of settlement."

SECTION 2.

This Act shall become effective on January 1, 2007.

SECTION 3.

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

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

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

Y Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Bruce
Y Bryant
Y Buckner, D
Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
N Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
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
Y Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
N Graves, T
Y Greene
Y Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Hill, C.A
Y Holmes
Y Holt
N Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Martin
Y Maxwell
N May
Y McCall
E McClinton
Y Meadows
Y Millar
Y Mills
Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Neal
Y Oliver
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
Y Reese
Y Sailor
Y Scheid
Y Scott, A
N Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Willard
Y Williams, A

Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Manning	Y Royal	Y Yates
E Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 154, nays 5.

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

Representative Loudermilk of the 14th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

The Speaker Pro Tem assumed the Chair.

HB 1305. By Representatives Amerson of the 9th, Stephens of the 164th, Smith of the 113th, Royal of the 171st and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 10 of Title 10 of the Official Code of Georgia Annotated, relating to the Seed-Capital Fund, so as to provide definitions; to provide for investment entities as to which the state is a sole limited liability owner; to provide means of investment of Seed-Capital Fund moneys by and through investment entities as to which the state is a sole limited liability owner; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

Y 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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y 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 Bruce
Y Bryant
Y Buckner, D
Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
Y Floyd, H
Y Floyd, J
Y 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
Heckstall
Y Hembree
Henson
Y Hill, C
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Murphy, Q
Y Neal
Y Oliver
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Smith, V
Y Smyre
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

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

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

HB 1318. By Representative Barnard of the 166th:

A BILL to be entitled an Act to amend Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the Board and Department of Corrections, so as to provide authority to place vending machines on the premises of department facilities for the benefit of employees; to provide for employee benefit funds; to change certain provisions relating to the Board and Department of Corrections; to provide definitions; to provide a statement of legislative intent; 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 2 of Title 42 of the Official Code of Georgia Annotated, relating to the Board and Department of Corrections, so as to provide authority to place vending machines on the premises of department facilities for the benefit of employees; to provide for employee benefit funds; to change certain provisions relating to the Board and Department of Corrections; to provide definitions; to provide a statement of legislative

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the Board and Department of Corrections, is amended by adding a new Code section immediately following Code Section 42-2-14 to read as follows:

"42-2-15.

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

(1) 'Employee' means a full-time or part-time employee of the department or an employee serving under contract with the department.

(2) 'Employee benefit fund' means an account containing the facility's profits generated from vending services maintained by a local facility.

(3) 'Executive director of the facility' means the warden, superintendent, chief probation official, or such other head of a facility.

(4) 'Facility' means a prison, institution, detention center, diversion center, probation office, or such other similar property under the jurisdiction or operation of the department.

(5) 'Vending services' means one or more vending machines in a location easily accessible by employees, which services may also be accessible by members of the general public, but which vending machines do not require a manager or attendant for the purpose of purchasing food or drink items. Vending services shall be for the provision of snack or food items or nonalcoholic beverages and shall not include any tobacco products or alcoholic beverages.

(b) It is the intent of the General Assembly to provide an employee benefit as set forth in this Code section which benefit shall be of de minimis cost to the state and which shall in turn benefit the state through the retention of dedicated and experienced employees.

(c) Any other provision of the law notwithstanding, a facility is authorized to purchase vending machines or enter into vending service agreements by contract, sublease, or license for the purpose of providing vending services to each facility under the jurisdiction of the department. Vending services shall be provided in any facility where the operation of such vending services is capable of generating a profit for that facility. The facility's profits generated from the vending services shall be maintained by the local facility under the authority of the executive director of the facility in an interest-bearing account and the account shall be designated the 'employee benefit fund.'

(d) The fund shall be administered by a committee of five representatives of the facility to be selected by the executive director of the facility. Funds from the account may be spent as determined by a majority vote of the committee. Funds may be expended on an individual employee of the facility for the purpose of recognizing a death, birth, marriage, or prolonged illness or to provide assistance in the event of a natural disaster

or devastation adversely affecting an employee or an employee's immediate family member. Funds may also be expended on an item or activity which shall benefit all employees of the facility equally for the purposes of developing camaraderie or otherwise fostering loyalty to the department or bringing together the employees of the facility for a meeting, training session, or similar gathering. Funds spent for an individual employee shall not exceed $250.00 per person per event and funds expended for employee gatherings or items shall not exceed $1,000.00 per event or single item; provided, however, that events conducted for the benefit of employees of an entire institution shall not exceed $4,500.00 per event.

(e) The employee benefit fund account of each facility shall be reviewed and audited by the administrative office of the local facility and by the department in accordance with standards and procedures established by the department. No account shall maintain funds in excess of $5,000.00. Any funds collected which cause the fund balance to exceed $5,000.00 shall be remitted to the department's general operating budget.

(f) Nothing in this Code section shall prohibit a facility from purchasing vending machines or providing or maintaining vending services which do not generate a profit, provided that such services are of no cost to the department, nor shall this Code section be construed so as to prohibit a private provider of vending services from making or retaining a profit pursuant to any agreement for such services."

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:

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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Dollar	Y Hugley	Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P

Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Coleman, T
Y Cooper
E Cox
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Y 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
Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

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

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

Representative Buckner of the 76th 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 1392. By Representatives Hembree of the 67th, Rice of the 51st, Murphy of the 23rd and Yates of the 73rd:

A BILL to be entitled an Act to amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules of the road, so as to provide for certain penalties for a driver who commits a right of way violation resulting in a collision with a motorcyclist, pedestrian, or bicyclist; 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 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules of the road, so as to provide for certain penalties for a driver who commits a right of way violation resulting in a collision with a motorcyclist, pedestrian, or bicyclist; 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 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules of the road, is amended by adding a new Code Section 40-6-77 to read as follows:

"40-6-77.

Any person who causes an injury to another person as a result of a collision with a motorcyclist, bicyclist, or pedestrian by committing any right of way violation under this chapter when such motorcyclist, bicyclist, or pedestrian is abiding by the provisions of this title shall be guilty of a misdemeanor and shall be punished by a fine of not less than $250.00 in addition to any other penalties stipulated by law. For purposes of this Code section, injury shall mean causing bodily harm to another by depriving him or her of a member of his or her body, by rendering a member of his or her body useless, by seriously disfiguring his or her body or a member thereof, or by causing organic brain damage which renders the body or any member thereof useless."

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 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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y 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
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	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

Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
Y Fludd
Y Forster
Y Franklin
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
Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Jordan
Y Keen
Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
N Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Oliver
O'Neal
Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Randall
Y Ray
Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 1.

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

HB 111. By Representative O`Neal of the 146th:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to change certain definitions regarding such taxes; 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 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to change certain provisions regarding payment of sales and use tax by contractors furnishing tangible personal property and services; to provide for a definition; to provide for powers, duties, and authority of the state revenue commissioner; 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 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use

taxes, is amended by striking Code Section 48-8-63, relating to payment of sales and use tax by contractors furnishing tangible personal property and services, and inserting in its place a new Code Section 48-8-63 to read as follows:

"48-8-63.

(a) As used in this Code section, the term 'nonresident subcontractor' means a person who does not have a bona fide place of business in Georgia through the maintaining of a permanent domicile or business facility engaged in contracting real property work and who contracts with a prime or general contractor to perform all or any part of the contract of the prime or general contractor or who contracts with a subcontractor who has contracted to perform any part of the contract entered into by the prime or general contractor.

~~(a)~~(b) Each person who orally, in writing, or by purchase order contracts to furnish tangible personal property and to perform services under the contract within this state shall be deemed to be the consumer of the tangible personal property and shall pay the sales tax imposed by this article at the time of the purchase. Any person so contracting who fails to pay the sales tax at the time of the purchase or at the time the sale is consummated outside the limits of this state shall be liable for the payment of the sales or use tax. This Code section shall not relieve the dealer who made the sale from such dealer's liability to collect and pay the tax on purchases by a contractor.

~~(b)~~(c) Each person who contracts to perform services in this state and who is furnished tangible personal property for use under the contract by the person, or such person's agent or representative, for whom the contract is to be performed, when a sales or use tax has not been paid to this state by the person supplying the tangible personal property, shall be deemed to be the consumer of the tangible personal property so used and shall pay a use tax based on the fair market value of the tangible personal property so used irrespective of whether any right, title, or interest in the tangible personal property becomes vested in the contractors.

~~(c)~~(d) Each person who orally, in writing, or by purchase order contracts to perform any service the principal part of which is the furnishing of machinery which will not be under the exclusive control of the contractor shall be liable to collect a sales tax on the rental value of the machinery so used. If labor and other charges are not separated from the rental charge, the person so contracting shall be liable to collect a sales tax on the entire contract price.

~~(d)~~(e)(1) Any subcontractor who enters into a construction contract with a general or prime contractor shall be liable under this article as a general or prime contractor. Any general or prime contractor who enters into any construction contract or contracts with any nonresident subcontractor, where the total amount of such contract or contracts between such general or prime contractor and any nonresident subcontractors on any given project equals or exceeds $250,000.00 shall withhold up to 4 percent of the payments due the nonresident subcontractor in satisfaction of any sales or use taxes owed this state.

(2) The prime or general contractor shall withhold payments on all contracts that meet the criteria specified in paragraph (1) of this subsection until the nonresident

subcontractor furnishes such prime or general contractor with a certificate issued by the commissioner showing that all sales taxes accruing by reason of the contract between the nonresident subcontractor and the general or prime contractor have been paid and satisfied. If the prime or general contractor for any reason fails to withhold up to 4 percent of the payments due the nonresident subcontractor under their contract, such prime or general contractor shall become liable for any sales or use taxes due or owed this state by the nonresident subcontractor.

~~(e)~~(f) Whenever a nonresident subcontractor holding a contract with a general or prime contractor has posted with the commissioner either a good and valid bond with a surety company authorized to do business in this state or legal securities in an amount of not less than $5,000.00 nor more than $50,000.00, as determined by the commissioner, conditioned that all sales and use taxes which may accrue to this state on account of the execution of contracts that meet the criteria established in paragraph (1) of subsection (e) of this Code section by nonresident subcontractors will be paid when due, no general or prime contractor shall withhold any sums due the nonresident subcontractor under their contract with respect to sales and use taxes.

~~(f)~~(g) Nothing contained in this Code section shall be construed to impose any sales or use tax with respect to the use of tangible personal property owned by the United States in the performance of contracts with the United States when the property is not actually used up and consumed in the performance of the contract. Tangible personal property incorporated into real property construction which loses its identity as tangible personal property shall be deemed to be used up and consumed within the meaning of this subsection.

~~(g)~~(h)(1) Nothing contained in this Code section shall be construed to impose any sales or use tax with respect to the use of tangible personal property owned by the State of Georgia, the University System of Georgia, or any county, municipality, local board of education, or other political subdivision of this state in the performance of contracts with such entities when the property is not actually used up and consumed in the performance of the contract. Tangible personal property incorporated into real property construction which loses its identity as tangible personal property shall be deemed to be used up and consumed within the meaning of this subsection. Any governmental entity which furnishes tangible personal property to a contractor for incorporation into a construction, renovation, or repair project conducted pursuant to a contract with such governmental entity shall issue advance written notice to such contractor of the amount of tax owed for such tangible personal property. The failure of the governmental entity to issue such advance written notice to the contractor of such tax liability shall render such governmental entity liable for such tax.

(2) This subsection shall not apply with respect to the use of tangible personal property owned by the United States.

(i) The commissioner is authorized to prescribe forms and promulgate rules and regulations deemed necessary in order to administer and effectuate this Code section."

SECTION 2.

This Act shall become effective 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:

Y Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E 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
Fleming
Y Floyd, H
Y Floyd, J
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
Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
Y Millar
Y Mills
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
Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Smyre
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y 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.

Representative Manning of the 32nd 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 1412. By Representatives Smith of the 168th, Mosley of the 178th, Stephens of the 164th, Royal of the 171st and Bridges of the 10th:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to require the use of clean and renewable fuels in certain vehicles operated by certain government entities under certain circumstances; to provide for legislative findings and declarations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to require the use of clean and renewable fuels in certain vehicles operated by certain government entities under certain circumstances; to provide for legislative findings and declarations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds and declares as follows:

(1) Georgia currently consumes nearly 6.5 billion gallons of gasoline and diesel fuel annually;

(2) Petroleum is imported primarily from outside the United States;

(3) Using clean alternative fuels instead of fossil fuels will provide for a cleaner environment by reducing water and air contamination;

(4) In particular, the use of clean renewable fuels such as biodiesel and ethanol will provide additional benefits for the State of Georgia;

(5) Georgia has the potential to create a biofuels industry that would serve as a model for the South and thereby attract additional new industries;

(6) This biofuels industry could add over $1 billion of economic activity to Georgia and increase the state's income tax collections by over $10 million annually;

(7) Nearly 500 direct and over 1,000 indirect jobs would be created by the Georgia biofuels industry; and

(8) Creating this industry will add additional value to Georgia's agricultural and forestry commodities, including biomass, and support land values in rural Georgia.

SECTION 2.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by inserting immediately following Code Section 20-2-504 a new Code section to read as follows:

"20-2-504.1.

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

(1) 'Biodiesel fuel' means fuel meeting the American Society for Testing and Materials D6751 specification with a minimum blend level of 2 percent.

(2) 'Clean renewable fuel' means biodiesel fuel and ethanol.

(3) 'Ethanol' means fuel meeting the American Society for Testing and Materials specification with a minimum blend level of 5 percent.

(b) On and after January 1, 2007, each local school district shall use clean renewable fuel in any gasoline or diesel motor vehicle or equipment it operates whenever such fuel is compatible with the technology of the vehicle or equipment and is reasonably available at a cost similar to that of conventional fuel.

(c) On and after January 1, 2007, no local school district shall enter into any contract to purchase or lease any motor vehicle that is not capable of being powered by clean renewable fuel or other alternative fuel if a motor vehicle capable of being powered by such a clean renewable fuel is suitable for the intended use and such motor vehicle is reasonably available at a cost similar to that of comparable conventionally fueled vehicles."

SECTION 3.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by inserting a new Code section immediately following Code Section 36-60-23 to read as follows:

"36-60-24.

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

(1) 'Biodiesel fuel' means fuel meeting the American Society for Testing and Materials D6751 specification with a minimum blend level of 2 percent.

(2) 'Clean renewable fuel' means biodiesel fuel and ethanol.

(3) 'Ethanol' means fuel meeting the American Society for Testing and Materials specification with a minimum blend level of 5 percent.

(b) On and after January 1, 2007, each county and municipal corporation shall use clean renewable fuel in any gasoline or diesel motor vehicle or equipment it operates

whenever such fuel is compatible with the technology of the vehicle or equipment and is reasonably available at a cost similar to that of conventional fuel.

(c) On and after January 1, 2007, no county or municipal corporation shall enter into any contract to purchase or lease any motor vehicle that is not capable of being powered by clean renewable fuel or other alternative fuel if a motor vehicle capable of being powered by such a clean renewable fuel is suitable for the intended use and such motor vehicle is reasonably available at a cost similar to that of comparable conventionally fueled vehicles."

SECTION 4.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by inserting a new Code section immediately following Code Section 50-19-6 to read as follows:

"50-19-6.1.

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

(1) 'Biodiesel fuel' means fuel meeting the American Society for Testing and Materials D6751 specification with a minimum blend level of 2 percent.

(2) 'Clean renewable fuel' means biodiesel fuel and ethanol.

(3) 'Ethanol' means fuel meeting the American Society for Testing and Materials specification with a minimum blend level of 5 percent.

(b) On and after January 1, 2007, each office, agency, department, board, bureau, commission, institution, authority, or other entity of the state shall use clean renewable fuel in any gasoline or diesel motor vehicle or equipment it operates whenever such fuel is compatible with the technology of the vehicle or equipment and is reasonably available at a cost similar to that of conventional fuel.

(c) On and after January 1, 2007, no office, agency, department, board, bureau, commission, institution, authority, or other entity of the state shall enter into any contract to purchase or lease any motor vehicle that is not capable of being powered by clean renewable fuel or other alternative fuel if a motor vehicle capable of being powered by such a clean renewable fuel is suitable for the intended use and such motor vehicle is reasonably available at a cost similar to that of comparable conventionally fueled vehicles."

SECTION 5.

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

The following substitute, offered by Representative Smith of the 168th, was read and adopted:

A BILL

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title 50

of the Official Code of Georgia Annotated, relating to state government, so as to encourage the use of clean renewable fuels in certain vehicles operated by certain government entities under certain circumstances; to provide for legislative findings and declarations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds and declares as follows:

(1) Georgia currently consumes nearly 6.5 billion gallons of gasoline and diesel fuel annually;

(2) Petroleum is imported primarily from outside the United States;

(3) Using clean alternative fuels instead of fossil fuels will provide for a cleaner environment by reducing water and air contamination;

(4) In particular, the use of clean renewable fuels such as biodiesel blend and ethanol blend will provide additional benefits for the State of Georgia;

(5) Georgia has the potential to create a biofuels industry that would serve as a model for the South and thereby attract additional new industries;

(6) This biofuels industry could add over $1 billion of economic activity to Georgia and increase the state's income tax collections by over $10 million annually;

(7) Nearly 500 direct and over 1,000 indirect jobs would be created by the Georgia biofuels industry; and

(8) Creating this industry will add additional value to Georgia's agricultural and forestry commodities, including biomass, and support land values in rural Georgia.

SECTION 2.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by inserting immediately following Code Section 20-2-504 a new Code section to read as follows:

"20-2-504.1.

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

(1) 'Biodiesel blend' means a blended fuel containing petroleum diesel fuel with a minimum level of 2 percent biodiesel fuel.

(2) 'Biodiesel fuel' means a fuel composed of mono-alkyl esters of long chain fatty acids derived from wood and wood residues, crops, residues, stover, agricultural wastes, or animal fats, with each production run meeting the requirements of American Society for Testing and Materials Standard D 6751.

(3) 'Clean renewable fuel' means biodiesel blend or ethanol blend.

(4) 'Ethanol blend' means fuel meeting the American Society for Testing and Materials specification with a minimum level of 5 percent ethanol.

(b) On and after January 1, 2007, each local school district is encouraged to use clean renewable fuel in any gasoline or diesel motor vehicle or equipment it operates

whenever such fuel is compatible with the technology of the vehicle or equipment and is reasonably available at a cost similar to that of conventional fuel.

(c) On and after January 1, 2007, local school districts are encouraged to enter into contracts to purchase or lease motor vehicles and equipment that are capable of being powered by clean renewable fuel or other alternative fuel if motor vehicles and equipment capable of being powered by such a clean renewable fuel are suitable for the intended use and such motor vehicles and equipment are reasonably available at a cost similar to that of comparable conventionally fueled vehicles and equipment."

SECTION 3.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by inserting a new Code section immediately following Code Section 36-60-23 to read as follows:

"36-60-24.

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

(1) 'Biodiesel blend' means a blended fuel containing petroleum diesel fuel and a minimum level of 2 percent biodiesel fuel.

(2) 'Biodiesel fuel' means a fuel composed of mono-alkyl esters of long chain fatty acids derived from wood and wood residues, crops, residues, stover, agricultural wastes, or animal fats, with each production run meeting the requirements of American Society for Testing and Materials Standard D 6751.

(3) 'Clean renewable fuel' means biodiesel blend or ethanol blend.

(4) 'Ethanol blend' means fuel meeting the American Society for Testing and Materials specification with a minimum level of 5 percent ethanol.

(b) On and after January 1, 2007, each county and municipal corporation is encouraged to use clean renewable fuel in any gasoline or diesel motor vehicle or equipment it operates whenever such fuel is compatible with the technology of the vehicle or equipment and is reasonably available at a cost similar to that of conventional fuel.

(c) On and after January 1, 2007, counties or municipal corporations are encouraged to enter into contracts to purchase or lease motor vehicles and equipment that are capable of being powered by clean renewable fuel or other alternative fuel if motor vehicles and equipment capable of being powered by such a clean renewable fuel are suitable for the intended use and such motor vehicles and equipment are reasonably available at a cost similar to that of comparable conventionally fueled vehicles and equipment."

SECTION 4.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by inserting a new Code section immediately following Code Section 50-19-6 to read as follows:

"50-19-6.1.

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

(1) 'Biodiesel blend' means a blended fuel containing petroleum diesel fuel with a minimum level of 2 percent biodiesel fuel.

(2) 'Biodiesel fuel' means a fuel composed of mono-alkyl esters of long chain fatty acids derived from wood and wood residues, crops, residues, stover, agricultural wastes, or animal fats, with each production run meeting the requirements of American Society for Testing and Materials Standard D 6751.

(3) 'Clean renewable fuel' means biodiesel blend or ethanol blend.

(4) 'Ethanol blend' means fuel meeting the American Society for Testing and Materials specification with a minimum level of 5 percent ethanol.

(b) On and after January 1, 2007, each office, agency, department, board, bureau, commission, institution, authority, or other entity of the state is encouraged to use clean renewable fuel in any gasoline or diesel motor vehicle or equipment it operates whenever such fuel is compatible with the technology of the vehicle or equipment and is reasonably available at a cost similar to that of conventional fuel.

(c) On and after January 1, 2007, offices, agencies, departments, boards, bureaus, commissions, institutions, authorities, or any other entities of the state are encouraged to enter into contracts to purchase or lease motor vehicles and equipment that are capable of being powered by clean renewable fuel or other alternative fuel if motor vehicles and equipment capable of being powered by such a clean renewable fuel are suitable for the intended use and such motor vehicles and equipment are reasonably available at a cost similar to that of comparable conventionally fueled vehicles and equipment."

SECTION 5.

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

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

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

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	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y 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

Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
Y 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
Heckstall
Y Hembree
Y Henson
Y Hill, C
Y Jordan
Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Oliver
Y O'Neal
Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 1.

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

HB 1436. By Representatives Smith of the 113th, Ehrhart of the 36th, Chambers of the 81st, Drenner of the 86th, Burkhalter of the 50th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 3 of the O.C.G.A., relating to general provisions relative to wine, so as to authorize restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a full-course meal; to provide for a definition of the term full-course meal; to amend Article 11 of Chapter 6 of Title 40 of the O.C.G.A., relating to miscellaneous provisions of the uniform rules of the road, so as to provide that a resealed partially consumed bottle of wine that was purchased with a full-course meal is not an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle; 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 Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated,

relating to general provisions relative to wine, so as to authorize restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a full-course meal; to provide for a definition of the term full-course meal; to amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road, so as to provide that a resealed partially consumed bottle of wine that was purchased with a full-course meal is not an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions relative to wine, is amended by inserting at the end thereof a new Code Section 3-6-4 to read as follows:

"3-6-4.

(a) As used in this Code section, the term 'full-course meal' means a meal consisting of a salad or vegetable, an entree, a beverage, and bread.

(b) Notwithstanding any other contrary provision of law, any establishment which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a full-course meal and consumed a portion of the bottle of wine on the premises with such meal on the establishment's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and full-course meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk."

SECTION 2.

Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road, is amended by striking paragraph (2) of subsection (a) of Code Section 40-6-253, relating to consumption of alcoholic beverages or possession of open container of alcoholic beverage in passenger area, and inserting in its place a new paragraph (2) to read as follows:

"(2) 'Open alcoholic beverage container' means any bottle, can, or other receptacle that:

(A) Contains any amount of alcoholic beverage; and

(B)(i) Is open or has a broken seal; or

(ii) The contents of which are partially removed.

A bottle of wine that has been resealed and is transported pursuant to Code Section 3-6-4 shall not constitute an open alcoholic beverage container for purposes of this Code section."

SECTION 3.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 128, nays 25.

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

Representative Jenkins of the 8th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

The Speaker assumed the Chair.

HR 1045. By Representatives Golick of the 34th, Hembree of the 67th, Smith of the 129th, Roberts of the 154th, Knight of the 126th and others:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to protect lottery funds so that they may be reserved only for the HOPE Scholarship Program and other tuition grants, scholarships, or loans to enable citizens of this state to attend colleges and universities within this state, for voluntary pre-kindergarten, and for educational shortfall reserves; to provide for submission of this amendment for ratification or rejection; and for other purposes.

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

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

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

Y Burmeister	N Gardner	Y Knight	Y Parrish	N Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	Y Golick	Y Lakly	N Porter	N Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	N Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	N Greene	Y Lewis	N Randall	E Warren
Y Chambers	N Hanner	Y Lindsey	N Ray	N Watson
Y Channell	Y Harbin	N Lord	N Reece, B	Y Wilkinson
N Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y 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	Y Williams, R
N Coleman, T	Y Hembree	N Mangham	Y Rogers	N Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
E Cox	Y Hill, C	N Marin	Y Rynders	Richardson, Speaker

On the adoption of the Resolution, the ayes were 102, nays 68.

The Resolution, having failed to receive the requisite constitutional majority, was lost.

Representative Hembree of the 67th moved that the House reconsider its action in failing to give the requisite constitutional majority to HR 1045.

On the motion, the roll call was ordered and the vote was as follows:

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

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

On the motion, the ayes were 109, nays 63.

The motion prevailed.

Representative Golick of the 34th moved that HR 1045 be placed upon the table.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
Y Amerson
E Anderson
N Ashe
Y Barnard
N Barnes
Y Bearden
E Beasley-Teague
N Benfield
Y Benton
Y Black
N Bordeaux
Y Borders
Y Bridges
N Brooks
Y Brown
N Bruce
N Bryant
N Buckner, D
N Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
N Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
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
N Fludd
Y Forster
Y Franklin
Y Freeman
N Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
N Greene
N Hanner
Y Harbin
Y Hatfield
Y Heard, J
N Heard, K
N Heckstall
Y Hembree
Y Hill, C.A
N Holmes
Y Holt
Y Horne
Y Houston
N Howard, E
Y Hudson
N Hugley
N Jackson
N Jacobs
N James
N Jamieson
Y Jenkins
Y Jennings
N Johnson
Y Jones, J
N Jones, S
N Jordan
Y Keen
Y Keown
N Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
N Lord
Y Loudermilk
N Lucas
Y Lunsford
Y Maddox
N Mangham
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
Y Millar
Y Mills
N Mitchell
N Morgan
Y Morris
N 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
N Porter
N Powell
Y Ralston
N Randall
Y Ray
N Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
N Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
Stephenson
Y Talton
N Teilhet
N Thomas, A.M
N Thomas, B
Y Tumlin
Y Walker
E Warren
N Watson
Y Wilkinson
Y Willard
N Williams, A
N Williams, E
Y Williams, R
N Wix

Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
E Cox	Y Hill, C	N Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 112, nays 59.

The motion prevailed.

Representative Jenkins of the 8th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Stanley-Turner of the 53rd 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 1445. By Representatives Mills of the 25th, Stephens of the 164th, Keen of the 179th, Burmeister of the 119th, Coan of the 101st and others:

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 a drug if the pharmacist believes the drug would have the effect or possible effect of terminating a pregnancy; 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.

The following Committee substitute was read and adopted:

A BILL

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 a drug if the pharmacist believes the drug would have the effect or possible effect of terminating a pregnancy; 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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, is amended by striking such Code section and inserting in its place the following:

"16-12-142.

(a) Nothing in this article shall require a hospital or other medical facility or physician to admit any patient under the provisions of this article for the purpose of performing an abortion. In addition, any person who states in writing an objection to any abortion or all abortions on moral or religious grounds shall not be required to participate in procedures which will result in such abortion; and the refusal of the person to participate therein shall not form the basis of any claim for damages on account of such refusal or for any disciplinary or recriminatory action against the person. The written objection shall remain in effect until the person revokes it or terminates his association with the facility with which it is filed.

(b) Any pharmacist who states in writing an objection to any abortion or all abortions on moral or religious grounds shall not be required to fill a prescription for a drug which purpose is believed by the pharmacist to have the effect or possible effect of terminating a pregnancy; and the refusal of the person to fill such prescription shall not form the basis of any claim for damages on account of such refusal or for any disciplinary or recriminatory action against the person or his or her employer; provided, however, that the pharmacist shall make all reasonable efforts to locate another pharmacist who is willing to fill such prescription or shall immediately return the prescription to the prescription holder. The written objection shall remain in effect until the person revokes it or terminates his or her association with the facility with which it is filed."

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:

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

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

On the passage of the Bill, by substitute, the ayes were 82, nays 78.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Mills of the 25th moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 1445.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
Y Amerson
E Anderson
N Ashe
Y Barnard
N Barnes
Y Bearden
E Beasley-Teague
N Benfield
Y Benton
Y Black
N Bordeaux
Y Borders
Y Bridges
N Brooks
Y Brown
N Bruce
N Bryant
N Crawford
Y Cummings
Y Davis
Y Day
N Dean
Y Dickson
N Dodson
E Dollar
N Drenner
N Dukes
Y Ehrhart
Y England
N Epps
Y Everson
Y Fleming
N Floyd, H
Y Floyd, J
N Fludd
Y Hill, C.A
N Holmes
Y Holt
Y Horne
Y Houston
N Howard, E
N Hudson
N Hugley
N Jackson
N Jacobs
N James
N Jamieson
N Jenkins
Y Jennings
N Johnson
Jones, J
N Jones, S
N Jordan
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
N Mitchell
N Morgan
Y Morris
N Mosby
Y Mosley
Y Mumford
Y Murphy, J
N Murphy, Q
Y Neal
N Oliver
N Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Shaw
Y Sheldon
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
Stanley-Turner

N Buckner, D
N Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Byrd
Y Carter
Y Casas
N Chambers
N Channell
N Cheokas
Y Coan
Y Cole
Y Coleman, B
N Coleman, T
Cooper
E Cox
Y Forster
Y Franklin
Y Freeman
N Gardner
Y Geisinger
Y Golick
N Graves, D
Y Graves, T
Greene
N Hanner
Y Harbin
Y Hatfield
Y Heard, J
N Heard, K
N Heckstall
Y Hembree
N Henson
Y Hill, C
Y Keen
Y Keown
N Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
N Lord
Y Loudermilk
N Lucas
Y Lunsford
Y Maddox
N Mangham
N Manning
N Marin
Y O'Neal
N Orrock
N Parham
N Parrish
Y Parsons
N Porter
Powell
Y Ralston
N Randall
Ray
N Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Rynders
Y Stephens
N Stephenson
Y Talton
N Teilhet
N Thomas, A.M
N Thomas, B
Y Tumlin
Y Walker
E Warren
N Watson
Y Wilkinson
Willard
N Williams, A
N Williams, E
Y Williams, R
N Wix
Y Yates
Richardson, Speaker

On the motion, the ayes were 90, nays 70.

The motion prevailed.

Representative Mills of the 25th moved that HB 1445 be placed upon the table.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
Y Amerson
E Anderson
N Ashe
Y Barnard
N Barnes
Y Bearden
E Beasley-Teague
N Benfield
Y Benton
Y Black
N Bordeaux
N Borders
Y Bridges
N Brooks
Y Brown
N Bruce
N Bryant
N Buckner, D
N Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Byrd
Y Crawford
Y Cummings
Y Davis
Y Day
N Dean
Y Dickson
Y Dodson
E Dollar
N Drenner
N Dukes
Y Ehrhart
Y England
N Epps
Y Everson
Y Fleming
N Floyd, H
N Floyd, J
N Fludd
Y Forster
Y Franklin
Y Freeman
N Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Hill, C.A
N Holmes
Holt
Y Horne
N Houston
N Howard, E
N Hudson
N Hugley
N Jackson
N Jacobs
N James
N Jamieson
Y Jenkins
Y Jennings
N Johnson
Jones, J
N Jones, S
N Jordan
Y Keen
Y Keown
N Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
N Mitchell
N Morgan
Morris
N Mosby
Y Mosley
Y Mumford
Y Murphy, J
N Murphy, Q
Y Neal
N Oliver
Y O'Neal
N Orrock
N Parham
N Parrish
Y Parsons
N Porter
Powell
N Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
N Stephenson
Y Talton
N Teilhet
N Thomas, A.M
N Thomas, B
Y Tumlin

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

On the motion, the ayes were 93, nays 67.

The motion prevailed.

Representatives Jones of the 46th and Morris of the 155th 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 Manning of the 32nd 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 1483. By Representative Parsons of the 42nd:

A BILL to be entitled an Act to amend Code Section 20-2-212 of the Official Code of Georgia Annotated, relating to salary schedules for certificated personnel under the "Quality Basic Education Act," so as to require two public hearings prior to decreasing any local salary supplement when there has been an increase in the state minimum salary schedule; 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 20-2-212 of the Official Code of Georgia Annotated, relating to salary schedules for certificated personnel under the "Quality Basic Education Act," so as to require two public hearings prior to decreasing any local salary supplement when there has been an increase in the state minimum salary schedule; 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 20-2-212 of the Official Code of Georgia Annotated, relating to salary schedules for certificated personnel under the "Quality Basic Education Act," is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) Local units of administration may supplement the salaries of personnel subject to the schedule of minimum salaries under subsection (a) of this Code section and, in fixing the amount of those supplements, may take into consideration the nature of duties to be performed, the responsibility of the position held, the subject matter or grades to be taught, and the experience and performance of the particular employee whose salary is being supplemented. In any fiscal year in which such personnel receive an increase under the minimum salary schedule, a local unit of administration shall not decrease any local salary supplement for such personnel below the local supplement amount received in the immediately preceding fiscal year by those personnel of that local unit of administration unless such local unit of administration has conducted at least ~~one~~ two public ~~hearing~~ hearings regarding such decrease, notice of which ~~hearing~~ hearings, including the time, place, agenda, and specific subject matter of the meeting, the local unit shall cause to be published in the legal organ of the county which is the legal situs of such local unit one time at least seven days prior to the date such ~~hearing is~~ hearings are to be held. Written notice shall be provided to each employee subject to the schedule of minimum salaries under subsection (a) of this Code section at least seven days prior to the date of the hearings. Each such hearing shall be held and shall commence after school hours to allow certificated and noncertificated personnel to attend."

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:

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
Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	E Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y 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
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P

Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Cooper
E Cox
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
Y Henson
Y Hill, C
Y Jennings
Y Johnson
Jones, J
Y Jones, S
Y Jordan
Keen
Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Manning
Y Marin
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
Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 0.

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

Representative Stanley-Turner of the 53rd 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.

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

HB 1273. By Representatives O`Neal of the 146th, Talton of the 145th and Morris of the 155th:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to security deposits, so as to change certain provisions regarding placement of security deposits in escrow accounts; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representatives Benton of the 31st and Smith of the 113th move to *amend HB 1273 by inserting after* "accounts;" *on line 3 of page 1 the following:*

to amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, so as to provide that a landlord may initiate dispossessory proceedings immediately after refusal by tenant of demand for possession; to provide that a service by posting the summons to the premises and mailing a copy to the defendant shall be sufficient for entry of a default judgment for possession in the absence of an answer being filed; to provide for the payment of certain sums into the registry of the court;

By inserting between lines 18 and 19 of page 1 the following:

SECTION 1.1.

Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, is amended by striking in its entirety subsection (a) of Code Section 44-7-50, relating to demand for possession and procedure upon tenant's refusal, and inserting in lieu thereof the following:

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

SECTION 1.2.

Said article is further amended by inserting at the end of Code Section 44-7-51, relating to issuance of summons, service, time of answer, and defenses and counterclaims, the following:

"(c) If service is by posting a copy of the summons and the affidavit on the door of the premises and mailing a copy of the summons and the affidavit to the defendant, as provided in subsection (a) of this Code section, the court shall have jurisdiction to enter a default judgment for possession of the premises in the absence of an answer being filed, but in such instance a default judgment for money owed may not be entered unless the defendant files an answer or otherwise make an appearance in the case."

SECTION 1.3.

Said article is further amended by striking in its entirety Code Section 44-7-56, relating to appeal and possession and payment of rent pending appeal, and inserting in lieu thereof the following:

"44-7-56.

Any judgment by the trial court shall be appealable pursuant to Chapters 2, 3, 6, and 7 of Title 5, provided that any such appeal shall be filed within seven days of the date such judgment was entered and provided, further, that, after the notice of appeal is filed with the clerk of the trial court, the clerk shall immediately notify the trial judge of the notice of appeal and the trial judge may, within 15 days, supplement the record with findings of fact and conclusions of law which will be considered as a part of the order of the judge in that case. If the judgment of the trial court is against the tenant and the tenant appeals this judgment, the ~~court may upon motion of the landlord and upon good cause shown order the~~ tenant shall be required to pay into the registry of the court all sums found by the trial court to be due for rent in order to remain in possession of the premises. The tenant shall also be required to pay all future rent as it becomes due into the registry of the trial court pursuant to paragraph (1) of subsection (a) of Code Section 44-7-54 until the issue has been finally determined on appeal."

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

On the passage of the Bill, as amended, 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
Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	N Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y 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	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	N Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y 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 Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
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
Y Henson
Y Hill, C
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Porter
Y Powell
Y Ralston
Randall
Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
N Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, as amended, the ayes were 155, nays 7.

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

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 1551. By Representatives Stephens of the 164th, Smith of the 70th, Hill of the 180th, Lane of the 158th, Burns of the 157th and others:

A RESOLUTION creating the Joint Comprehensive Water Desalination Study Committee; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the Joint Comprehensive Water Desalination Study Committee; and for other purposes.

WHEREAS, the task of securing sustainable water sources for Georgia while improving and preserving the quality of coastal waters, rivers, lakes, and ground water is vital to the citizenry of the state; and

WHEREAS, since 1964, the General Assembly has passed laws relating to water quality protection and water quantity allocation; and

WHEREAS, these laws and subsequent programs form a strong foundation for water policy in Georgia; and

WHEREAS, rapid population growth in coastal Georgia, increased tourism, and sustained industrial activity have adversely affected coastal Georgia's water resources and limited the available water supply; and

WHEREAS, recent stresses to Georgia's water resources mandate a re-examination of Georgia's water policy in Georgia and the viability of alternative water sources such as purification of sea water through the desalination process; and

WHEREAS, desalination may be a potential method to augment water supply sources, to reduce water shortages in future droughts, and to help preserve this valuable resource; and

WHEREAS, additional actions are necessary to provide safe and secure water supply for predicted population growth at least 20 years into the future; and

WHEREAS, in light of the above issues it is now time to study the viability of using desalination in Georgia.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that there is created the Joint Comprehensive Water Desalination Study Committee to be composed of ten members. The chairperson of the House Committee on Natural Resources and Environment and the chairperson of the Senate Natural Resources and the Environment Committee shall serve as cochairpersons of the committee. The Speaker of the House of Representatives shall appoint four members of the House of Representatives as members of the committee. The Senate Committee on Assignments shall appoint four members of the Senate as members of the committee. The cochairpersons shall call all meetings of the committee.

BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. The members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. All funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the House of Representatives and the Senate. The expenses and allowances authorized by this resolution shall not be received by any member of the committee for more than five days unless additional days are authorized. The committee shall make a report of its findings and recommendations, with suggestions for proposed legislation, if any, on or before December 1, 2006. The committee shall stand abolished on December 1, 2006.

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 Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
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
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y 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
Y Lane, B
E Lane, R
Y Lewis
Y 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
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
Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the adoption of the Resolution, by substitute, the ayes were 163, 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.

HB 1193. By Representatives Knight of the 126th, Rice of the 51st, Coleman of the 97th, Ralston of the 7th and Talton of the 145th:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to criminal offenses involving controlled substances, so as to prohibit owning or operating vehicles containing false or secret compartments; to prohibit installing false or secret compartments in a vehicle; to subject such vehicles to forfeiture; to provide a penalty for violations; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, so as to prohibit owning or operating vehicles containing false or secret compartments; to provide for definitions; to provide for proof of intent under certain circumstances; to prohibit operating any vehicle containing false or secret compartments, installing false or secret compartments in a vehicle, or selling a vehicle with false or secret compartments; to provide for a penalty; to provide for disposition of a vehicle containing a false or secret compartment; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, is amended by adding a new Code section to read as follows:

"16-11-112.

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

(1)(A) 'False or secret compartment' means any enclosure which is integrated into or attached to a vehicle and the purpose of the compartment is to conceal, hide, or prevent discovery by law enforcement officers of:

(i) A person concealed for an unlawful purpose;

(ii) Controlled substances possessed in violation of Article 2 of Chapter 13 of this title; or

(iii) Other contraband.

(B) Examples of 'false or secret compartment' may include, but are not limited to:

(i) False, altered, or modified fuel tanks;

(ii) Original factory equipment on a vehicle that has been modified; or

(iii) Any compartment, space, or box that is added or attached to existing compartments, spaces, or boxes of the vehicle.

(2) 'Vehicle' includes, but is not limited to, cars, trucks, buses, motorcycles, bicycles, aircraft, helicopters, boats, ships, yachts, and other vessels.

(b) It may be inferred that the accused intended to use a false or secret compartment if a person knowingly has a false or secret compartment which:

(1) Is concealing a person for an unlawful purpose;

(2) Is concealing a controlled substance in violation of Article 2 of Chapter 13 of this title;

(3) Is concealing other contraband;

(4) Shows evidence of the previous concealment of a person for an unlawful purpose;

(5) Shows evidence of the previous concealment of controlled substances in violation of Article 2 of Chapter 13 of this title; or

(6) Shows evidence of the previous concealment of other contraband.

(c)(1) It is unlawful for any person to knowingly own or operate any vehicle containing a false or secret compartment.

(2) It is unlawful for any person to knowingly install, create, build, or fabricate in any vehicle a false or secret compartment.

(3) It is unlawful for any person to knowingly sell, trade, or otherwise dispose of a vehicle which is in violation of this Code section.

(d) Any person who violates this Code section shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than two years, by a fine not to exceed $10,000.00, or both.

(e) Upon the arrest of a person who owns or is operating a vehicle which is in violation of this Code section, if the vehicle is not otherwise subject to forfeiture under other provisions of law, or not determined to be needed to be held as evidence, the law enforcement officer shall seize the license plate and registration for such vehicle and shall issue a citation for violation of this Code section and a temporary license plate for the vehicle. The temporary license plate shall be on a form as prescribed by the state revenue commissioner. The temporary license plate shall be valid for 30 days or until the owner of the vehicle provides verification that such vehicle has been repaired so as to eliminate any violation of this Code section, whichever occurs first. Such vehicle shall be subject to inspection by law enforcement and if it is determined that such vehicle has been repaired, the license plate and registration shall be returned to the owner at such time."

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	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	N Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	N Jackson	Y Mitchell	Y Sims, F
Y Benton	N Dukes	Y Jacobs	Morgan	N Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N 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
Y Bryant	Y Fludd	Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	N 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	E Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	E Warren
Y Chambers	Hanner	Y Lindsey	Y 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	N Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	N Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
E Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 152, nays 9.

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.

The Speaker Pro Tem assumed the Chair.

HB 1417. By Representatives Ralston of the 7th, Fleming of the 117th, Mumford of the 95th and Crawford of the 127th:

A BILL to be entitled an Act to amend Code Section 15-12-40 of the Official Code of Georgia Annotated, relating to compilation, maintenance, and revision of jury lists, so as to allow the Administrative Office of the Courts to assist the board of jury commissioners in compiling, maintaining, and revising the lists of trial jurors and grand jurors; to amend Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information, so as to provide for a cross-reference to the Administrative Office of the Courts receiving certain information; 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 15-12-40 of the Official Code of Georgia Annotated, relating to compilation, maintenance, and revision of jury lists, so as to allow the Administrative Office of the Courts to assist the board of jury commissioners in compiling, maintaining, and revising the lists of trial jurors and grand jurors; to amend Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information, so as to provide for a cross-reference to the Administrative Office of the Courts receiving certain information; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-12-40 of the Official Code of Georgia Annotated, relating to compilation, maintenance, and revision of jury lists, is amended by adding a new subsection to the end of such Code section to read as follows:

"(d) *Assistance of the Administrative Office of the Courts.*

(1) The Administrative Office of the Courts may assist the clerk of the superior court or the jury clerk, whichever is applicable, by providing a list of county citizens who the Administrative Office of the Courts certifies are prima facie eligible persons for consideration as jurors on the traverse and grand jury pools.

(2) The Department of Driver Services shall provide the Administrative Office of the Courts the list required by subparagraph (a)(1)(A) of this Code section and the

information set forth in the undesignated text of paragraph (1) of subsection (a) of this Code section.

(3) The Secretary of State shall provide the Administrative Office of the Courts the list of registered voters and list of convicted felons."

SECTION 2.

Code Section 40-5-2, of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information on licenses and furnishing information, is amended by striking paragraph (7) of subsection (f) and inserting in lieu thereof the following:

"(7) The lists required to be made available to boards of jury commissioners <u>and the Administrative Office of the Courts</u> pursuant to Code Section 15-12-40 regarding county residents who are the holders of drivers´ licenses or personal identification cards issued pursuant to this chapter. Such lists shall identify each such person by name, address, date of birth, gender, driver's license or personal identification card number issued pursuant to the provisions of this chapter, and, whenever racial and ethnic information is collected by the department for purposes of voter registration pursuant to Code Section 21-2-221, by racial or ethnic group."

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	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y 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
Y 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
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens

Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
N Byrd
Carter
Y Casas
Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
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 Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Rogers
Y Royal
Y Rynders
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
N Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 162, nays 2.

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

Representatives Abdul-Salaam of the 74th and Carter of the 159th 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 1361. By Representatives Martin of the 47th, Royal of the 171st, Graves of the 137th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Chapter 44 of Title 36 of the Official Code of Georgia Annotated, the "Redevelopment Powers Law," so as to change certain definitions; to change certain provisions regarding minimum millage rate requirements; to change certain provisions relative to creation of tax allocation districts; to change certain provisions regarding payments in lieu of taxes to certain political subdivisions; to amend Code Section 48-5-32.1, relating to certification of assessed taxable value of property and method of computation, so as to make certain conforming changes thereto; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 44 of Title 36 of the Official Code of Georgia Annotated, the

"Redevelopment Powers Law," so as to change certain definitions; to change certain provisions regarding minimum millage rate requirements; to change certain provisions relative to creation of tax allocation districts; to change certain provisions regarding payments in lieu of taxes to certain political subdivisions; to amend Code Section 48-5-32.1, relating to certification of assessed taxable value of property and method of computation, so as to make certain conforming changes thereto; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 44 of Title 36 of the Official Code of Georgia Annotated, the "Redevelopment Powers Law," is amended by striking Code Section 36-44-3, relating to definitions applicable to such chapter, and inserting in lieu thereof a new Code Section 36-44-3 to read as follows:

"36-44-3.

As used in this chapter, the term:

(1) 'Ad valorem property taxes' means all ad valorem property taxes levied by each political subdivision and each county and independent board of education consenting to the inclusion of that board of education's property taxes as being applicable to a tax allocation district as provided by Code Section 36-44-9, except ~~those~~:

(A) Those ad valorem property taxes levied to repay bonded indebtedness;

(B) Unless otherwise provided in the resolution creating such district, those ad valorem property taxes levied on personal property or on motor vehicles; and

(C) Unless otherwise provided in the resolution creating such district, those ad valorem property taxes levied on the assessed value of property owned by public utilities and railroad companies, as determined pursuant to the provisions of Chapter 5 of Title 48.

(2) 'Area of operation' means, in the case of a municipality or its redevelopment agency, the territory lying within the corporate limits of such municipality; in the case of a county or its redevelopment agency, the territory lying within the unincorporated area of the county; and, in the case of a consolidated government or its redevelopment agency, the area lying within the territorial boundaries of the consolidated government. 'Area of operation' may also mean the combined areas of operation of political subdivisions which participate in the creation of a common redevelopment agency to serve such participating political subdivisions as provided in subsection (d) of Code Section 36-44-4.

(3) 'Local legislative body' means the official or body in which the legislative powers of a political subdivision are vested.

(4) 'Political subdivision' means any county, municipality, or consolidated government of this state.

(5) 'Redevelopment' means any activity, project, or service necessary or incidental to achieving the development or revitalization of a redevelopment area or a portion thereof designated for redevelopment by a redevelopment plan or the preservation or improvement of historical or natural assets within a redevelopment area or a portion thereof designated for redevelopment by a redevelopment plan. Without limiting the generality of the foregoing, redevelopment may include any one or more of the following:

(A) The construction of any building or other facility for use in any business, commercial, industrial, governmental, educational, charitable, or social activity;

(B) The renovation, rehabilitation, reconstruction, remodeling, repair, demolition, alteration, or expansion of any existing building or other facility for use in any business, commercial, industrial, governmental, educational, charitable, or social activity;

(C) The construction, reconstruction, renovation, rehabilitation, remodeling, repair, demolition, alteration, or expansion of public or private housing;

(D) The construction, reconstruction, renovation, rehabilitation, remodeling, repair, demolition, alteration, or expansion of public works or other public facilities necessary or incidental to the provision of governmental services;

(E) The identification, preservation, renovation, rehabilitation, reconstruction, remodeling, repair, demolition, alteration, or restoration of buildings or sites which are of historical significance;

(F) The preservation, protection, renovation, rehabilitation, restoration, alteration, improvement, maintenance, and creation of open spaces or green spaces;

(G) The development, construction, reconstruction, repair, demolition, alteration, or expansion of structures, equipment, and facilities for mass transit;

(H) The development, construction, reconstruction, renovation, rehabilitation, repair, demolition, alteration, or expansion of telecommunication infrastructure;

(I) The development, construction, reconstruction, renovation, rehabilitation, repair, demolition, alteration, or expansion of facilities for the improvement of pedestrian access and safety;

(J) Improving or increasing the value of property; and

(K) The acquisition and retention or acquisition and disposition of property for redevelopment purposes or the use for redevelopment purposes of property already owned by a political subdivision or any agency or instrumentality thereof.

(6) 'Redevelopment agency' means the local legislative body of a political subdivision or a public body corporate and politic created as the redevelopment agency of the political subdivision or an existing public body corporate and politic designated as the redevelopment agency of the political subdivision pursuant to Code Section 36-44-4.

(7) 'Redevelopment area' means:

(A) Any urbanized or developed area in which the structures, buildings, or improvements, by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high

density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare;

(B) Any urbanized or developed area which by reason of the presence of a predominant number of substandard, slum, deteriorated, or deteriorating structures; the predominance of defective or inadequate street layout, inadequate parking, roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed redevelopment; the faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; the diversity of ownership, tax, or special assessment delinquency exceeding the fair value of the land; diversity of ownership on defective or unusual conditions of title which prevent or encumber the free alienability of land; or the existence of conditions which endanger life or property by fire and other causes; or any combination of the foregoing, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or employment opportunities; or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use;

(C) Any open area located within an urbanized or developed area within the corporate limits of a municipality which because of any factor or combination of factors enumerated in subparagraph (A) or (B) of this paragraph substantially impairs or arrests the sound growth of the community;

(D) Any area located within an urbanized or developed area and which, immediately prior to becoming an open area, qualified as a redevelopment area under subparagraph (A) or (B) of this paragraph;

(E) Any area located within an urbanized or developed area which is substantially underutilized by containing open lots or parcels of land or by containing a substantial number of buildings or structures which are 40 years old or older or by containing structures or buildings of relatively low value as compared to the value of structures or buildings in the vicinity of the area or by having development impaired by airport and related transportation noise or by related environmental factors or an area in which there is a shortage of housing that is affordable for persons of low or moderate income which the local legislative body designates as appropriate for community redevelopment or by any combination of the foregoing factors;

(F) Any geographic area designated within the comprehensive plan of a political subdivision for redevelopment which has previously been developed for commercial, residential, industrial, office, or similar or ancillary uses and which lies within the service delivery area of the political subdivision, in which the current condition of the area is less desirable than the redevelopment of the area for new

commercial, residential, industrial, office, or other uses, or a combination of uses, including the provision of open space or pedestrian and transit improvements, and any geographic area that is adversely affected by airport or transportation related noise or other environmental degradation, contamination, or other environmental factors which the political subdivision has determined to be impairing or retarding the redevelopment of the area;

(G) Any urbanized or developed area or an area connecting two or more urbanized or developed areas that has been subject to some development but which has inadequate roadways, bridges, or public transportation or transit facilities incapable of handling the volume of traffic or passenger flow in or through the area in a safe and efficient manner either at present or following proposed redevelopment; or

(H) Any area combining any factors specified in subparagraphs (A) through (G) of this paragraph.

(8) 'Redevelopment costs' means any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred to achieve the redevelopment of a redevelopment area or any portion thereof designated by a redevelopment plan or any expenditures made to carry out or exercise any powers granted by this chapter. Without limiting the generality of the foregoing, redevelopment costs may include any one or more of the following:

(A) Capital costs, including the costs incurred or estimated to be incurred for the construction of public works or improvements, new buildings, structures, and fixtures; the renovation, rehabilitation, reconstruction, remodeling, repair, demolition, alteration, or expansion of existing buildings, structures, and fixtures; the acquisition of equipment; and the clearing and grading of land;

(B) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued under this chapter occurring during the estimated period of construction of any project with respect to which any capital costs within the meaning of subparagraph (A) of this paragraph are financed in whole or in part by such obligations and for a period not to exceed 42 months after completion of any such construction and including reasonable reserves related thereto and all principal and interest paid to holders of evidences of indebtedness issued to pay for other redevelopment costs and any premium paid over the principal amount thereof because of the redemption of such obligations prior to maturity;

(C) Professional service costs, including those costs incurred for architectural, planning, engineering, financial, marketing, and legal advice and services;

(D) Imputed administrative costs, including reasonable charges for the time spent by public employees in connection with the implementation of a redevelopment plan;

(E) Relocation costs as authorized by a redevelopment plan for persons or businesses displaced by the implementation of a redevelopment plan, including but not limited to, those relocation payments made following condemnation under

Chapter 4 of Title 22, 'The Georgia Relocation Assistance and Land Acquisition Policy Act';

(F) Organizational costs, including the costs of conducting environmental impact and other studies, and the costs of informing the public with respect to the creation and implementation of redevelopment plans;

(G) Payments ~~by one political subdivision~~ to a political subdivision or board of education in lieu of taxes to compensate for any loss of tax revenues or for any capital costs incurred because of redevelopment activity; provided, however, that any such payments to a political subdivision or board of education shall not exceed in any year the amount of the contribution to the tax allocation increment in that year by such political subdivision or board of education; and

(H) Real property assembly costs.

(9) 'Redevelopment plan' means a written plan of redevelopment for a redevelopment area or a designated portion thereof which:

(A) Specifies the boundaries of the proposed redevelopment area;

(B) Explains the grounds for a finding by the local legislative body that the redevelopment area on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the redevelopment plan or that the redevelopment area includes one or more natural or historical assets which have not been adequately preserved or protected and such asset or assets would not reasonably be anticipated to be adequately preserved or protected without the approval of the redevelopment plan;

(C) Explains the proposed uses after redevelopment of real property within the redevelopment area;

(D) Describes any redevelopment projects within the redevelopment area proposed to be authorized by the redevelopment plan, estimates the cost thereof, and explains the proposed method of financing such projects;

(E) Describes any contracts, agreements, or other instruments creating an obligation for more than one year which are proposed to be entered into by the political subdivision or its redevelopment agency or both for the purpose of implementing the redevelopment plan;

(F) Describes the type of relocation payments proposed to be authorized by the redevelopment plan;

(G) Includes a statement that the proposed redevelopment plan conforms with the local comprehensive plan, master plan, zoning ordinance, and building codes of the political subdivision or explains any exceptions thereto;

(H) Estimates redevelopment costs to be incurred or made during the course of implementing the redevelopment plan;

(I) Recites the last known assessed valuation of the redevelopment area and the estimated assessed valuation after redevelopment;

(J) Provides that property which is to be redeveloped under the plan and which is either designated as a historic property under Article 2 of Chapter 10 of Title 44, the

'Georgia Historic Preservation Act,' or is listed on or has been determined by any federal agency to be eligible for listing on the National Register of Historic Places will not be:

(i) Substantially altered in any way inconsistent with technical standards for rehabilitation; or

(ii) Demolished unless feasibility for reuse has been evaluated based on technical standards for the review of historic preservation projects,

which technical standards for rehabilitation and review shall be those used by the state historic preservation officer, although nothing in this subparagraph shall be construed to require approval of a redevelopment plan or any part thereof by the state historic preservation officer;

(K) Specifies the proposed effective date for the creation of the tax allocation district and the proposed termination date;

(L) Contains a map specifying the boundaries of the proposed tax allocation district and showing existing uses and conditions of real property in the proposed tax allocation district;

(M) Specifies the estimated tax allocation increment base of the proposed tax allocation district;

(N) Specifies ad valorem property taxes for computing tax allocation increments determined in accordance with Code Section 36-44-9 and supported by any resolution required under paragraph ~~(2)~~(3) of Code Section 36-44-8;

(O) Specifies the amount of the proposed tax allocation bond issue or issues and the term and assumed rate of interest applicable thereto;

(P) Estimates positive tax allocation increments for the period covered by the term of the proposed tax allocation bonds;

(Q) Specifies the property proposed to be pledged for payment or security for payment of tax allocation bonds which property may include positive tax allocation increments derived from the tax allocation district, all or part of general funds derived from the tax allocation district, and any other property from which bonds may be paid under Code Section 36-44-14, subject to the limitations of Code Sections 36-44-9 and 36-44-20; and

(R) Includes such other information as may be required by resolution of the political subdivision whose area of operation includes the proposed redevelopment area.

(10) 'Resolution' means a resolution or ordinance by which a local legislative body takes official legislative action, and any duly-adopted amendment thereto.

(11) 'Special fund' means the fund provided for in subsection (c) of Code Section 36-44-11.

(12) 'Tax allocation bonds' means one or more series of bonds, notes, or other obligations issued by a political subdivision to finance, wholly or partly, redevelopment costs within a tax allocation district and which are issued on the basis of pledging for the payment or security for payment of such bonds positive tax allocation increments derived from the tax allocation district, all or part of general

funds derived from the tax allocation district, and any other property from which bonds may be paid under Code Section 36-44-14, as determined by the political subdivision subject to the limitations of Code Sections 36-44-9 and 36-44-20. Tax allocation bonds shall not constitute debt within the meaning of Article IX, Section V of the Constitution.

(13) 'Tax allocation district' means a contiguous geographic area within a redevelopment area which is defined and created by resolution of the local legislative body of a political subdivision pursuant to subparagraph (B) of paragraph (3) of Code Section 36-44-8 for the purpose of issuing tax allocation bonds to finance, wholly or partly, redevelopment costs within the area.

(14) 'Tax allocation increment' means that amount obtained by multiplying the total ad valorem property taxes, determined as provided in Code Section 36-44-9, levied ~~on all taxable property~~ within a tax allocation district in any year by a fraction having a numerator equal to that year's taxable value of all taxable property subject to ad valorem property taxes within the tax allocation district minus the tax allocation increment base and a denominator equal to that year's taxable value of all taxable property subject to ad valorem property taxes within the tax allocation district. In any year, a tax allocation increment is 'positive' if the tax allocation increment base is less than that year's taxable value of all taxable property subject to ad valorem property taxes and 'negative' if such base exceeds such taxable value.

(15) 'Tax allocation increment base' means the taxable value of all taxable property subject to ad valorem property taxes, as certified by the state revenue commissioner, located within a tax allocation district on the effective date such district is created pursuant to Code Section 36-44-8.

(16) 'Taxable property' means all real and personal property subject to ad valorem ~~property taxes of~~ taxation by a political subdivision, including property subject to local ad valorem taxation for educational purposes.

(17) 'Taxable value' means the current assessed value of taxable property as shown on the tax digest of the county in which the property is located."

SECTION 2.

Said chapter is further amended by striking in its entirety Code Section 36-44-8, relating to creation of tax allocation districts, and inserting in lieu thereof a new Code Section 36-44-8 to read as follows:

"36-44-8.

In order to create and carry out the purposes of a tax allocation district, the following steps are required:

(1) Preparation by the redevelopment agency of a redevelopment plan for the proposed tax allocation district and its submission for consent to the political subdivision or board of education required to consent, if the plan proposes to include in the tax allocation increment ad valorem property taxes levied by a political subdivision or board of education required to consent to such inclusion under Code Section 36-44-9, or if the plan proposes to pledge for payment or security for payment

of tax allocation bonds and other redevelopment costs the general funds of a county required to consent to such inclusion under Code Section 36-44-9;

(2) Submission of the redevelopment plan to the local legislative body of the political subdivision whose area of operation will include the tax allocation district;

(3) Adoption by the local legislative body of a resolution approving the redevelopment plan and which:

(A) Describes the boundaries of the tax allocation district with sufficient definiteness to identify with ordinary and reasonable certainty the territory included. The boundaries shall include only those whole units of property assessed for ad valorem property tax purposes;

(B) Creates the district on December 31 following the adoption of the resolution or on December 31 of a subsequent year as determined by the local legislative body;

(C) Assigns a name to the district for identification purposes. The first district created shall be known as 'Tax Allocation District Number 1,' followed by the name of the political subdivision within whose area of operation the district is located;

(D) Specifies the estimated tax allocation increment base;

(E) Specifies ad valorem property taxes to be used for computing tax allocation increments;

(F) Specifies the property proposed to be pledged for payment or security for payment of tax allocation bonds which property may include positive tax allocation increments derived from the tax allocation district, all or part of general funds derived from the tax allocation district, and any other property from which bonds may be paid under Code Section 36-44-14, as determined by the political subdivision subject to the limitations of Code Sections 36-44-9 and 36-44-20; and

(G) Contains findings that:

(i) The redevelopment area on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the redevelopment plan or includes one or more natural or historical assets which have not been adequately preserved or protected and such asset or assets would not reasonably be anticipated to be adequately preserved or protected without the approval of the redevelopment plan; and

(ii) The improvement of the area is likely to enhance the value of a substantial portion of the other real property in the district.

If any information required to be included in the resolution approving the redevelopment plan under subparagraphs (A) through (G) of this paragraph is contained in the redevelopment plan, then the resolution approving the redevelopment plan may incorporate by reference that portion of the redevelopment plan containing said information; and

(4) A certified copy of any resolution giving the consent required under paragraph (1) of this Code section must be submitted to the local legislative body of the political subdivision whose area of operation will include the tax allocation district prior to

inclusion of such ad valorem property taxes or general funds in calculation of the tax allocation increment."

SECTION 3.

Said chapter is further amended by redesignating subsection (e) of Code Section 36-44-9, relating to computation of tax allocation increments, as subsection (f) thereof, and inserting immediately prior to said new subsection (f), a new subsection (e) to read as follows:

"(e) The resolution of any county, municipality, consolidated government or board of education consenting to the inclusion of ad valorem property taxes in the computation of tax increments shall not specify the inclusion of any ad valorem property taxes not specified in the resolution creating the tax allocation district."

SECTION 4.

Said chapter is further amended by striking in its entirety subsection (e) of Code Section 36-44-10, relating to determination of tax allocation increment base of proposed district, effect of amending district, identification on tax digests and notice of current taxable value and tax increment base, and inserting in lieu thereof a new subsection (e) to read as follows:

"(e) The county board of tax assessors, joint city-county board of tax assessors, or consolidated government board of tax assessors shall annually give notice to the county tax collector or tax commissioner and to the municipal official responsible for collecting municipal ad valorem property taxes as to both the current taxable value of property subject to ad valorem property taxes within each tax allocation district and the tax allocation increment base. The notice shall also explain that any taxes collected as a result of increases in the tax allocation increment base constitute tax allocation increments and shall be paid to the appropriate political subdivision as provided by subsection (b) of Code Section 36-44-11."

SECTION 5.

Said chapter is further amended by striking in its entirety Code Section 36-44-11, relating to allocation of positive tax allocation increments of district and creation of special fund, and inserting in lieu thereof a new Code Section 36-44-11 to read as follows:

"36-44-11.

(a) Positive tax allocation increments of a tax allocation district shall be allocated to the political subdivision which created the district for each year from the effective date of the creation of the district until that time when all redevelopment costs and all tax allocation bonds of the district have been paid or provided for, subject to any agreement with bondholders. General funds derived from the tax allocation district which have been pledged for payment or security for payment of tax allocation bonds and other redevelopment costs of the tax allocation district shall also be allocated to the political subdivision which created the district for each year from the effective date of the creation of the district until that time when all redevelopment costs and all tax

allocation bonds have been paid or provided for, subject to any agreement with bondholders.

(b)(1) Each county tax collector or tax commissioner, municipal official responsible for collecting municipal ad valorem property taxes, or consolidated government official responsible for collecting consolidated government ad valorem property taxes shall, on the dates provided by law for the payment of taxes collected to the respective political subdivisions, pay over to the appropriate fiscal officer of each political subdivision having created a tax allocation district, out of taxes collected on behalf of such political subdivision, including but not limited to taxes collected for a political subdivision or board of education consenting, pursuant to Code Section 36-44-9, to inclusion of its ad valorem property taxes in the computation of tax allocation increments for that tax allocation district, that portion, if any, which represents positive tax allocation increments payable to such political subdivision.

(2) In addition, each county shall, upon receipt, pay over to the appropriate fiscal officer of each municipality having created a tax allocation district that portion, if any, of its general funds derived from the tax allocation district which have been pledged for payment or security for payment of tax allocation bonds and for payment of other redevelopment costs of the tax allocation district pursuant to Code Section 36-44-9.

(c) All positive tax allocation increments received for a tax allocation district shall be deposited into a special fund for the district upon receipt by the fiscal officer of the political subdivision. All general funds derived from the tax allocation district which have been pledged for payment or security for payment of tax allocation bonds and other redevelopment costs of the tax allocation district shall be deposited upon receipt into the special fund. Any lease or other contract payments made under the district's redevelopment plan shall also be deposited upon receipt into the special fund. Moneys derived from positive tax allocation increments, general fund moneys, and moneys derived from lease or other contract payments shall be accounted for separately within the special fund. Moneys shall be paid out of the fund only to pay redevelopment costs of the district or to satisfy claims of holders of tax allocation bonds issued for the district. The local legislative body shall irrevocably pledge all or a part of such special fund to the payment of the tax allocation bonds. The special fund or designated part thereof may thereafter be used only for the payment of the tax allocation bonds and interest until they have been fully paid, and a holder of said bonds shall have a lien against the special fund or said designated part thereof pledged for payment of said bonds and may either at law or in equity protect and enforce the lien. General funds derived from the tax allocation district may be used for payment of tax allocation bonds only to the extent that positive tax allocation increments and lease or other contract payments in the special fund are insufficient at any time to pay principal and interest due on such bonds. Subject to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other funds of the political subdivision. Except as provided in Code Section 36-44-20, general funds derived from the tax allocation district may be used for payment of tax allocation bonds only to the extent that positive tax allocation increments and lease or other contract payments in

the special fund are insufficient at any time to pay the principal and interest due on such bonds. After all redevelopment costs and all tax allocation bonds of the district have been paid or provided for, subject to any agreement with bondholders, if there remains in the fund any moneys derived from positive tax allocation increments, they shall be paid over to each county, municipality, consolidated government, or county or independent board of education whose ad valorem property taxes were affected by the tax allocation district in proportion to the aggregate contribution of such taxes by such political subdivision less aggregate payments to such political subdivision pursuant to subparagraph (G) of paragraph (8) of Code Section 36-44-3 and in the same manner ~~and proportion~~ as the most recent distribution by the county tax collector or tax commissioner, municipal official responsible for collecting municipal ad valorem property taxes, or consolidated government official responsible for collecting consolidated government ad valorem property taxes. If there remains in the fund any other moneys, they shall be paid over to each political subdivision which contributed to the fund in proportion to the respective total contribution each made to the fund."

SECTION 6.

Said chapter is further amended by striking Code Section 36-44-15, relating to tax millage rate, and inserting in lieu thereof a new Code Section 36-44-15 to read as follows:

"36-44-15.

~~(a)~~ For the purpose of fixing the tax millage rate to fund the annual budget of each political subdivision or county or independent board of education having the power to levy taxes or set ad valorem tax millage rates on property located within a tax allocation district, which has consented to the inclusion of its ad valorem property taxes for the computation of tax allocation increments as provided in Code Section 36-44-9, the taxable value of property subject to ad valorem property taxes within a tax allocation district shall not exceed the tax allocation increment base of the district until the district is terminated. Nothing in this chapter shall be construed to freeze the ad valorem tax millage rate of any political subdivision or county or independent board of education consenting to the inclusion of its ad valorem property taxes as a basis for computing tax allocation increments, and any such rate may be increased or decreased at any time after the creation of a tax allocation district in the same manner and under the same authority that such rate has been previously fixed by such political subdivision or county or independent board of education.

~~(b) Notwithstanding the provisions of subsection (a) of this Code section and the provisions of any other law to the contrary, including but not limited to those provisions relating to the joint county and municipal sales and use tax provided for in Article 2 of Chapter 8 of Title 48, until a tax allocation district is terminated, a political subdivision or county or independent board of education consenting to the inclusion of its property taxes as a basis for computing a tax allocation increment base within a tax allocation district, as provided in Code Section 36-44-9, may not decrease its ad valorem tax millage rate on taxable property located within that district below the millage rate~~

~~levied on that property on the last date tax allocation bonds were issued for redevelopment costs of that district.~~"

SECTION 7.

Said chapter is further amended by striking Code Section 36-44-17, relating to limitation on creation of tax allocation districts, and inserting in lieu thereof a new Code Section 36-44-17 to read as follows:

"36-44-17.

No political subdivision may create a tax allocation district when the total current taxable value of property subject to ad valorem property taxes within the proposed district plus the total current taxable value of property subject to ad valorem property taxes within all its existing tax allocation districts exceeds 10 percent of the total current taxable value of all taxable property located within the area of operation of the political subdivision."

SECTION 8.

Code Section 48-5-32.1, relating to certification of assessed taxable value of property and method of computation, is amended by striking paragraph (9) of subsection (a) of said Code section in its entirety and inserting in lieu thereof the following:

"(9) 'Roll-back rate' means the previous year's millage rate minus the millage equivalent of the total net assessed value added by reassessments~~; provided, however, that if the taxing jurisdiction has created a redevelopment area under the provisions of Chapter 44 of Title 36 and the roll-back rate that would otherwise result is lower than the minimum millage permissible under such chapter, the roll-back rate shall mean such minimum millage.~~"

SECTION 9.

Nothing in this Act shall impair or invalidate any redevelopment plan, redevelopment area, or tax allocation district in effect on the effective date of this Act, or any bonds, notes or certificates thereof. Any redevelopment agency as defined in paragraph (6) of Code Section 36-44-3 having an existing tax allocation district to which the definition of "ad valorem property taxes" provided for in Section 1 of this Act is effective may apply, in writing, to the state revenue commissioner for a determination or redetermination of the tax allocation increment base of such tax allocation district. Within a reasonable time, and not exceeding 60 days after such application, the state revenue commissioner shall certify to the redevelopment agency the tax allocation increment base, as defined by this Act, as of the effective date of the creation of such tax allocation district. Such certification shall supersede any prior certification and, unless amended pursuant to subsection (b) of Code Section 36-44-10, shall constitute the tax allocation increment base of the tax allocation district.

SECTION 10.

This Act shall become effective on its approval by the Governor or upon its becoming

law without such approval; provided, however, that the definition of "ad valorem property taxes" provided for in Section 1 of this Act shall not be effective as to the calculation of the tax allocation increment base of any tax allocation district for which a political subdivision has issued tax allocation bonds, notes, or certificates prior to the effective date hereof, and the definition of such term effective prior to the effective date hereof shall remain effective as to any such tax allocation district.

SECTION 11.

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 Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
Y Crawford
Y Cummings
N Davis
N Day Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps Everson Fleming
Y Floyd, H
Y Floyd, J
Y 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
N Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E 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
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 Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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 Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
N Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 6.

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

Representative Jamieson of the 28th 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 379. By Representatives Bridges of the 10th and Cummings of the 16th:

A BILL to be entitled an Act to amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees´ Retirement System of Georgia, so as to provide that a member of such retirement system employed on or after July 1, 2006, who has an impairment which prevents him or her from performing his or her duties in the position he or she held at the onset of the impairment shall not be entitled to receive a disability allowance unless his or her employer certifies that there is no available position comparable in compensation which such employee is capable of performing; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees´ Retirement System of Georgia, so as to provide that a member of such retirement system applying for a disability retirement shall notify the employing agency; to provide that the employing agency shall determine if an alternative position is available for such employee; to provide conditions for such alternative employment; to provide for a written offer and acceptance or appeal; to provide procedures for an appeal; to provide that such employee who refuses to accept an offer of alternative employment shall not be eligible for a disability retirement; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees´ Retirement System of Georgia, is amended by striking in its entirety subsection (b) of Code Section 47-2-123, relating to allowance payable upon death,

disability, or involuntary separation from employment under the Employees´ Retirement System of Georgia, restrictions on separating from employment, restrictions on separating from state service, and employee entitled to involuntary separation benefits, and inserting in lieu thereof the following:

"(b)(1) Subject to the provisions of paragraphs (2) through (5) of this subsection, any ~~Any~~ member in service who has at least 15 years of creditable service may be retired on a disability allowance by the board of trustees, upon written application to the board of trustees by the member or his or her employer and upon certification by the medical board that he or she is medically or physically incapable of further performance of his or her duties in the position he or she held at the time his or her disability originated, that incapacity is likely to be permanent, and that he or she should be retired; provided, however, that the medical board shall not consider any evidence of such disability which is not submitted within 12 months after the date the member submits his or her first application for a disability retirement. The board of trustees may retire such member not less than 30 days nor more than 90 days after execution and filing of the written application.

(2) A member making application for a disability retirement pursuant to paragraph (1) of this subsection shall at the same time submit a copy of such application together with any supporting documentation accompanying such application to his or her employing agency. The member shall thereafter provide the employing agency with any additional information or documentation which he or she submits to the board of trustees in conjunction with such application.

(3) After receipt of the notice provided for in paragraph (2) of this subsection, the head of the member's agency shall conduct an interview with the member applying for disability retirement. The interview shall be held within ten business days after receipt of such notice. Based on the interview and information received by the agency pursuant to paragraph (2) of this subsection, the agency head shall determine if an alternative position is available for the member which meets the following requirements:

(A) The physical requirements for such position are compatible with the member's physical limitations;

(B) The annual compensation and possibility for future advancement for such position shall be the same as or greater than that of the current position of the member;

(C) The duties for such position shall be reasonably compatible with the experience and educational qualifications of the member;

(D) The position shall be one which includes the holder thereof as a member of the retirement system provided for by this chapter; and

(E) The position must be available for acceptance by the member and an offer of the position to the official or member must be made, in writing, by not later than 45 days after the member submitted his or her application for a disability retirement.

An agency making an offer of alternative employment as provided in this paragraph shall so notify the board of trustees within 30 days after the member submitted his or

her application for a disability retirement. After receipt of such notice, the board of trustees shall not approve a disability retirement until the procedures of paragraph (4) of this subsection are resolved.

(4) Any member applying for a disability retirement who is offered a position of employment in conformity with the requirements of paragraph (3) of this subsection shall accept the offer or dispute his or her ability to perform the tasks required by the position offered by submitting a written appeal to the agency and to the board of trustees within 30 days after receiving the offer. In the event of an appeal, the agency shall promptly submit to the medical board a detailed description of the requirements of the position offered and the medical board shall determine, based upon all information available to it, whether the member is reasonably capable of performing such tasks. The decision of the medical board shall be final. If the medical board determines that the member is unable to perform the tasks required either by the position held at the time of the application for a disability retirement or the position offered, the member shall be placed on disability retirement immediately.

(5) A member who refuses to accept a position offered or file an appeal in a timely manner or who refuses to accept a position which the medical board has determined on appeal that he or she is capable of performing shall not be eligible to receive a disability retirement under this subsection."

SECTION 2.

This Act shall become effective on July 1, 2006, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2006, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

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

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

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

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F

Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E Cox
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
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 Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

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

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

Representative Stanley-Turner of the 53rd 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 1223. By Representatives Brown of the 69th, Cooper of the 41st, O`Neal of the 146th, Coleman of the 144th, Epps of the 128th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to revise certain provisions relating to contracts between county boards and authorization for and provisions applicable to a county board of health serving as a community service board; to amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to revise and add certain definitions relating to community service boards; to revise certain provisions relating to the designation of boundaries for mental health,

developmental disabilities, and addictive diseases regions; to revise certain provisions relating to the creation, membership, participation, powers, and bylaws of community mental health, developmental diseases, and addictive diseases service boards; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following substitute, offered by Representative Brown of the 69th, was read:

A BILL

To amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to revise certain provisions relating to contracts between county boards and authorization for and provisions applicable to a county board of health serving as a community service board; to amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to revise and add certain definitions relating to community service boards; to revise certain provisions relating to the designation of boundaries for mental health, developmental disabilities, and addictive diseases regions; to revise certain provisions relating to the creation, membership, participation, powers, and bylaws of community mental health, developmental diseases, and addictive diseases service boards; to revise certain provisions relating to the program director, staff, budget, and facilities of community service boards; to provide for the ceasing of operations of a community service board; to revise certain provisions relating to director's emergency powers upon failure of community service board to establish and administer progress; to revise certain provisions relating to allocation of available funds for services; to revise certain provisions relating to venue in actions against community service boards; to add a definition relating to payment of expenses for support, treatment, and care of patients in state institutions; to provide for statutory construction; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, is amended by striking Code Section 31-3-12.1, relating to contracts between county boards and authorization for and provisions applicable to a county board of health serving as a community service board, in its entirety and inserting in its place the following:

"31-3-12.1.

(a) In addition to any other power authorized by law, the county governing authority may authorize the county board of health to enter into a contract with the department or a community mental health, developmental disabilities, and addictive diseases service board created under Chapter 2 of Title 37 to provide certain mental health, developmental disabilities, and addictive diseases services based on the contractual

agreement between the parties. ~~Further, a county governing authority may authorize a county board of health, wherever applicable, to serve as the community mental health, developmental disabilities, and addictive diseases service board, provided that the county governing authority, the board of health, and any other affected county governing authority acts pursuant to subsection (e) of Code Section 37-2-6~~. In the event that the county governing authority exercises the authority granted by this ~~Code section~~ subsection, ~~Chapter 2 of Title 37, or Code Section 37-2-6,~~ the county board of health shall appoint a director for mental health, developmental disabilities, and addictive diseases or a supervisor of the specific service which is being provided by the county board of health, whichever is applicable, who shall meet the requirements established by this ~~Code section~~ subsection. The director for mental health, developmental disabilities, and addictive diseases, or the service supervisor, shall not be required to be a physician and shall be a person other than the director of the county board of health appointed pursuant to Code Section 31-3-11. Further, such director for mental health, developmental disabilities, and addictive diseases or such supervisor of the specific service shall report directly to ~~the community service board or~~ the county board of health~~, whichever is applicable,~~ and shall have no formal reporting relationship with the director of the county board of health.

(b) Pursuant to subsection (e) of Code Section 37-2-6, a county governing authority may authorize the membership of a county board of health to serve as the membership of a community mental health, developmental disabilities, and addictive diseases service board, provided that the county governing authority, the county board of health, and any other affected county governing authority act pursuant to subsection (e) of Code Section 37-2-6. If the membership of a county board of health exercises the authority granted pursuant to this ~~Code section~~ subsection and Chapter 2 of Title 37 to serve as the membership of a community service board, the membership of the county board of health shall constitute the membership of the community service board and, at any time that such members are exercising duties and powers related to mental health, developmental disabilities, and addictive diseases, the community service board shall be an independent agency and shall operate in accordance with the provisions of Title 37 as a community service board. Notwithstanding any provisions of law to the contrary, a community service board and a county board of health which have the same membership may contract with each other, provided that any such contract is approved by the department prior to adoption."

SECTION 2.

Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by striking paragraphs (4) and (20) of Code Section 37-1-1, relating to definitions regarding general provisions relative to mental health, in their entirety and inserting in their respective places the following:

"(4) 'Community service board' means a public mental health, developmental disabilities, and addictive diseases board established pursuant to Code Section 37-2-6 ~~which provides one or more mental health, developmental disability, and addictive~~

~~disease services through contract with the department. Such community service board may enroll with the department to become a provider of specific mental health, developmental disability, and addictive disease services with such services being negotiated and contracted annually with the department~~."

"~~(20) 'Service area' means a community service area.~~"

SECTION 3.

Said title is further amended by striking paragraph (2) of Code Section 37-2-2, relating to definitions relative to the administration of mental health, developmental disabilities, addictive diseases, and other disability services, in its entirety and inserting in its place the following:

"(2) 'Community service board' means a public mental health, developmental disabilities, and addictive diseases board established pursuant to Code Section 37-2-6 ~~which provides one or more mental health, developmental disabilities, and addictive diseases services through contract with the department. Such community service board may enroll with the department to become a provider of specific mental health, developmental disabilities, and addictive diseases services with such services being negotiated and contracted annually with the department~~.

(2.1) 'Community service board area' means an area inclusive of the counties which fall within the boundaries of a community service board as designated by the division pursuant to subsection (b) of Code Section 37-2-3 for the establishment of a community service board.

(2.2) 'Community service board service area' means a community service board area and any other county or portion thereof in which the community service board provides services."

SECTION 4.

Said title is further amended by striking subsection (b) of Code Section 37-2-3, relating to designation of boundaries for mental health, developmental disabilities, and addictive diseases regions, in its entirety and inserting in its place the following:

"(b) The division, with the approval of the commissioner, shall designate community service board areas, which shall serve as boundaries for the establishment ~~and operation~~ of community service boards within this state for the purpose of delivering disability services. The division shall be authorized to initiate the redesignation of such community service board area boundaries and may consider requests from a county or group of counties or a community service board or a group of community service boards for recommended changes to the boundaries of the community service board areas. The division, with the approval of the commissioner, is authorized to redesignate two or more contiguous community service board areas as a single community service board area upon the request of the community service boards serving such areas; and, if so authorized, the assets, equipment, and resources of such community service boards shall become the assets, equipment, and resources of the reconstituted community service board serving the successor single board area. It is the intent of the General

Assembly not to limit a community service board to serving only those counties within the boundaries of its community service board area."

SECTION 5.

Said title is further amended by striking Code Section 37-2-6, relating to the creation, membership, participation, powers, and bylaws of community mental health, developmental diseases, and addictive diseases service boards, in its entirety and inserting in its place the following:

"37-2-6.

(a) Community service boards~~, created in conformity with the service areas established pursuant to subsection (b) of Code Section 37-2-3, shall~~ in existence on June 30, 2006, are re-created effective July 1, 2006, to provide ~~one or more~~ mental health, developmental ~~disability~~ disabilities, and addictive ~~disease~~ diseases services ~~through contract with the department~~. Such community service boards may enroll and contract with the department to become a provider of ~~specific~~ mental health, developmental disabilities, and addictive diseases services ~~with such services being negotiated and contracted annually with the department~~. Such boards shall be considered public agencies. Each community service board shall be a public corporation and an instrumentality of the state ~~within the boundaries determined under subsection (b) of Code Section 37-2-3 served by the community service board~~; provided, however, the liabilities, debts, and obligations of a community service board shall not constitute liabilities, debts, or obligations of the state or any county or municipal corporation and neither the state nor any county or municipal corporation shall be liable for any liability, debt, or obligation of a community service board. Each community service board re-created pursuant to this Code section is created for nonprofit and public purposes to exercise essential governmental functions. The re-creation of community service boards pursuant to this Code section shall not alter the provisions of Code Section 37-2-6.2 which shall apply to those re-created community service boards and their employees covered by that Code section and those employees´ rights are retained.

(b) Each community service board shall consist of members appointed by the ~~county~~ governing authorities of the counties within the community service board area ~~from nominations by the boards of health of the counties within the boundaries of the community service board~~. Membership on such community service board shall be determined as follows:

(1)(A) ~~Each~~ The governing authority of each county within the community service board area: ~~with~~

(i) With a population of 50,000 or less according to the most recent United States decennial census ~~of 1990 or any future such census~~ shall appoint one member to the board; and

~~(2)~~(ii) ~~Each county with~~ With a population of more than 50,000 according to the most recent United States decennial census ~~of 1990 or any future such census~~ shall appoint one member for each population increment of 50,000 or any portion thereof; or

~~(3)~~(B) ~~The appointment or appointments for each county shall be made by the county governing authority;~~ In the event that the number of community service board member positions established in accordance with subparagraph (A) of this paragraph would exceed 13, the membership of such community service board pursuant to this subsection shall be set at 13 members and shall be appointed as follows and the bylaws shall be amended accordingly:

(i) One member of the community service board shall be appointed by the governing authority of each county within the community service board area. In the case that such method of appointment results in more than 13 members appointed to the community service board, appointments to the community service board shall be made by the governing authority of each county within the community service board area in descending order from the county with the largest population to the county with the smallest population according to the most recent United States decennial census until all 13 members of the community service board are appointed; and

(ii) If after such appointments are made, if one or more county governing authorities have failed to make an appointment and one or more membership positions remain to be filled, the governing authorities of the counties within the community service board area in descending order from the county with the largest population to the county with the smallest population according to the most recent United States decennial census shall each appoint one member and such methods in division (i) and this division of this subparagraph shall be repeated until all of the remaining positions are filled;

~~(4)~~ The county governing authority shall appoint as at least one of its appointments a consumer of disability services~~,~~ or a family member of a consumer~~, an advocate for disability services, or a local leader or businessperson with an interest in mental health, developmental disabilities, and addictive diseases~~; provided, however, that for counties with more than one appointment, the county governing authority shall seek to ensure that such appointments represent various groups and disability services;

~~(5)~~(2) ~~The chief executive or a designee of the chief executive of each county governing authority or municipal governing authority which contributes funding or resources which equal or exceed one-half of 1 percent of the budget allocation from the division for disability services within the area governed by the community service board shall serve as an ex-officio, voting member of the community service board; and~~ In addition to the members appointed pursuant to paragraph (1) of this subsection, each community service board may appoint up to three additional members in order to address variation in the population sizes of counties or the financial contributions of counties within the community service board area or may authorize the elected chief executive officer of a county governing authority, by whatever name called, or an elected member of that county governing authority to serve on the community service board while holding such elective office. The bylaws of the community service board shall address the number of such additional members, if any, and the purpose or

purposes for which such positions are created. The term of office of such additional members shall be the same as that of other members as provided in subsection (h) of this Code section; except that the term of office of a member in a position created to authorize the elected chief executive officer of a county governing authority, by whatever name called, or an elected member of that county governing authority to serve on the community service board shall be the same term of office as the elective term of office of said chief executive officer or said member of that county governing authority;

(3) Each community service board in existence on June 30, 2006, shall reconstitute its membership in accordance with the provisions of paragraphs (1) and (2) of this subsection, effective July 1, 2006, as follows:

(A) A community service board which increases or reduces the number of its members in accordance with paragraphs (1) and (2) of this subsection shall revise its bylaws adopted in accordance with subsection (h) of this Code section to reflect such increases or reductions. A community service board which reduces the number of its members shall designate which position or positions are to be eliminated and shall make reasonable efforts to eliminate any position or positions of members whose terms expire on or before June 30, 2006; provided, however, that members serving on a community service board whose terms do not expire on or before June 30, 2006, shall continue to serve out the terms of office to which they were appointed, regardless of whether this causes a board to temporarily exceed the maximum number of members. Any additional positions created in conformity with such paragraphs (1) and (2) may be filled on July 1, 2006, and the governing authority of a county that is otherwise authorized to appoint such additional community service board member or members may do so no sooner than May 1, 2006, but any person so appointed shall not take office until July 1, 2006. If a position on such community service board is not filled on July 1, 2006, a vacancy in that position shall be deemed to have occurred on that date. A community service board is authorized to make whatever changes necessary in the terms of office of its members in order to achieve the staggering of terms required by subsection (h) of this Code section; and

(B) The term of office of an ex officio, voting member of a community service board holding membership on June 30, 2006, shall expire on June 30, 2006; and

~~(6)~~(4)(A) A person shall not be eligible to be appointed to or serve on a community service board if such person is:

(i) A member of the regional planning board which serves the region in which that community service board is located;

(ii) An employee or board member of a public or private entity which contracts with the division to provide mental health, developmental disabilities, and addictive diseases services within the region; or

(iii) An employee of that community service board or employee or board member of any private or public group, organization, or service provider which contracts with or receives funds from that community service board.

(B) A person shall not be eligible to be appointed to or serve on a community service board if such person's spouse, parent, child, or sibling is a member of that community service board or a member, employee, or board member specified in division (i), (ii), or (iii) of subparagraph (A) of this paragraph. With respect to appointments by the same county governing authority, no person who has served a full term or more on a community service board may be appointed to a regional planning board until a period of at least two years has passed since the time such person served on the community service board, and no person who has served a full term or more on a regional planning board may be appointed to a community service board until a period of at least two years has passed since the time such person has served on the regional planning board.

(5) A community service board created in accordance with this subsection shall reconstitute its membership in conformity with the most recent United States decennial census in accordance with subparagraph (d)(2)(C) of Code Section 1-3-1.

(b.1) A county governing authority may appoint the school superintendent, a member of the board of health, a member of the board of education, or any other elected or appointed official to serve on the community service board provided that such person meets the qualifications of paragraph ~~(4)~~ (1) of subsection (b) of this Code section and such appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office which begin July 1, 1994, or later, an employee of the Department of Human Resources or an employee of a county board of health may not serve on a community service board.

(c) In making appointments to the community service board, the ~~various~~ county governing authorities shall ensure that such appointments are reflective of the cultural and social characteristics, including gender, race, ethnic, and age characteristics, of the ~~regional~~ community service board area and county populations. The county governing authorities are further encouraged to ensure that each disability group is ~~viably and capably~~ represented on the community service board, and in making ~~nominations for~~ such appointments the ~~board of health shall~~ county governing authorities may consider suggestions from clinical professional associations as well as advocacy groups~~, including but not limited to the Georgia Mental Health Consumer Network, People First of Georgia, the Georgia Parent Support Network, National Alliance for the Mentally Ill Georgia, the American Association for Retired Persons, Georgians for Children, the National Mental Health Association of Georgia, Georgia ARC Network, and the Georgia Council on Substance Abuse and their local chapters and affiliates~~. For the purposes of this subsection, 'advocacy groups' means any organizations or associations that advocate for, promote, or have an interest in disability services and are exempted as a charitable organization from federal income tax pursuant to Section 501(c) of the Internal Revenue Code; provided, however, that 'advocacy groups' shall not mean paid providers of disability services.

(c.1) A county governing authority in making appointments to the community service board shall take into consideration that at least one member of the community service board is an individual who is trained or certified in finance or accounting; provided,

however, if after a reasonable effort at recruitment there is no person trained or certified in finance or accounting within the community service board area who is willing and able to serve, the county governing authority may consider for appointment any other person having a familiarity with and concern for financial or accounting practices.

(d) Each county ~~within the boundaries established for~~ in which the governing authority of the county is authorized to appoint members to the community service board shall participate with the board in the operation of the program through the community service board. All contractual obligations, including but not limited to real estate leases, rentals, and other property agreements, other duties, rights, and benefits of the mental health, developmental disabilities, and addictive diseases service areas in existence on ~~December 31, 2002~~ June 30, 2006, shall continue to exist along with the new powers granted to the community service boards effective ~~January 1, 2003~~ July 1, 2006.

(e) Notwithstanding any other provision of this chapter, a community service board may be constituted in a method other than that outlined in subsection (b) of this Code section if:

(1) A board of health of a county desiring to be the lead county board of health for that county submits a written agreement to the division before July 1, 1993, to serve as the community service board and to continue providing disability services in that county after July 1, 1994, and the governing authority for that county adopts a resolution stating its desire to continue the provision of disability services through its board of health after July 1, 1994, and submits a copy of such resolution to the division before July 1, 1993; or

(2)(A) The lead county board of health for a community mental health, mental retardation, and substance abuse service area, as designated by the division on July 15, 1993, but which area excludes any county which meets the requirements of paragraph (1) of this subsection, submits a written agreement to the division and to all counties within such service area to serve as the community service board for that area and to continue providing disability services after July 1, 1994, which agreement shall be submitted between July 31, 1993, and December 31, 1993; and

(B) Each county governing authority which is within the service area of a lead county board of health which has submitted an agreement pursuant to subparagraph (A) of this paragraph adopts a resolution stating its desire to continue the provision of disability services through such lead county board of health after July 1, 1994, and submits a copy of that resolution to the division, the regional board, and the lead county board of health between July 31, 1993, and December 31, 1993; and

(3) The lead county board of health qualifying as such under paragraph (1) or (2) of this subsection agrees in writing to appoint a director for mental health, mental retardation, and substance abuse other than the director of the county board of health as stipulated in Code Section 31-3-12.1, to appoint an advisory council on mental health, mental retardation, and substance abuse consisting of consumers, families of consumers, and representatives from each of the counties within the boundaries of the

community service board, and to comply with all other provisions relating to the delivery of disability services pursuant to this chapter.

(f) If the conditions enumerated in subsection (e) of this Code section are not met prior to or on December 31, 1993, a community service board as provided in subsection (b) shall be established and appointed by January 31, 1994, to govern the provision of disability services within the boundaries of the community service board. Such community service board shall have the authority to adopt bylaws and undertake organizational and contractual activities after January 31, 1994; provided, however, that the community service board established pursuant to this Code section may not begin providing services to clients until July 1, 1994.

(g) If a community service board is established pursuant to paragraph (2) of subsection (e) of this Code section, such community service board must operate as established at least until June 30, 1996; provided, however, that in each fiscal year following June 30, 1996, the counties included under the jurisdiction of such a community service board may vote to reconstitute the community service board pursuant to the provisions of subsection (b) of this Code section by passage of a resolution by a majority of the county governing authorities within the jurisdiction of the community service board prior to January 1, 1997, or each year thereafter.

(h) Each community service board shall adopt bylaws and operational policies and guidelines in conformity with ~~procedures established by the division~~ the provisions of this chapter. Those bylaws shall address board appointment procedures, initial terms of board members, the staggering of terms, quorum, a mechanism for ensuring that consumers of disability services and family members of consumers constitute ~~a majority~~ no less than 50 percent of the ~~appointed~~ board members appointed pursuant to subsection (b) of this Code section, and a mechanism for ensuring equitable representation of the various disability groups. A quorum for the transaction of any business and for the exercise of any power or function of the community service board shall consist of a majority of the total number of filled board member positions appointed pursuant to subsection (b) of this Code section. A vote of the majority of such quorum shall be the act of the governing board of the community service board except where the bylaws of the community service board may require a greater vote. The regular term of office for each community service board member shall be three years. Vacancies on such board shall be filled in the same manner as the original appointment. For the purposes of this subsection, 'equitable representation of the various disability groups' shall mean that consumers and family members of such consumers who constitute no less than 50 percent of the board members holding membership pursuant to subsection (b) of this Code section shall be appointed so as to assure that an equal number of such members to the fullest extent possible represents mental health, developmental disabilities, and addictive diseases interests.

(i) Each community service board which is composed of members who are appointed thereto by the governing authority of only one county shall have a minimum of six and no more than 13 members, not including ~~ex officio members~~ any additional members appointed pursuant to paragraph (2) of subsection (b) of this Code section,

notwithstanding the provisions of subsection (b) of this Code section, which members in all other respects shall be appointed as provided in this Code section.

(j) No officer or employee of a community service board who has authority to take, direct others to take, recommend, or approve any personnel action shall take or threaten action against any employee of a community service board as a reprisal for making a complaint or disclosing information concerning the possible existence of any activity constituting fraud, waste, or abuse in or relating to the programs, operations, or client services of the board to the board or to a member of the General Assembly unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Any action taken in violation of this subsection shall give the public employee a right to have such action set aside in a proceeding instituted in the superior court.

(k) A member of a community service board who after notice that such member has failed to complete any required training prescribed by the department pursuant to paragraph (4) of subsection (b) of Code Section 37-1-20 continues such failure for 30 days may be removed from office by the remaining members of the community service board.

(l) A member of a community service board may resign from office by giving written notice to the executive director of the community service board. The resignation is irrevocable after delivery to such executive director but shall become effective upon the date on which the notice is received or on the effective date given by the member in the notice, whichever date is later. The executive director, upon receipt of the resignation, shall give notice of the resignation to the remaining members of the community service board and to the chief executive officer or governing authority of the county that appointed the member.

(m) The office of a member of a community service board shall be vacated upon such member's resignation, death, or inability to serve due to medical infirmity or other incapacity, removal by the community service board as authorized in this Code section or upon such other reasonable condition as the community service board may impose under its bylaws.

(n) A member of a community service board may not enter upon the duties of office until such member takes the following oath of office:

STATE OF GEORGIA

COUNTY OF _____

I, _____, do solemnly swear or affirm that I will truly perform the duties of a member of the _____ Community Service Board to the best of my ability.

<u>I do further swear or affirm:</u>

<u>(1) That I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;</u>

<u>(2) That I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding;</u>

(3) That I am otherwise qualified to hold said office according to the Constitution and the laws of Georgia; and
(4) That I will support the Constitution of the United States and this state.

_____
Signature of member of
_____ Community Service Board

_____
Typed name of member of
_____ Community Service Board

Sworn and subscribed
before me this _____ day
of _____, ____.
(SEAL)"

SECTION 6.

Said title is further amended by striking Code Section 37-2-6.1, relating to the program director, staff, budget, and facilities of community service boards, in its entirety and inserting in its place the following:

"37-2-6.1.

(a) Each community service board shall employ an executive director to serve as its chief executive officer who shall direct the day-to-day operations of the community service board. Such executive director shall be appointed and removed by the community service board and shall appoint other necessary staff pursuant to an annual budget adopted by the board, which budget shall provide for securing appropriate facilities, sites, and professionals necessary for the provision of disability services. The community service board may delegate any power, authority, duty, or function to its executive director or other staff. The executive director or other staff is authorized to exercise any power, authority, duty, or function on behalf of the community service board.

(b) Each community service board, under the jurisdiction of its board, shall perform duties, responsibilities, and functions and may exercise power and authority described in this subsection. Each program may exercise the following power and authority:

(1) Each community service board may adopt bylaws for the conduct of its affairs; provided, however, that the community service board shall meet at least quarterly, and that all such meetings and any bylaws shall be open to the public, as otherwise required under Georgia law;

(2) Each community service board may make and enter into all contracts necessary and incidental to the performance of its duties and functions;

(3) Each community service board may acquire by purchase, gift, lease, or otherwise and may own, hold, improve, use, and sell, convey, exchange, transfer, lease,

sublease, and dispose of real and personal property of every kind and character, or any interest therein, for its corporate purposes;

(4) Each community service board may contract to utilize the services of the Department of Administrative Services, the State Merit System of Personnel Administration, the state auditor, or any other agency of state, local, or federal government;

(5) Each community service board may provide, either independently or through contract with appropriate state or local governmental entities, the following benefits to its employees, their dependents, and survivors, in addition to any compensation or other benefits provided to such persons:

(A) Retirement, pension, disability, medical, and hospitalization benefits, through the purchase of insurance or otherwise, but medical and hospitalization benefits may only be provided through the Department of Community Health under the same conditions as provided for such benefits to state employees, and the Department of Community Health shall so provide if requested;

(B) Life insurance coverage and coverage under federal old age and survivors´ insurance programs;

(C) Sick leave, annual leave, and holiday leave; and

(D) Any other similar benefits including, but not limited to, death benefits;

(6) Each community service board may cooperate with all units of local government ~~within the boundaries of~~ in the counties where the community service board provides services as well as neighboring regions and with the programs of other departments, agencies, and regional commissions and regional planning boards;

(7) Each community service board shall establish and maintain a personnel program for its employees and fix the compensation and terms of compensation of its employees; provided, however, each community service board shall comply with the provisions of Chapter 20 of Title 45, relating to state personnel administration, for as long as and to the extent that each employee of such board ~~shall be~~ who is a covered employee as defined in Code Section 45-20-2~~,~~ and is subject to the rules and regulations of the ~~state merit system~~ State Merit System of Personnel Administration remains in a covered position or as otherwise provided by law;

(8) Each community service board may receive and administer grants, gifts, contracts, moneys, and donations for purposes pertaining to the delivery of disability services;

(9) Each community service board may establish fees for the provision of disability services according to the terms of contracts entered into with the Department of Human Resources and the Department of Community Health ~~state-wide standards~~;

(10) Each community service board may accept appropriations, loans of funds, facilities, equipment, and supplies from ~~the~~ local governmental entities ~~within its boundaries~~ in the counties where the community service board provides services;

(11) Each member of the community service board may, upon approval of the executive director, receive reimbursement for actual expenses incurred in carrying out the duties of such office; provided, however, such reimbursement shall not exceed the

~~in conformance with~~ rates and allowances set for state employees by the Office of Planning and Budget ~~and the same~~ ~~milage~~ or the mileage allowance for use of a personal car as that received by all other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier;

(12) Each community service board shall elect a chairperson and vice chairperson from among its membership~~; and the~~. The members shall also elect a secretary and treasurer from among its membership or may designate the executive director of the community service board to serve in one or both offices. Such officers shall serve for such terms as shall be prescribed in the bylaws of the community service board or until their respective successors are elected and qualified. No member shall hold more than one office of the community service board; except that the same person may serve as secretary and treasurer. The bylaws of the community service board shall provide for any other officers of such board and the means of their selection, the terms of office of the officers, and an annual meeting to elect officers;

(13) Each community service board may have a seal and alter it;

(14) Each community service board may contract with the State Merit System of Personnel Administration regarding its personnel who remain in the classified service;

(15) Each community service board may establish fees, rates, rents, and charges for the use of facilities of the community service board for the provision of disability services ~~when approved by~~ in accordance with the terms of contracts entered into with the department;

(16) Each community service board may borrow money for any business purpose and may incur debt, liabilities, and obligations for any business purpose. A debt, liability, or obligation incurred by a community service board shall not be considered a debt, liability, or obligation of the state or any county or any municipality or any political subdivision of the state. A community service board may not borrow money as permitted by this Code section if the highest aggregate annual debt service requirements of the then current fiscal year or any subsequent year for outstanding borrowings of the community service board, including the proposed borrowing, exceed 15 percent of the total revenues of the community service board in its fiscal year immediately preceding the fiscal year in which such debt is to be incurred. Interest paid upon such borrowings shall be exempt from taxation by the state or its political subdivisions. A state contract with a community service board shall not be used or accepted as security or collateral for a debt, liability, or obligation of a community service board without the prior written approval of the commissioner;

(17) Each community service board, to the extent authorized by law and the contract for the funds involved, may carry forward without lapse fund balances and establish operating, capital, and debt reserve accounts from revenues and grants derived from state, county, and all other sources; and

(18) Each community service board may operate, establish, or operate and establish facilities deemed by the community service board as necessary and convenient for the administration, operation, or provision of disability services by the community service

board and may construct, reconstruct, improve, alter, repair, and equip such facilities to the extent authorized by state and federal law.

(c) Nothing shall prohibit a community service board from contracting with any county governing authority, private or other public provider, or hospital for the provision of disability services.

(d) Each community service board exists for nonprofit and public purposes, and it is found and declared that the carrying out of the purposes of each community service board is exclusively for public benefit and its property is public property. Thus, no community service board shall be required to pay any state or local ad valorem, sales, use, or income taxes.

(e) A community service board does not have the power to tax, the power to issue general obligation bonds or revenue bonds or revenue certificates, or the power to financially obligate the state or any county or any municipal corporation.

(f) A community service board shall not operate any facility for profit. A community service board may fix fees, rents, rates, and charges that are reasonably expected to produce revenues, which, together with all other funds of the community service board, will be sufficient to administer, operate, and provide the following:

(1) Disability services;

(2) The cost of acquiring, constructing, equipping, maintaining, repairing, and operating its facilities; and

(3) The creation and maintenance of reserves sufficient to meet principal and interest payments due on any obligation of the community service board.

(g) Each community service board may provide reasonable reserves for the improvement, replacement, or expansion of its facilities and services. Reserves under this subsection shall be subject to the limitations in paragraph (16) of subsection (b) of this Code section. (h) Each county and municipal corporation of this state is authorized to convey or lease property of such county or municipal corporation to a community service board for its public purposes. Any property conveyed or leased to a community services board by a county or municipal corporation shall be operated by such community service board in accordance with this chapter and the terms of the community service board's agreements with the county or municipal corporation providing such conveyance or lease.

(i) Each community service board shall keep books of account reflecting all funds received, expended, and administered by the community service board which shall be independently audited annually.

(j) ~~When approved by the commissioner, a~~ A community service board may create, form, or become a member of a nonprofit corporation, limited liability company, or other nonprofit entity, the voting membership of which shall be limited to community service boards, governmental entities, nonprofit corporations, or a combination thereof, if such entity is created for purposes that are within the powers of the community service board, for the cooperative functioning of its members, or a combination thereof. No community service board, whether or not it exercises the power authorized by this subsection, shall be relieved of compliance with Chapter 14 of Title 50, relating to open

and public meetings, and Article 4 of Chapter 18 of Title 50, relating to inspection of public records, unless otherwise provided by law.

(k) No community service board shall employ or retain in employment, either directly or indirectly through contract, any person who is receiving a retirement benefit from the Employees´ Retirement System of Georgia except in accordance with the provisions of subsection (c) of Code Section 47-2-110; provided, however, that any such person who is employed as of July 1, 2004, may continue to be employed.

(l) A community service board may join or form and operate, either directly or indirectly, one or more networks of community service boards, disability professionals, and other providers of disability services to arrange for the provision of disability services through such networks; to contract either directly or through such networks with the Department of Community Health to provide services to Medicaid beneficiaries; to provide disability services in an efficient and cost-effective manner on a prepaid, capitation, or other reimbursement basis; and to undertake other disability related managed care activities. For purposes of this subsection only and notwithstanding Code Section 33-3-3 or any other provision of law, a community service board shall be permitted to and shall comply with the requirements of Chapter 20A of Title 33 to the extent that such requirements apply to the activities undertaken by the community service board or by a community service board under this subsection or subsection (j) of this Code section. No community service board, whether or not it exercises the powers authorized by this subsection, shall be relieved of compliance with Article 4 of Chapter 18 of Title 50, relating to inspection of public records, unless otherwise provided by law. Any licensed health care provider shall be eligible to apply to become a participating provider under such a plan or network that provides coverage for health care or disability services which are within the lawful scope of the provider's license, but nothing in this Code section shall be construed to require any such plan or network to provide coverage for any specific health care or disability service."

SECTION 7.

Said title is further amended by adding after Code Section 37-2-6.4, relating to reconstituting or converting of organizational structure, a new Code section to read as follows:

"37-2-6.5.

(a) By joint action of the membership of a community service board created pursuant to Code Section 37-2-6 and the governing authority of each county ~~that contributes funds or resources to such board~~ within the community service board area, such community service board may cease operations; provided, however, such community service board shall notify the commissioner at least 90 days in advance of the meeting of the community service board in which such action is to be taken. Such joint action shall indicate the date on which the community service board shall cease operations.

(b) Upon receipt of notification that a community service board intends to cease operations, the commissioner shall notify the chairperson and executive director of such

community service board and the governing authority of each county within the community service board area of such board that:

(1) The department, after securing the approval of the Governor, intends to appoint a manager or management team to manage and operate the programs and services of the community service board in accordance with the provisions of paragraph (1) of subsection (c) of Code Section 37-2-10 until the division shall determine:

(A) That such community service board should continue in operation, provided one or more members appointed to such board in accordance with subsection (b) of Code Section 37-2-6 shall be removed in accordance with subparagraph (c)(3)(H) of Code Section 37-2-10, and the division, acting on behalf of the membership of the community service board, nominates a successor to a removed member and advises the county governing authority that appointed such removed member to appoint a successor;

(B) That all of the members of such community service board appointed in accordance with subsection (b) of Code Section 37-2-6 shall be removed and such community service board shall be reconstituted; and that the division shall assist the county governing authorities in making appointments to the new community service board; or

(C) In the case where the membership of such community service board is the membership of a county board of health designated in accordance with Code Section 31-3-12.1 or subsection (e) of Code Section 37-2-6, that the entire membership of the community service board should be removed and the membership of the community service board be reconstituted in accordance with subsection (b) of Code Section 37-2-6;

(2) The division, with the approval of the commissioner, intends to redesignate the boundaries of the community service board area served by such board pursuant to paragraph (1) of subsection (b) of Code Section 37-2-3 by expanding the boundaries of an adjacent community service board area served by another community service board to include the counties in the community service board area served by the community service board that intends to cease operations so that the community service board serving such adjacent area may assume responsibility for the provision of disability services within such counties;

(3) The department intends to request pursuant to Code Section 31-3-12.1 that the governing authority of a county within the community service board area of such board authorize the membership of the board of health of such county to serve as the membership of such community service board; or

(4) The department, after securing the approval of the Governor, intends to appoint a manager or management team to manage and operate the programs and services of the community service board until such time as arrangements can be made to secure one or more alternate service providers to assume responsibility for the provision of services previously provided by the community service board.

(c) If a community service board ceases operation and is succeeded by another community service board pursuant to paragraph (2), a county board of health pursuant

to paragraph (3), or a manager or management team pursuant to paragraph (4) of subsection (b) of this Code section, the division shall make a determination about the disposition of all assets, equipment, and resources purchased with state or federal funding in the possession of the predecessor community service board.

(d) If a community service board ceases operation and one or more alternate service providers assume responsibility for the provision of services previously provided by the community service board pursuant to paragraph (4) of subsection (b) of this Code section, the department shall petition the superior court of the county in which the principal office of that community service board was located for appointment of a receiver of the assets of the community service board for the protection of the board's creditors and the public. The receiver shall be authorized to marshal and sell or transfer assets of the board, and, after payment of the costs, expenses, and approved fees of the proceeding, to pay the liabilities of the community service board. The court shall then decree that the board be dissolved. Upon completion of the liquidation, any surplus remaining after paying all costs of the liquidation shall be distributed, as determined by the court, to the agencies, entities, or providers providing disability services in the community service board area formerly served by the community service board which ceased operations. At no time shall any community service board upon ceasing operations convey any of its property, except as may be otherwise authorized by a superior court in this subsection, to any private person, association, or corporation."

SECTION 8.

Said title is further amended by striking Code Section 37-2-10, relating to director's emergency powers upon failure of community service board to establish and administer progress, in its entirety and inserting in its place the following:

"37-2-10.

(a) Notwithstanding any other provisions of the law, the director with the concurrence of the commissioner and the Governor is authorized to establish and administer community programs on an emergency basis in the event one or more community service boards fail to assume responsibility for the establishment and implementation of an adequate range of disability services or to provide appropriate disability services as determined by the division or substantially breach their contracts with the department pursuant to this chapter.

(b) Upon notification by a community service board of an inability to provide an adequate range of disability services or to provide appropriate services, the director, with concurrence of the commissioner and the Governor, may:

(1) Assume responsibility for the administration and operation of all of the community programs operated by or through such board and, in which case, the programs shall become department programs; the department shall acquire the assets of the community service board; and the community service board employees shall become employees of the department; <u>or</u>

(2) Assume responsibility for the administration and operation of one or more of the community programs operated by or through such board, in which case, such program

or programs shall become a department program or programs; the department shall acquire those assets of the community service board assigned to such program or programs; and the employees of such program or programs shall become employees of the department. Any community service board programs not transferred to the department shall continue to be operated by the community service board and the employees for such programs shall remain community service board employees~~; or~~.

~~(3)~~(c)(1) Notwithstanding any other provisions of the law, the director with the concurrence of the commissioner and the Governor is authorized to ~~Appoint~~ appoint a manager or management team to manage and operate the programs and services of the community service board ~~until such time as a determination has been made that the circumstances or conditions causing the appointment of a manager or management team have been sufficiently corrected. Upon such a determination, the authority to manage and operate the programs and services of the community service board shall be returned to the community service board.~~ if the director finds that the community service board:

(A) Provides notice pursuant to Code Section 37-2-6.5 that such board intends to cease operations;

(B) Intentionally, recklessly, or negligently failed to discharge its duties pursuant to a contract with the department;

(C) Misused state or federal funds;

(D) Engaged in a fraudulent act, transaction, practice, or course of business;

(E) Endangered the life, safety, or health of a consumer served by the community service board;

(F) Failed to keep fiscal records and maintain proper control over its assets;

(G) Failed to respond to a substantial deficiency in a review or audit;

(H) Otherwise substantially failed to comply with this chapter or the rules or standards of the department or division; or

(I) No longer has the fiscal ability to continue to provide contracted services and without the intervention of the department, continued provision of disability services to consumers in the service area is in immediate jeopardy.

(2) In order to carry out the provisions of paragraph (1) of this subsection, the director shall give written notice to the community service board regarding the appointment of a manager or management team and the circumstances on which the appointment is based. The director may require the community service board to pay costs incurred by the manager or management team.

(3) Subject to the determination of the director, a manager or management team appointed pursuant to this subsection may:

(A) Evaluate, redesign, modify, administer, supervise, or monitor a procedure, operation, or the management of the community service board;

(B) Hire, supervise, discipline, reassign, or terminate the employment of an employee of the community service board;

(C) Reallocate the resources and manage the assets of the community service board;

(D) Require that a financial transaction, expenditure, or contract for goods and services be approved by the manager or management team;

(E) Redesign, modify, or terminate a program or service of the community service board;

(F) Direct the members of the community service board, the executive director, chief financial officer, or any other administrative or program manager to take an action;

(G) Exercise a power, duty, authority, or function of the community service board as authorized by this chapter;

(H) Recommend to the director the removal of a member or the executive director of the community service board; and the provisions of any law to the contrary notwithstanding, the director may remove such member or executive director from office; and

(I) Report at least monthly to the director on actions taken.

(4) A manager or management team appointed pursuant to this subsection may not use or dispose of any asset or funds contributed to the community service board by the governing authority of a county or municipal corporation without the approval of such governing authority.

(5) If a manager or management team is appointed pursuant to this Code section, the department may:

(A) Upon a determination that the conditions that gave rise to the appointment of a manager or management team pursuant to this subsection have been met and that such manager or management team is no longer necessary, terminate the authority delegated to such manager or management team and restore authority to the community service board to manage and operate the services and programs of the community service board; or

(B) Operate and manage the programs of the community service board until such time as arrangements can be made to secure one or more alternative service providers to assume responsibility for the provision of services previously provided by the community service board. If this option is exercised, the department shall petition the appropriate superior court for appointment of a receiver pursuant to subsection (d) of Code Section 37-2-6.5.

(6) Nothing in this subsection shall be construed to prohibit the department from canceling a contract with a community service board."

SECTION 9.

Said title is further amended by striking subsection (b) of Code Section 37-2-11, relating to allocation of available funds for services, in its entirety and inserting in its place the following:

"(b) Fees generated, if any, by hospitals, community service boards, and other private and public providers, providing services under contract or purview of the ~~regional offices~~ division, shall be reported to the ~~regional offices~~ division and applied wherever appropriate against the cost of providing, and increasing the quantity and quality of,

disability services; provided, however, that income to a community service board derived from fees may be used to further the purposes of such community service board as found in Code Section 37-3-6.1, subject to appropriations. The division shall be responsible for developing procedures to properly account for the collection, remittance, and reporting of generated fees. The ~~regional offices~~ division shall work with the community service boards and other public or private providers to develop an appropriate mechanism for accounting for the funds and resources contributed to local disability services by counties and municipalities within the area. Such contributions are not required to be submitted to either the community service boards or the ~~regional offices~~ division; however, appropriate documentation and accounting entries shall make certain that the county or municipality is credited, and if necessary compensated, appropriately for such contribution of funds or resources."

SECTION 10.

Said title is further amended by striking paragraph (1) of subsection (c) of Code Section 37-2-11.1, relating to venue in actions against community service boards, in its entirety and inserting in its place the following:

"(c)(1) The community service boards shall be public bodies but shall not be considered agencies of the state or any specific county or municipality. Such community service boards are public agencies in their own right and shall have the same immunity as ~~provided for counties.~~ the State of Georgia. Claims against community service boards and officers and employees thereof shall be governed by Article 2 of Chapter 20 of Title 50, the 'Georgia Tort Claims Act.' No county shall be liable for any action, error, or omission of a community service board. Notwithstanding any provisions of law to the contrary, and regardless of any provisions of law which grant employees of the community service boards benefits under programs operated by the state or which deem them to be state employees only for purposes of those benefits, employees of the community service boards shall not be employees of the state but shall be employees of the community service boards and, further, the state shall not be liable for any action, error, or omission of such employees."

SECTION 11.

Said title is further amended by adding a paragraph to Code Section 37-9-2, relating to definitions regarding payment of expenses for support, treatment, and care of patients in state institutions generally, to read as follows:

"(1.5) 'Community service board' means a public mental health, developmental disabilities, and addictive diseases board established pursuant to Code Section 37-2-6."

SECTION 12.

Nothing in this Act shall be construed to affect or abate any right accrued or vested prior to July 1, 2006, or any action or proceeding commenced prior to July 1, 2006, under any

law amended or repealed by this Act.

SECTION 13.

This Act shall become effective July 1, 2006, except that those provisions which authorize community service boards to amend their bylaws and authorize county governing authorities to appoint no sooner than May 1, 2006, any community service board members to take office on July 1, 2006, shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval.

SECTION 14.

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

The following amendment was read and adopted:

Representatives Cooper of the 41st and Brown of the 69th move to *amend the Floor substitute to HB 1223 by striking* "services," *on line 8 of page 6 and inserting in lieu thereof the following:*

services, a child psychiatrist,

The Floor substitute, as amended, was adopted.

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

On the passage of the Bill, by substitute, as amended, 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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y 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	N Jamieson	Y Mosby	Y Smith, L
Y 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
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner

Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
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	E Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	E 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	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y 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	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
E Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 167, nays 1.

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

HB 1502. By Representatives Royal of the 171st, O`Neal of the 146th and Roberts of the 154th:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to provide for additional powers, duties, and authority of the state revenue commissioner with respect to property appraisal and assessment; to change certain provisions relating to bona fide conservation use covenants; to change certain provisions regarding appointment of members of county boards of tax assessors; to change certain provisions regarding qualifications of members of county boards of tax assessors; to change certain provisions regarding eligibility and terms of office of members of county boards of tax assessors; 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 Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A

Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
N Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Coleman, T
Y Cooper
E Cox
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
Y 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
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y 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
E Lane, R
Y Lewis
Y 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
Y 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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Smyre
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 161, nays 1.

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

HB 582. By Representatives Mosley of the 178th and Cummings of the 16th:

A BILL to be entitled an Act to amend Code Section 47-2-99 of the Official Code of Georgia Annotated, relating to the applicability of creditable service in the Employees´ Retirement System of Georgia for persons employed in a temporary full-time position, so as to provide that credit may be granted for service covered by Chapter 22 of Title 47, the Georgia Defined Contribution Plan; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 47-2-99 of the Official Code of Georgia Annotated, relating to the applicability of creditable service in the Employees´ Retirement System of Georgia for persons employed in a temporary full-time position, so as to provide that credit may be granted for service covered by Chapter 22 of Title 47, the Georgia Defined Contribution Plan; to provide conditions for an effective date and automatic repeal, to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-2-99 of the Official Code of Georgia Annotated, relating to the applicability of creditable service in the Employees´ Retirement System of Georgia for persons employed in a temporary full-time position, is amended by striking in its entirety subsection (a) and inserting in lieu thereof the following:

"(a) Any member of the retirement system, including a member subject to the provisions of Code Section 47-2-334, who was, at any time prior to becoming a member, employed by an employer as a temporary full-time employee, may obtain up to 12 months of creditable service for such service as a temporary full-time employee under the conditions contained in this Code section~~; provided, however, that no such credit shall be granted for any period which was covered under Chapter 22 of this title, relating to the Georgia Defined Contribution Plan~~."

SECTION 2.

Said Code section is further amended by striking in its entirety subsection (c) and inserting in lieu thereof the following:

"(c)(1) Any member of the retirement system who was, immediately prior to becoming a member, employed in a position in which he or she was covered under Chapter 22 of this title, relating to the Georgia Defined Contribution Plan, may obtain creditable service for his or her total prior service as a participant in such plan under the conditions contained in this Code section.

(2) One month of creditable service shall be granted for each 160 hours of credited service, not to exceed 12 months of creditable service for all service rendered during any single calendar year.

(3) A member wishing to obtain such creditable service shall pay to the board of trustees such amount as determined by the actuary as necessary to grant such benefit without creating any actuarial accrued liability as to this retirement system.

(4) The board of trustees shall require such proof of service as may be necessary to carry out the provisions of this Code section.

(5) In order to obtain creditable service under this Code section, a member must make application to the board of trustees not later than December 31, 2006, or within six months of becoming a member of this retirement system, whichever date is later.

~~(c)~~(d) Application for creditable service authorized by subsection (a) of this Code section must be received by the board of trustees not later than ~~June 30, 2001~~ December 31, 2006, or 24 months after the member becomes a member of the retirement system, whichever date is later."

SECTION 3.

This Act shall become effective on July 1, 2006, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2006, as required by subsection (a) of Code Section 47-20-50.

SECTION 4.

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

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

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

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	N Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	N May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	N Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Y Morgan	N Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	N 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
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
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	N Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	N Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	E 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	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Henson	Y Manning	Y Royal	Y Yates
E Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 7.

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

Representative Stanley-Turner of the 53rd 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 1290. By Representatives Hill of the 180th, Lewis of the 15th, Lane of the 167th and Lane of the 158th:

A BILL to be entitled an Act to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, so as to prohibit the intentional sale or fraudulent transfer or use of the records of a customer of a telephone service provider; to provide a short title; to provide for a fine, imprisonment of not more than ten years, or both; to exempt law enforcement agencies; to provide definitions; to provide a legislative purpose; 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 5 of Title 46 of the Official Code of Georgia Annotated, relating telephone and telegraph services, so as to provide that the unauthorized sale or use of telephone records of a customer is unlawful and constitutes a felony; to provide a short title; to provide a penalty; to provide for certain exemptions including the actions of law enforcement agencies; to provide definitions; 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 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph services, is amended by adding a new Article 6 to read as follows:

"ARTICLE 6

46-5-200.
This article shall be known and may be cited as the 'Georgia Telephone Records Protection Act.'

46-5-201.
As used in this article, the term:
(1) 'Procure' means to obtain by any means, whether electronically or in writing or in oral form, with or without consideration.
(2) 'Telephone' means any device used by a person for voice communications in connection with the services of a voice service provider, whether such voice communications are transmitted in analog, data, or any other form.
(3) 'Telephone record' means information retained by a voice service provider that relates to a telephone number dialed by the customer or the incoming telephone numbers of calls directed to a customer or other data related to telephone calls typically contained on a customer telephone bill, such as the time the call started and ended, the duration of the call, the time of day the call was made, and any charges applied. For purposes of this article, any information collected and retained by, or on behalf of, customers utilizing caller identification or other similar technology does not constitute a telephone record.
(4) 'Voice service provider' means any person, firm, partnership, corporation association, or municipal, county, or local governmental entity that provides telephone services to a customer, irrespective of the communications technology used to provide such service, including, but not limited to, traditional wireline or cable telephone service; cellular, broadband personal communications service, or other wireless telephone service; microwave, satellite, or other terrestrial telephone service; and voice over Internet protocol service.

46-5-202.
(a) It shall be a felony, punishable by a fine of not more than $250,000.00, imprisonment for not more than ten years, or both, for a person to do any of the following acts:
(1) To knowingly procure, attempt to procure, solicit, or conspire with another to procure a telephone record of any resident or business of this state without the authorization of the customer to whom the record pertains or by fraudulent, deceptive, or false means;
(2) To knowingly sell, or attempt to sell, a telephone record of any resident or business of this state without the authorization of the customer to whom the record pertains; or

(3) To receive a telephone record of any resident or business of this state knowing that the record has been obtained without the authorization of the customer to whom the record pertains or by fraudulent, deceptive, or false means.

46-5-203.
No provision of this article shall be construed so as to prevent any action by a law enforcement agency or any officer or agent of the agency, under color of law, to obtain telephone records in connection with the performance of the official duties of the agency.

46-5-204.
(a) No provision of this article shall be construed to prohibit a voice service provider from obtaining, using, disclosing, or permitting access to any telephone record, either directly or indirectly through its agents, in any of the following circumstances:
(1) As otherwise authorized or permitted by law, including, but not limited to, the sharing of the records with its affiliates;
(2) With the consent or approval of the customer or subscriber;
(3) As may be reasonably incident to the rendition of the service or to the protection of the rights or property of the provider of that service or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of or subscription to the services;
(4) To give access to a governmental entity, if the voice service provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or
(5) To give access to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under Section 227 of the federal Victims of Child Abuse Act of 1990, 42 U.S.C. Section 13032.
(b) The provisions of this article shall not apply to a voice service provider, its employees, agents, or representatives who reasonably and in good faith act pursuant to the provisions of subsection (a) of this Code section, notwithstanding any later determination that the act was not authorized.

46-5-205.
No private right of action is authorized pursuant to this article."

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:

Y Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
E 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
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
Y Hudson
Y Hugley
Y 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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
May
Y McCall
E McClinton
Y Meadows
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
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Smyre
Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Wix
Y Yates
Richardson, Speaker

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

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

The Speaker assumed the Chair.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 1796. By Representative Brown of the 69th:

A RESOLUTION inviting students and faculty members of the LaGrange College Political Science Department; and for other purposes.

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

HB 1302. By Representatives Casas of the 103rd, Fleming of the 117th, Everson of the 106th, Coan of the 101st, Reese of the 98th and others:

A BILL to be entitled an Act to provide for public safety measures for and from young people; to amend Chapter 15 of Title 16 of the O.C.G.A., the "Georgia Street Gang Terrorism and Prevention Act," so as to change certain definitions; to change certain provisions relating to the prohibition against participation in criminal street gang activity; to provide for enhanced penalties for participation in criminal street gang activity; to provide for the admissibility of certain evidence at trial; to amend Title 20 of the O.C.G.A., relating to education, so as to change certain provisions relating to failure to leave school premises after being requested to leave; to change certain provisions relating to check-in requirements and exceptions; to provide for related matters; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To provide for public safety measures for and from young people; to amend Chapter 15 of Title 16 of the Official Code of Georgia Annotated, the "Georgia Street Gang Terrorism and Prevention Act," so as to change certain definitions; to change certain provisions relating to the prohibition against participation in criminal street gang activity; to provide for enhanced penalties for participation in criminal street gang activity; to provide for the admissibility of certain evidence at trial; to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to change certain provisions relating to failure to leave school premises after being requested to leave; to change certain provisions relating to check-in requirements and exceptions; to provide for related matters; to provide for applicability; 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 15 of Title 16 of the Official Code of Georgia Annotated, the "Georgia Street Gang Terrorism and Prevention Act," is amended by striking in its entirety Code Section 16-15-3, relating to definitions, and inserting in lieu thereof the following:

"16-15-3.

As used in this chapter, the term:

(1) 'Criminal gang activity' means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit any of the following offenses on or after July 1, 2006:

(A) Any offense defined as racketeering activity by Code Section 16-14-3;

(B) Any offense defined in Article 7 of Chapter 5 of this title, relating to stalking;

(C) Any offense defined in Code Section 16-6-1 as rape, 16-6-2 as aggravated sodomy, 16-6-3 as statutory rape, or 16-6-22.2 as aggravated sexual battery;

(D) Any offense defined in Article 3 of Chapter 10 of this title, relating to escape and other offenses related to confinement;

(E) Any offense defined in Article 4 of Chapter 11 of this title, relating to dangerous instrumentalities and practices;

(F) Any offense defined in Code Section 42-5-15, 42-5-16, 42-5-17, 42-5-18, or 42-5-19, relating to the security of state or county correctional facilities;

(G) Any offense defined in Code Section 49-4A-11, relating to aiding or encouraging a child to escape from custody;

(H) Any offense of criminal trespass or criminal damage to property resulting from any act of gang related painting on, tagging, marking on, writing on, or creating any form of graffiti on the property of another;

(I) Any criminal offense committed in violation of the laws of the United States or its territories, dominions, or possessions, any of the several states, or any foreign nation which, if committed in this state, would be considered criminal gang activity under this Code section; and

(J) Any criminal offense in the State of Georgia, any other state, or the United States that involves violence, possession of a weapon, or use of a weapon, whether designated as a felony or not, and regardless of the maximum sentence that could be imposed or actually was imposed.

~~(1)~~(2) 'Criminal street gang' means any organization, association, or group of three or more persons associated in fact, whether formal or informal, which engages in ~~a pattern of~~ criminal gang activity as defined in paragraph ~~(2)~~(1) of this Code section. The existence of such organization, association, or group of individuals associated in fact may be established by evidence of a common name or common identifying signs, symbols, tattoos, graffiti, or attire or other distinguishing characteristics.

~~(2) 'Pattern of criminal gang activity' means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit at least two of the following offenses, provided that at least one of these~~

~~offenses occurred after July 1, 1998, and the last of such offenses occurred within three years, excluding any periods of imprisonment, of prior criminal gang activity:~~

~~(A) Any offense defined as racketeering activity by Code Section 16-14-3;~~

~~(B) Any offense defined in Article 7 of Chapter 5 of this title, relating to stalking;~~

~~(C) Any offense defined in Code Section 16-6-1 as rape, 16-6-2 as aggravated sodomy, 16-6-3 as statutory rape, or 16-6-22.2 as aggravated sexual battery;~~

~~(D) Any offense defined in Article 3 of Chapter 10 of this title, relating to escape and other offenses related to confinement;~~

~~(E) Any offense defined in Article 4 of Chapter 11 of this title, relating to dangerous instrumentalities and practices;~~

~~(F) Any offense defined in Code Section 42-5-15, 42-5-16, 42-5-17, 42-5-18, or 42-5-19, relating to the security of state or county correctional facilities; and~~

~~(G) Any offense defined in Code Section 49-4A-11, relating to aiding or encouraging a child to escape from custody.~~"

SECTION 2.

Said chapter is further amended by striking in its entirety Code Section 16-15-4, relating to the prohibition against participation in criminal street gang activity, and inserting in lieu thereof the following:

"16-15-4.

(a) It shall be unlawful for any person employed by or associated with a criminal street gang to conduct or participate in ~~such~~ criminal street gang activity through ~~a pattern of criminal gang activity~~ the commission of any offense enumerated in paragraph (1) of Code Section 16-15-3.

(b) It shall be unlawful for any person employed by or associated with a criminal street gang to commit any offense enumerated in paragraph (1) of Code Section 16-15-3 with knowledge that members of such criminal street gang have committed one or more of such offenses.

(c) It shall be unlawful for any person to commit any offense enumerated in paragraph (1) of Code Section 16-15-3 with the intent to maintain or increase his or her status or position in a criminal street gang.

(d) It shall be unlawful for any person to acquire or maintain, directly or indirectly, through ~~a pattern of~~ criminal gang activity or proceeds derived therefrom any interest in or control of any real or personal property of any nature, including money.

~~(c)~~(e) It shall be unlawful for any person who occupies a position of organizer, supervisory position, or any other position of management with regard to a criminal street gang to engage in, directly or indirectly, or conspire to engage in ~~a pattern of~~ criminal gang activity.

~~(d)~~(f) It shall be unlawful for any person to cause, encourage, solicit, or coerce another to participate in a criminal street gang.

~~(e)~~(g) It shall be unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to deter such person from

assisting a member or associate of a criminal street gang to withdraw from such criminal street gang.

~~(f)~~(h) It shall be unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to punish or retaliate against such person for having withdrawn from a criminal street gang.

~~(g)~~(i)(1) Any person who violates subsection (a), (b), (c), or ~~(b)~~ (d) of this Code section shall, in addition to any other penalty imposed by law, be punished by imprisonment for not less than ~~three~~ five nor more than 15 years or by a fine of not less than ~~$5,000.00~~ $10,000.00 nor more than ~~$10,000.00~~ $15,000.00, or both.

(2) Any person who violates subsection ~~(c)~~(e) of this Code section may, in addition to any other penalty provided by law, be punished by imprisonment for an additional ten years which shall be served consecutively to any other sentence imposed on such person by law.

(3) Any person who violates subsection ~~(d), (e), or~~ (f), (g), or (h) of this Code section shall, in addition to any other penalty provided by law, be punished by imprisonment for not less than ~~one~~ three nor more than ten years.

~~(h)~~(j) Any crime committed in violation of this Code section shall be considered a separate offense."

SECTION 3.

Said chapter is further amended by inserting at the end thereof the following:

"16-15-9.

The commission of any offense enumerated in paragraph (1) of Code Section 16-15-3 by any member of a criminal street gang shall be admissible in any trial or proceeding for the purpose of proving the existence of the criminal street gang and criminal gang activity."

SECTION 4.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by striking subsections (b) and (c) of Code Section 20-2-1180 and inserting in lieu thereof new subsections (b), (c), and (c.1) to read as follows:

"(b) Any person who ~~shall not have any~~:

(1) Is ~~legitimate cause or need to be~~ present upon the premises or within the school safety zone of any public or private school in this state ~~who shall willfully fail~~ and willfully fails to remove himself or herself from such premises after the principal or designee of such school ~~shall request~~ requests him or her to do so; or

(2) Fails to check in at the designated location as required by subsection (c) of this Code section and willfully fails to remove himself or herself from such premises after the principal or designee of such school requests him or her to do so

shall be guilty of a misdemeanor of a high and aggravated nature.

(c) Upon entering any ~~elementary or secondary~~ school building between the official starting time and the official dismissal time, any person who is not a student at such

school, an employee of the school or school system, a school board member, an approved volunteer following the established guidelines of the school, or a person who has been invited to or otherwise authorized to be at the school by a principal, teacher, counselor, or other authorized employee of the school shall check in at the designated location as stated on posted signs and provide a reason for his or her presence at the school. ~~Failure to check in at the designated location as provided in this subsection shall be prima facie evidence that such person is in violation of subsection (b) of this Code section.~~

(c.1) Subsections (b) and (c) of this Code section ~~This subsection~~ shall not apply to ~~law~~:

(1) Law enforcement officers, firefighters, emergency medical technicians or paramedics, or any public safety or emergency management officials in the performance of an emergency call or to other persons making authorized deliveries to the school~~. This subsection shall not apply to any~~;

(2) Any person entering a school which serves as an official polling place for the purpose of voting on election day; or

(3) Any person attending or participating in an academic or athletic event while remaining in the authorized area ~~or a parent, grandparent, or guardian listed on a child's pick-up list who fails to sign-in while delivering school supplies, food, clothing, other legitimate business and who has not previously been sanctioned by school officials for disrupting a school~~."

SECTION 5.

This Act shall become effective on July 1, 2006, and shall apply to all crimes committed on or after such date. Any offense committed before July 1, 2006, shall be punishable as provided by the statute in effect at the time the offense was committed.

SECTION 6.

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

The following amendment was read:

Representatives Barnes of the 78th et al. move to *amend the Committee substitute to HB 1302 by inserting after* "trial;" *on line 6 of page 1 the following:*

to provide for the Criminal Street Gang Reward Fund administered by the Criminal Justice Coordinating Council;

By striking the quotation marks at the end of line 21 and inserting between lines 21 and 22 of page 4 the following:

16-15-10.

There shall be established as part of the Criminal Justice Coordinating Council the

Criminal Street Gang Reward Fund. The chief of police, sheriff, or chairperson of any county governing authority may request the posting of up to $5,000.00 reward for information leading to the arrest and conviction of any person involved in criminal street gang activity that leads to the death or maiming of another person or property damage in the amount of $2,500.00 or more."

The following amendment was read and adopted:

Representative Ehrhart of the 36th moves to amend the Barnes amendment to HB 1302 as follows:

On line 9 strike:

"Criminal Justice Coordinating"

Add:

"Prosecuting Attorney's".

The Barnes amendment, as amended, was adopted.

The following amendment was read and adopted:

Representatives Barnes of the 78th, Sinkfield of the 60th, and Buckner of the 76th move to *amend the Committee substitute to HB 1302 by inserting at the end of line 23 of page 2 the following:*

Such term shall not include three or more persons, associated in fact, whether formal or informal, who are not engaged in criminal gang activity.

The Committee substitute, as amended, was adopted.

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

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

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	May	Y Scott, A
N Ashe	N Day	Y Horne	McCall	Y Scott, M
Y Barnard	N Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	N Howard, E	Y Meadows	Y Shaw

Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	N Mitchell	Y Sims, F
Y Benton	N Dukes	Y Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
Y Borders	N Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	Y Jones, S	Y Neal	N Smyre
Y Bryant	N Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	Y Golick	N Lakly	N Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	N Randall	E Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	N Reece, B	Y Wilkinson
Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Lunsford	Y Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	N Mangham	Y Rogers	Y Wix
Y Cooper	N 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, as amended, the ayes were 124, nays 45.

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

HB 1371. By Representatives Graves of the 137th, Carter of the 159th, Harbin of the 118th, Stephens of the 164th and Parrish of the 156th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to enact "The Pharmacy Audit Bill of Rights"; to provide for a short title; to set out a list of rights of pharmacies undergoing audits; to provide for an appeal process; to provide for applicability; 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 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to enact "The Pharmacy Audit Bill of Rights"; to provide for a short title; to set out a list of rights of pharmacies undergoing audits; to provide for an appeal process; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by adding a new Code section to the end of Article 6, relating to pharmacies, to read as follows:

"26-4-118.

(a) This Code section shall be known and may be cited as 'The Pharmacy Audit Bill of Rights.'

(b) Notwithstanding any other law, when an audit of the records of a pharmacy is conducted by a managed care company, insurance company, third-party payor, the Department of Community Health under Article 7 of Chapter 4 of Title 49, or any entity that represents such companies, groups, or department, it shall be conducted in accordance with the following bill of rights:

(1) The entity conducting the audit must give the pharmacy notice at least one week prior to conducting the initial audit for each audit cycle;

(2) Any audit which involves clinical or professional judgment must be conducted by a pharmacist licensed in this state;

(3) Any clerical or record keeping error, such as a typographical error, scrivener's error, or computer error, regarding a required document or record shall not constitute a willful violation and is not subject to criminal penalties without proof of intent to commit fraud;

(4) A pharmacy may use the physician's record or other order for drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug;

(5) A finding of an overpayment or underpayment must be based on the actual overpayment or underpayment and may not be a projection based on the number of patients served having a similar diagnosis or on the number of similar orders or refills for similar drugs;

(6) Each pharmacy shall be audited under the same standards and parameters as other pharmacies audited by the entity;

(7) A pharmacy shall be allowed at least 30 days following receipt of the preliminary audit report in which to produce documentation to address any discrepancy found during an audit;

(8) The period covered by an audit may not exceed two years from the date the claim was submitted to or adjudicated by a managed care company, insurance company,

third-party payor, the Department of Community Health under Article 7 of Chapter 4 of Title 49, or any entity that represents such companies, groups, or department;

(9) An audit may not be initiated or scheduled during the first five days of any month due to the high volume of prescriptions filled during that time;

(10) An entity conducting an audit shall not be remunerated for services based on the amount of funds identified to be recouped;

(11) The preliminary audit report must be delivered to the pharmacy within 90 days after conclusion of the audit. A final audit report shall be delivered to the pharmacy within six months after receipt of the preliminary audit report or final appeal, as provided for in subsection (c), whichever is later; and

(12) The audit criteria set forth in this subsection shall apply only to audits of claims submitted for payment after July 1, 2006. Notwithstanding any other provision in this subsection, the agency conducting the audit shall not use the accounting practice of extrapolation in calculating recoupments or penalties for audits.

(c) Each entity conducting an audit shall establish a process under which a pharmacy may obtain a preliminary review of an audit report and may appeal an unfavorable audit report without the necessity of obtaining legal counsel. The preliminary review and appeal may be conducted by an ad hoc peer review panel, appointed by the entity, which consists of pharmacists who maintain an active practice in this state. If, following the preliminary review, the entity or review panel finds that an unfavorable audit report is unsubstantiated, the entity shall dismiss the audit report without the necessity of any further proceedings.

(d) Each entity conducting an audit shall provide a copy of the final audit report, after completion of any review process, to the plan sponsor.

(e) This Code section shall not apply to any investigative audit which involves fraud, willful misrepresentation, or abuse under Article 7 of Chapter 4 of Title 49."

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 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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Sims, F

Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Dukes
Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Y 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 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
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
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
Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Rogers
Y Royal
Y Rynders
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
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

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

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

HB 547. By Representatives Lunsford of the 110th and Mosley of the 178th:

A BILL to be entitled an Act to amend Code Section 36-71-4 of the Official Code of Georgia Annotated, relating to calculation of and requirements relative to development impact fees imposed by local governments, so as to provide a maximum amount of impact fees which may be imposed with respect to the construction of a new single family residence; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Code Section 36-71-4 of the Official Code of Georgia Annotated, relating to calculation of and requirements relative to development impact fees imposed by local

governments, so as to provide a maximum amount of impact fees which may be imposed with respect to the construction of a new single-family residence; 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 36-71-4 of the Official Code of Georgia Annotated, relating to calculation of and requirements relative to development impact fees imposed by local governments, is amended by adding at its end a new subsection (s) to read as follows:

"(s) The total of all impact fees imposed with respect to the construction of a new single-family residence constructed for sale shall not exceed $10,000.00 or 2 percent of the sales price, whichever is less. The amount of the impact fees shall be determined as of the date of the issuance of a certificate of occupancy for the residence. Where a single-family residence is constructed by the owner for occupancy by the owner, the total of all impact fees imposed with respect to the construction of the residence shall not exceed $10,000.00 or 2 percent of the cost of the residence to the owner, including the costs of the land and construction paid by the owner. The amount of the impact fees shall be determined as of the date of the issuance of a certificate of occupancy for the residence."

SECTION 2.

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

The following amendment was read:

Representative Scheid of the 22nd moves to amend the Committee substitute to HB 547 as follows:

- On line 12 delete
  "2" and add
  "3".

- Line 17 delete "2" and
  add "3".

- On line 18 delete the sentence starting with "The amount...

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

N Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Sailor
N Amerson	N Cummings	N Holmes	N Maxwell	Y Scheid
E Anderson	N Davis	Y Holt	N May	N Scott, A

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

On the adoption of the amendment, the ayes were 2, nays 161.

The amendment was lost.

The following amendment was read:

Representative Jones of the 46th moves to amend the Committee substitute to HB 547 as follows:

Line 18 after period, add:

"The $10,000 cap shall be adjusted for inflation yearly on January 1 as measured by the Consumer Price Index."

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

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

On the adoption of the amendment, the ayes were 42, nays 124.

The amendment was lost.

The Committee substitute was adopted.

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

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

N Abdul-Salaam
N Amerson
Y Crawford
Y Cummings
Y Hill, C.A
Y Holmes
N Martin
N Maxwell
Sailor
Y Scheid

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

On the passage of the Bill, by substitute, the ayes were 133, nays 32.

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

HB 1456. By Representatives Meadows of the 5th, Maxwell of the 17th, Smith of the 131st, Forster of the 3rd, Holt of the 112th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide availability of an accident and sickness policy upon termination of dependent coverage based on the age of the dependent; to change requirements as to individual accident and sickness policies to insure certain dependent children of the insured up to and including age 25; to provide an exception for certain matters concerning renewability of individual accident and sickness policies; to provide for the

Commissioner to promulgate rules and regulations; to require that certain group accident and sickness insurance policies insure certain dependent children of the insured up to and including age 25; 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 Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide availability of an accident and sickness policy upon termination of dependent coverage based on the age of the dependent; to change requirements as to individual accident and sickness policies to insure certain dependent children of the insured up to and including age 25; to provide an exception for certain matters concerning renewability of individual accident and sickness policies; to provide for the Commissioner to promulgate rules and regulations; to require that certain group accident and sickness insurance policies insure certain dependent children of the insured up to and including age 25; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by striking paragraph (3) of subsection (a) of Code Section 33-29-2, relating to requirements as to individual accident and sickness insurance policies generally, and inserting a new paragraph to read as follows:

"(3) It purports to insure only one person, provided that a policy may insure, originally or by subsequent amendment upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children, or any children, under a specified age which shall not exceed 19 years, and any other person dependent upon the policyholder; provided, further, that, if a policy purports to insure a dependent child of the policyholder, the child shall continue to be insured up to and including age 25 so long as the policy continues in effect~~,~~ and the child remains a dependent of the policyholder~~, and the child, in each calendar year since reaching the age specified in the policy for termination of benefits as a dependent of the policyholder, has been enrolled for five calendar months or more as a full-time student in a postsecondary institution of higher learning or, if not so enrolled, would have been eligible to be so enrolled and was prevented from being so enrolled due to illness or injury~~;"

SECTION 2.

Said title is further amended by striking Code Section 33-29-9, relating to requirements as to references in policies to noncancelable nature or guaranteed renewability nature of

individual accident and sickness insurance, and inserting in its place a new Code section to read as follows:

"33-29-9.

(a) No policy of accident or sickness insurance shall refer to its noncancelable nature without at the same time disclosing all options the insurer may have in regard to renewability; and the guaranteed renewable nature of any such policy shall not be referred to unless the reference at the same time discloses the qualifications on the guarantee of renewability, including any age limits, any right to change premium rates by class, any aggregate provisions, and any other limitations on the right to renewal in a manner which shall not minimize or render obscure the qualifying conditions.

(b) An insurer operating in the major medical or comprehensive, guaranteed renewable business in the State of Georgia shall permit an insured to change his or her major medical or comprehensive coverage, upon election at any renewal, to a comparable product currently offered by that insurer or a product currently offered by that insurer with more limited product benefits; to a product with higher deductibles; or to modify his or her existing coverage to elect any optional higher deductibles under that policy. If such product, benefit, or deductible change is elected by the insured during the 60 day required period after notice of renewal premium increase but before renewal date, such insured shall not be subject to any new preexisting conditions exclusion that did not apply to his or her original coverage.

(c) The Commissioner shall adopt such rules and regulations as he or she deems necessary for the administration of this Code section."

SECTION 3.

Said title is further amended by adding a new Code Section 33-29-21.1 to read as follows:

"33-29-21.1.

Every policy which contains a provision for termination of coverage of a dependent upon the reaching of a certain age shall contain a provision to the effect that, upon the date of the dependent reaching the age at which coverage would terminate under the provisions of the policy, the dependent shall be entitled to have issued to him or her, without evidence of insurability, upon application made to the company within 31 days following the date the dependent reaches the age at which coverage would terminate and upon the payment of the appropriate premium, an individual or family policy of accident and sickness insurance then being issued by the insurer which provides coverage most nearly similar to the coverage contained in the policy which was terminated by reason of dependent reaching a certain age or any similar individual or family policy then being issued by the insurer which contains lesser coverage. Any and all probationary or waiting periods set forth in such an individual or family policy shall be considered as being met to the extent coverage was in force under the prior policy."

SECTION 4.

Said title is further amended by striking paragraph (4) of Code Section 33-30-4, relating

to required provisions for group accident and sickness insurance generally, and inserting in its place a new paragraph to read as follows:

"(4) A provision that, with respect to termination of benefits for, or coverage of, any person who is a dependent child of an insured, the child shall continue to be insured up to and including age 25 so long as the coverage of the member continues in effect~~,~~ and the child remains a dependent of the insured parent or guardian~~, and the child, in each calendar year since reaching any age specified for termination of benefits as a dependent, has been enrolled for five calendar months or more as a full-time student at a postsecondary institution of higher learning or, if not so enrolled, would have been eligible to be so enrolled and was prevented from being so enrolled due to illness or injury~~. This paragraph shall not apply to group policies under which an employer provides coverage for dependents of its employees and pays the entire cost of the coverage without any charge to the employee or dependents; and"

SECTION 5.

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

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

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

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	N Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y 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
Y 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
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	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
Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker

Y Casas	Y Greene	Y Lewis	Y Randall	E 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	Y Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Lucas	Y 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	Y 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, by substitute, the ayes were 162, nays 1.

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

Representative Carter of the 159th 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 1460. By Representatives Hill of the 180th, Lane of the 158th, Parrish of the 156th, Warren of the 122nd and Reese of the 98th:

A BILL to be entitled an Act to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to extensively revise various provisions relative to shrimp and shrimping; to change certain provisions relating to definitions relative to game and fish generally; to repeal certain provisions relating to size and construction requirements of cast nets; to change certain provisions relating to lawful methods of fishing generally; to change certain provisions relating to lawful gear generally; to change certain provisions relating to required records; to change certain provisions relating to taking of shrimp for noncommercial purposes generally; to change certain provisions relating to limit on amount of shrimp taken by cast net and penalty for violation; to change certain provisions relating to lawful nets; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to extensively revise various provisions relative to shrimp and shrimping; to change certain provisions relating to definitions relative to game and fish generally; to repeal certain provisions relating to size and construction requirements of cast nets; to change certain provisions relating to lawful methods of fishing generally; to change certain

provisions relating to lawful gear generally; to change certain provisions relating to required records; to change certain provisions relating to taking of shrimp for noncommercial purposes generally; to change certain provisions relating to limit on amount of shrimp taken by cast net and penalty for violation; to change certain provisions relating to lawful nets; to change certain provisions relating to maintenance of records by suppliers; to change certain provisions relating to taking of shrimp for recreational purposes, lawful nets and use of shrimp, and penalty for violation; to change certain provisions relating to penalties for using recreational food shrimp cast netting; to change certain provisions relating to sport bait shrimping; to change certain provisions relating to bait dealers; to change certain provisions relating to issuance of licenses, limits, and fees; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by adding a new paragraph in Code Section 27-1-2, relating to definitions relative to game and fish generally, to read as follows:

"(5.1) 'Bait shrimp cast net' means a cast net constructed of a minimum of three-eighths inch bar mesh with a radius not greater than eight feet. Such term shall include any cast net which exceeds such minimum mesh size."

SECTION 2.

Said title is further amended by striking paragraphs (10.1), (13.1), (59.1), (59.2), (59.3), and (59.4) of Code Section 27-1-2, relating to definitions relative to game and fish generally, and inserting in lieu thereof the following:

"(10.1) 'Cast net' means a cone shaped net ~~designed to be~~ thrown and retrieved by hand and designed to spread out and capture fish and shrimp as the weighted circumference sinks to the bottom and comes together when pulled by a line."

"(13.1) 'Commercial cast net' means a cast net constructed of a minimum of five-eighths inch bar mesh ~~and having a radius not more than 12 feet and in compliance with the provisions of Code Section 27-4-13~~."

"(59.1) ~~'Recreational bait shrimp cast net' means a cast net constructed of a minimum of three-eighths inch mesh with a radius not greater than eight feet and in compliance with the provisions of Code Section 27-4-13. Such term shall include any cast net which exceeds such minimum mesh size~~ Reserved."

(59.2) 'Recreational bait shrimp cast netting' means taking shrimp for noncommercial use as bait by means of a bait shrimp cast net.

(59.3) 'Recreational food shrimp cast net' means a cast net constructed of a minimum of one-half inch bar mesh ~~with a radius not greater than eight feet and in compliance with the provisions of Code Section 27-4-13~~."

SECTION 3.

Said title is further amended by repealing Code Section 27-4-13, relating to size and construction requirements of cast nets.

SECTION 4.

Said title is further amended in Code Section 27-4-112, relating to lawful methods of fishing generally, by adding a new subsection to read as follows:

"(h) It shall be unlawful to engage in the taking of shrimp for commercial purposes at night as defined in paragraph (45) of Code Section 27-1-2."

SECTION 5.

Said title is further amended by striking paragraph (10) of Code Section 27-4-113, relating to lawful gear generally, and inserting in lieu thereof the following:

"(10) Commercial cast nets as defined in Code Section 27-1-2 ~~and in compliance with Code Section 27-4-13~~;"

SECTION 6.

Said title is further amended by striking subsection (b) of Code Section 27-4-118, relating to required records, and inserting in lieu thereof the following:

"(b) Each person required to maintain records pursuant to the provisions of subsection (a) of this Code section shall report such information to the department, whose address for the purpose of reporting shall be the Coastal Resource Division headquarters, at such times and in such manner as the board provides by rule or regulation."

SECTION 7.

Said title is further amended by striking Code Section 27-4-132, relating to taking of shrimp for noncommercial purposes generally, and inserting in lieu thereof the following:

"27-4-132.

(a) Except as otherwise provided by law, it shall be unlawful to take shrimp for noncommercial purposes in the salt waters of the State of Georgia except by means of a ~~recreational~~ bait shrimp cast net or a recreational food shrimp cast net or by means of a beach seine of a length and mesh size authorized for use in salt waters by subsection (d) of Code Section 27-4-112.

(b) It shall be unlawful to take shrimp for noncommercial food purposes in the salt waters of the state by any cast net other than a recreational food shrimp cast net or by means of a beach seine. Violation of the provisions of this subsection shall constitute a misdemeanor.

(c) It shall be unlawful to take shrimp except at such times and places as the commissioner may establish. The commissioner is authorized to open or close any or a portion of the salt waters of this state to recreational food shrimp cast netting at any time between May 15 and the last day of February and to beach seines at anytime between May 15 and the last day of February."

SECTION 8.

Said title is further amended by striking subsection (a) of Code Section 27-4-132.1, relating to limit on amount of shrimp taken by cast net and penalty for violation, and inserting in lieu thereof the following:

"(a)(1) No person or group of persons occupying the same boat taking shrimp by means of a recreational food shrimp cast net may take more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails in any day. No such person or group of persons occupying the same vessel may possess at any time more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails.

(2) No person or group of persons occupying the same vessel in possession of a commercial shrimp cast netting license taking shrimp by means of a commercial cast net may take in any day or possess at any time more than ~~60~~ 150 quarts of shrimp with heads or ~~38~~ 95 quarts of shrimp tails; provided, however, that beginning December 1 until the close of each food shrimp season, possession at any time shall be limited to 75 quarts of shrimp with heads or 48 quarts of shrimp tails in any day taken by such commercial cast net or a combination of a commercial cast net and a seine.

(3) No group of persons occupying the same boat, one or more of whom is in possession of a commercial cast netting license and who are taking shrimp by means of a commercial cast net may take more than ~~60~~ 150 quarts of shrimp with heads or ~~38~~ 95 quarts of shrimp tails taken by such commercial cast net or a combination of a commercial cast net and a seine in any day; provided, however, that beginning December 1 until the close of each shrimp season, possession shall be limited to 75 quarts of shrimp with heads or 48 quarts of shrimp tails in any day. No such group of persons occupying the same vessel may possess at any time more than ~~60~~ 150 quarts of shrimp with heads or ~~38~~ 95 quarts of shrimp tails through November 30, after which no such group of persons occupying the same vessel may possess at any time more than 75 quarts of shrimp with heads or 48 quarts of shrimp tails.

(4) No one person taking shrimp solely by means of a seine, whether such person is acting alone or in a group of persons, may take more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails taken by such seine in any day. No such person may possess at any time more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails.

(5) No person or group of persons engaged in the harvest of food shrimp for commercial purposes shall have on board a vessel more than one type of cast net gear, and such person or group of persons shall be limited to the harvest limit allowable for the type of cast net gear on board.

(6) If any person or group of persons are in possession of a cast net and a seine, such person or group of persons shall be subject to the limits imposed upon taking shrimp by cast net.

(7) No vessel owner shall allow the vessel to be used by any person or persons to take more than ~~48 quarts of shrimp with heads or 30 quarts of shrimp tails~~ the legal quantity allowable in any day regardless of the number of trips made or the duration of any trip by such vessel. It shall be unlawful for any vessel owner or operator to

allow a vessel to be left anchored and unoccupied for the purpose of receiving shrimp taken by the occupant of any other vessel."

SECTION 9.

Said title is further amended by striking subsections (a.1), (b), and (c) of Code Section 27-4-133, relating to lawful nets, opening and closing waters, and identification on boats taking shrimp, and inserting in lieu thereof the following:

"~~(a.1)(1) It shall be unlawful to trawl for shrimp for human consumption with any trawl or trawls having a total foot-rope length greater than 220 feet, not including the foot-rope length of a single trawl not greater than 16 feet when used as a try net. Foot-rope shall be measured from brail line to brail line, first tie to last tie on the bottom line. The provisions of this subsection shall not apply to vessels having a maximum draft of seven feet or less when fully loaded. The department is authorized to exempt trawls used by persons holding a valid scientific collection permit granted by the department.~~

~~(2) A vessel operator who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $500.00 nor more than $2,500.00 or imprisoned for not longer than 30 days or both, and any trawl on board the vessel shall be contraband and may be seized.~~

(b) ~~It shall be unlawful to use a power-drawn net in any of the salt waters of this state except between the hours of 5:00 A.M. eastern standard time and 8:00 P.M. eastern standard time. It shall also be unlawful to use a power-drawn net in any sound between the hours of 8:00 P.M. eastern standard time on Saturday and 5:00 A.M. eastern standard time on Monday~~ Reserved.

(c)(1) Except as otherwise specifically provided, it shall be unlawful to fish with nets other than cast nets in any of the tidal rivers or creeks, except to fish for shad or sturgeon, provided that nothing contained in this Code section shall be construed so as to prohibit any person from using a beach seine along any public beach.

(2) It shall be unlawful to fish for shrimp in the salt waters of the state by means of a seine or a cast net other than a bait shrimp cast net except at such times and places as the commissioner may establish. The commissioner is authorized to open or close for ~~such purpose~~ commercial food shrimp purposes any or a portion of the salt waters of this state at any time between May 15 and the last day of February, provided that the commissioner has determined that such action in opening or closing said salt waters is in accordance with current, sound principles of wildlife research and management."

SECTION 10.

Said title is further amended by striking paragraph (2) of subsection (a) of Code Section 27-4-136, relating to maintenance of records by suppliers, and inserting in lieu thereof the following:

"(2) Each person required to maintain records pursuant to paragraph (1) of this subsection shall report such information to the department, whose address for the

purpose of reporting shall be the Coastal Resource Division headquarters, at such times and in such manner as the board provides by rule or regulation."

SECTION 11.

Said title is further amended by striking subsection (a) of Code Section 27-4-139, relating to taking of shrimp for recreational purposes, lawful nets and use of shrimp, and penalty for violation, and inserting in lieu thereof the following:

"(a) It shall be unlawful for any person engaged in recreational food shrimp cast netting to use any cast net other than a recreational food shrimp cast net as such term is defined in Code Section 27-1-2 ~~and which is in compliance with Code Section 27-4-13~~."

SECTION 12.

Said title is further amended by striking subsections (a) and (d) of Code Section 27-4-140, relating to penalties for using recreational food shrimp cast netting, and inserting in lieu thereof the following:

"(a) Any ~~enforcement officer or other~~ law enforcement officer who discovers an illegal cast net being used on the waters of this state shall confiscate the net, which shall be forfeited."

"(d) Any person convicted of illegally taking shrimp from the waters of this state for commercial sale for food purposes shall be guilty of a misdemeanor. Possession of ~~a commercial cast net~~ shrimp in excess of the noncommercial food shrimp possession limit allowed pursuant to Code Section 27-4-132.1 shall be prima-facie evidence of the intent of the person or persons so in possession to take shrimp for commercial purposes."

SECTION 13.

Said title is further amended by striking subsections (a) and (c) of Code Section 27-4-170, relating to sport bait shrimping, and inserting in lieu thereof the following:

"(a) Any provision of this title to the contrary notwithstanding, any person who has a recreational fishing license may use a power-drawn net in accordance with this Code section, such net not to be larger than a ten-foot net as defined in paragraph (71.1) of Code Section 27-1-2 and to be constructed of mesh not smaller than one inch when stretched, for the purpose of taking shrimp to be used for live bait in this state, provided that the shrimp are not to be sold. In addition to the general provisions of this Code section, the Board of Natural Resources is authorized to promulgate rules and regulations establishing the gear and methods allowed for sport bait shrimping. It shall be unlawful to engage in the taking of shrimp ~~to be so used at any time except between the hours of one-half hour before official sunrise and one-half hour after official sunset~~ at night. It shall also be unlawful to engage in the taking of shrimp pursuant to this Code section except in those rivers or creeks or portions thereof opened to such taking. The determination of whether to open or close a river or creek or portion thereof shall be made by the commissioner or his or her designee in

accordance with current, sound principles of wildlife research and management as provided in Code Section 27-4-130. No person taking shrimp under this subsection shall possess more than two quarts of bait shrimp at any time, no more than one-half pint of which may be dead; but any such person may take a maximum of four quarts of bait shrimp during any 24 hour period. When two or more persons taking shrimp under this subsection occupy the same boat, at least one such person must have a recreational fishing license; and there may be no more than four quarts of bait shrimp on board the boat at any time, no more than one pint of which may be dead; but the persons occupying the boat may take a maximum of eight quarts of bait shrimp during any 24 hour period. Possessing or taking more than the limits prescribed in this subsection shall be unlawful. Possessing more than these limits shall be prima-facie evidence that the shrimp were taken for some purpose other than to be used as live bait."

"(c)(1) It shall be unlawful for any person engaged in recreational bait shrimp cast netting to use any cast net other than a ~~recreational~~ bait shrimp cast net as such term is defined in Code Section 27-1-2 ~~and in compliance with Code Section 27-4-13~~.

(2) The salt waters of the state shall be open to recreational bait shrimp cast netting at any time of the year; provided, however, that when recreational cast net food shrimp season is closed, any person taking shrimp under this paragraph shall possess no more than two quarts of bait shrimp at any time, all of which may be dead; and provided, further, that any such person may take a maximum of four quarts of bait shrimp during any day. When two or more persons taking shrimp under this subsection occupy the same boat, there may be no more than four quarts of bait shrimp on board the boat at any time, all of which may be dead; and the persons occupying the boat may together take a maximum of eight quarts of bait shrimp during any day."

SECTION 14.

Said title is further amended by striking paragraphs (1) and (5) of subsection (a) of Code Section 27-4-171, relating to bait dealers, and inserting in lieu thereof the following:

"(a)(1) It shall be unlawful for any person to engage in the taking of shrimp for live bait to be sold, to engage in the sale of shrimp for live bait, or to engage in the sale of shrimp for dead bait unless the person has a bait dealer license and possesses a valid personal commercial fishing license as provided in Code Section 27-2-23 or is an employee of a licensed bait dealer and possesses a valid personal commercial fishing license as provided in Code Section 27-2-23. No bait dealer license shall be issued to a person holding a commercial food shrimp cast netting license issued pursuant to Part 5 of this article. Any license issued pursuant to this Code section shall be invalid immediately upon the holder's obtaining such a commercial food shrimp cast netting license. No bait dealer license shall be issued for an individual whose establishment is located on any dock or other facility, including platforms, walkways, and buildings, which is one contiguous unit and where shrimp taken pursuant to Code Section 27-4-133 are ~~unloaded, handled,~~ processed, stored, or sold for retail purposes~~, or otherwise distributed or where boat docking space is provided for such activities~~; provided,

however, that such prohibition shall not apply to any person who was granted a bait dealer license for the period from April 1, 1993, through March 31, 1994, and whose bait dealer license was not revoked and provided, further, that such exemption shall terminate immediately if the person's current bait dealer license is revoked by the commissioner or if he or she is found guilty of a violation of the provisions of this Code section."

"(5) It shall be unlawful for any person engaging in the taking of shrimp for live bait pursuant to this Code section to:

(A) Use any power-drawn net which is larger than a 20 foot net as defined in paragraph (72.1) of Code Section 27-1-2 or constructed of mesh smaller than one inch or greater than one and three-eighths inches when stretched or to use any cast net other than a bait shrimp cast net as defined in paragraph (5.1) of Code Section 27-1-2;

(B) Engage in the taking of shrimp pursuant to this Code section ~~at any time except between the hours of one-half hour before official sunrise and one-half hour after official sunset~~ at night. All salt waters of this state shall be closed to the taking of shrimp pursuant to this Code section, except those rivers or creeks or portions thereof opened to such taking. The determination of whether to open or close a river or creek or portion thereof shall be made by the commissioner or his or her designee in accordance with current, sound principles of wildlife research and management as provided by Code Section 27-4-130;

(C) Have on board the boat used for the taking more than 50 quarts of shrimp at any one time, no more than 10 percent of which may be dead;

(D) Fail to maintain on the commercial fishing boat bait-holding facilities which comply with the requirements set forth in subsection (b) of this Code section, except that it shall not be necessary for the boat to meet the requirements of paragraph (5) of subsection (b) of this Code section; or

(E) Hold a valid commercial food shrimp cast netting license issued pursuant to Part 5 of this article or to employ any person holding such a commercial food shrimp cast netting license."

SECTION 15.

Said title is further amended by striking subsection (c) of Code Section 27-4-206, relating to issuance of licenses, limits, and fees, and inserting in lieu thereof the following:

"(c) If the number of licenses issued pursuant to subsection (b) of this Code section does not total 200, the department may issue the remaining allotment of commercial food shrimp cast netting licenses in the initial or any subsequent license year by lottery devised and operated by the department. After such lottery has been conducted, any remaining unissued licenses may be issued via a method devised and operated by the department."

SECTION 16.

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
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
N Burns
N Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
N Cole
Y Coleman, B
Y Coleman, T
Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
N Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
N Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
N Fludd
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
Y Hudson
Y Hugley
Y 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
N Knox
N Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
N Martin
Y Maxwell
May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Y Mitchell
Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
N Murphy, J
Y Murphy, Q
N Neal
Y Oliver
Y O'Neal
Y Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
N Ray
Y Reece, B
Y Reece, S
Y Reese
N Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y Sims, C
Y Sims, F
Y Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
N Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
N Wilkinson
Y Willard
Y Williams, A
Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 151, nays 15.

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

Representative Williams of the 89th 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 654. By Representatives Reese of the 98th, Coan of the 101st, Maddox of the 172nd and Benfield of the 85th:

A BILL to be entitled an Act to amend Code Section 40-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to motor vehicles and traffic, so as to provide for additional definitions relative to all-terrain vehicles; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 40-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to motor vehicles and traffic, so as to provide for additional definitions relative to all-terrain vehicles; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 40-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to motor vehicles and traffic, is amended by adding new paragraphs (8.1) and (8.2) to read as follows:

"(8.1) 'Class I all-terrain vehicle' means a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 1,000 pounds or less that travels on three or more low-pressure tires, has a saddle or seat for the operator, and is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.

(8.2) 'Class II all-terrain vehicle' means any motor vehicle that:

(A) Weighs more than a class I all-terrain vehicle and less than 8,000 pounds;

(B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; and

(C) Is actually being operated off a highway."

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
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Dickson
Y Dodson
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
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
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James
Y Jamieson
E 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
E Lane, R
Y Lewis
Y 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
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

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

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

HB 848. By Representatives Butler of the 18th, Maxwell of the 17th, England of the 108th, Roberts of the 154th and Stephens of the 164th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, so as to provide a homestead exemption to certain residents who are senior citizens with respect to state ad valorem taxes; to provide qualifications; to provide procedures for obtaining such exemption; to

provide for the taxes to which such homestead exemption is applicable; to provide for a referendum; to provide for effective dates; to provide for applicability; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

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

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

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

On the passage of the Bill, the ayes were 143, nays 18.

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

Representative Smith of the 113th 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 710. By Representatives Jenkins of the 8th, Bridges of the 10th, Ralston of the 7th, Roberts of the 154th, Bearden of the 68th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for motor vehicles, so as to provide for special license plates identifying persons with diabetes; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such license plates; 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 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates promoting beneficial projects and supporting worthy agencies, funds, or nonprofit corporations, as determined by the General Assembly; to provide for issuance, renewal, fees, licensing agreements, applications, intent to appropriate revenue, audits, and transfers relative to such special license plates; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by adding a new Code section to read as follows:

"40-2-86.19.

(a) The General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and, subject to the appropriation process of the General Assembly, appropriating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state. Therefore, the license plates listed in subsection (l) of this Code section shall be issued by the department beginning on January 1, 2007, if all of the requirements of subsections (b) through (k) of this Code section have been satisfied.

(b) The commissioner, in cooperation with the agency, fund, or nonprofit corporation sponsoring the special license plate, shall design special distinctive license plates intended to promote the program benefited by the sale of the special license plate. The special license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. The graphic on the special license plate shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches. The agency, fund, or nonprofit corporation sponsoring the license plate may request the assignment of the first of 100 in a series of license plates upon payment of an additional initial registration fee of $25.00 for each license plate requested.

(c) Notwithstanding the provisions of subsection (b) of this Code section, no special license plate shall be produced until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to produce the special license plate. The design of the initial edition of any special license plate, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(d) Beginning on January 1, 2007, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a manufacturing fee of $25.00 in addition to the regular motor vehicle registration fee shall be able to apply for a special license plate listed in subsection (l) of this Code section. Revalidation decals shall be issued for special license plates in the same manner as provided for general issue license plates.

(e) The manufacturing fee derived from the sale of special license plates shall be deposited into the general fund. The sponsoring agency, fund, or nonprofit corporation, subject to the appropriation process of the General Assembly, may request that the funds derived from the sale of special license plates be appropriated to the department for disbursement to such agency, fund, or nonprofit corporation.

(f) Before the department disburses to the agency, fund, or nonprofit corporation funds from the sale of special license plates, the agency, fund, or nonprofit corporation must provide a written statement stating the manner in which such funds shall be utilized. In addition, a nonprofit corporation must provide the department with documentation of its nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The purposes for which the funds shall be utilized must be the same as those specified in subsection (l) of this Code section authorizing the potential appropriation to the agency, fund, or nonprofit corporation of revenue from the sale of special license plates. The

agency, fund, or nonprofit corporation shall periodically provide to the commissioner an audit of the use of the funds or other evidence of use of the funds satisfactory to the commissioner. If it is determined that the funds are not being used for the purposes set forth in the statement provided by the agency, fund, or nonprofit corporation, the department shall withhold payment of such funds until such noncompliance issues are resolved.

(g) An applicant may request a special license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the special license plate shall be issued with appropriate decals attached.

(h) No special license plate authorized pursuant to subsection (l) of this Code section shall be issued except upon the receipt by the department of at least 1,000 applications. The special license plate shall have an application period of two years after January 1, 2007, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(i) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the provided for in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional $25.00 annual special tag fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31, the sponsoring agency, fund, or nonprofit corporation shall be required again to obtain 1,000 applications accompanied by the manufacturing fee to continue to manufacture the special license plate.

(j) Special license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(k) Special license plates shall be issued within 30 days of application once the requirements of this Code section have been met.

(l)(1) The General Assembly has determined that license plates promoting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated and the revenue shall be deposited in the general fund, subject to the appropriation process of the General Assembly.

(2) A special license plate identifying persons with diabetes. The main purpose of the special license plate is that law enforcement officers and emergency personnel will be alerted to the potential for special needs before they approach the driver of a vehicle, especially if the vehicle has been involved in an accident. The funds raised by the sale of this special license plate shall be deposited in the general fund.

(3) A special license plate honoring all veterans who have served in the armed services of the United States. All of these men and women have sacrificed a portion

of their lives in order to serve their country and protect our freedom. The funds raised by the sale of this special license plate shall be deposited in the general fund.

(4) A special license plate honoring the Georgia Association of Realtors. The Association is being honored for its long-standing support of housing opportunities for all citizens of this state, private property rights, and all organizations that assist people in achieving the American dream of home ownership. The funds raised by the sale of this special license plate shall be deposited in the general fund."

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:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	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	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Y 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
Y Borders	Y Epps	E 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
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y 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	E Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	E 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	Y Loudermilk	Y Reece, S	Willard

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

On the passage of the Bill, by substitute, the ayes were 162, nays 0.

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

HB 1359. By Representatives Forster of the 3rd, Meadows of the 5th, Knox of the 24th and Harbin of the 118th:

A BILL to be entitled an Act to amend Title 33 of the O.C.G.A., relating to insurance, so as to create the Georgia Assignment Pool Underwriting Authority; to provide alternative mechanism coverage for the availability of individual health insurance; to provide definitions; to provide for an assignment pool underwriting board; to provide for powers, duties, and authority of the board; to provide for the selection of an administrator or administrators; to provide for the duties of the Commissioner of Insurance with respect to the board and assignment pool; to provide for the establishment of rates; to provide for eligibility for and termination of coverage; to provide for minimum assignment pool benefits; to provide for certain exclusions for preexisting conditions; to provide for funding; to provide for applicability; to provide for related matters; to repeal the Georgia High Risk Health Insurance Plan; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to create the Georgia Assignment Pool Underwriting Authority; to provide alternative mechanism coverage for the availability of individual health insurance; to provide definitions; to provide for an assignment pool underwriting board; to provide for powers, duties, and authority of the board; to provide for the selection of an administrator or administrators; to provide for the duties of the Commissioner of Insurance with respect to the board and assignment pool; to provide for the establishment of rates; to provide for eligibility for and termination of coverage; to provide for minimum assignment pool benefits; to provide for certain exclusions for preexisting conditions; to provide for

funding; to provide for assessments under certain circumstances; to provide for complaint procedures; to provide for audits; to provide for certain reports; to provide for applicability; to provide for related matters; to repeal the Georgia High Risk Health Insurance Plan; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by striking subparagraph (b)(15)(D) of Code Section 33-6-4, relating to the enumeration of unfair methods of competition and unfair or deceptive acts or practices, and inserting in lieu thereof a new subparagraph (b)(15)(D) to read as follows:

"(D) It is unfairly discriminatory to terminate group coverage for a ~~subject of family violence~~ dependent because coverage was originally issued in the name of the ~~perpetrator of the family violence~~ insured and the ~~perpetrator~~ insured has divorced, separated from, or lost custody of the ~~subject of family violence, or the perpetrator's~~ dependent and the insured's coverage has terminated voluntarily or involuntarily. If termination results from an act or omission of the ~~perpetrator~~ insured, the ~~subject of family violence~~ dependent shall be deemed a qualifying eligible individual under Code Section 33-24-21.1 or 33-29A-2 and may obtain continuation and ~~conversion of such coverages~~ alternative mechanism coverage for the availability of individual health insurance coverage, as contemplated by Section 2741 of the federal Public Health Service Act, 42 U.S.C. Section 300gg-41, notwithstanding the act or omission of the ~~perpetrator. A person may request and receive family violence information to implement the continuation and conversion of coverages under this subparagraph~~ insured."

SECTION 2.

Said title is further amended by striking Code Section 33-24-21.1, relating to group accident and sickness contracts, and inserting in lieu thereof a new Code Section 33-24-21.1 to read as follows:

"33-24-21.1.

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

(1) 'Creditable coverage' under another health benefit plan means medical expense coverage with no greater than a 90 day gap in coverage under any of the following:

(A) Medicare or Medicaid;

(B) An employer based accident and sickness insurance or health benefit arrangement;

(C) An individual accident and sickness insurance policy, including coverage issued by a health maintenance organization, nonprofit hospital or nonprofit medical service corporation, health care corporation, or fraternal benefit society;

(D) A spouse's benefits or coverage under medicare or Medicaid or an employer based health insurance or health benefit arrangement;
(E) A conversion policy;
(F) A franchise policy issued on an individual basis to a member of a true association as defined in subsection (b) of Code Section 33-30-1;
(G) A health plan formed pursuant to 10 U.S.C. Chapter 55;
(H) A health plan provided through the Indian Health Service or a tribal organization program or both;
(I) A state health benefits risk pool;
(J) A health plan formed pursuant to 5 U.S.C. Chapter 89;
(K) A public health plan; or
(L) A Peace Corps Act health benefit plan.

(2) 'Eligible dependent' means a person who is entitled to medical benefits coverage under a group contract or group plan by reason of such person's dependency on or relationship to a group member.

(3) 'Group contract or group plan' is synonymous with the term 'contract or plan' and means:
(A) A group contract of the type issued by a nonprofit medical service corporation established under Chapter 18 of this title;
(B) A group contract of the type issued by a nonprofit hospital service corporation established under Chapter 19 of this title;
(C) A group contract of the type issued by a health care plan established under Chapter 20 of this title;
(D) A group contract of the type issued by a health maintenance organization established under Chapter 21 of this title; or
(E) A group accident and sickness insurance policy or contract, as defined in Chapter 30 of this title.

(4) 'Group member' means a person who has been a member of the group for at least six months and who is entitled to medical benefits coverage under a group contract or group plan and who is an insured, certificate holder, or subscriber under the contract or plan.

(5) 'Insurer' means an insurance company, health care corporation, nonprofit hospital service corporation, medical service nonprofit corporation, health care plan, or health maintenance organization.

(6) 'Qualifying eligible individual' means:
(A) A Georgia domiciliary, for whom, as of the date on which the individual seeks coverage under this Code section, the aggregate of the periods of creditable coverage is 18 months or more; and
(B) Who is not eligible for coverage under any of the following:
(i) A group health plan, including continuation rights under this Code section or the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA);
(ii) Part A or Part B of Title XVIII of the federal Social Security Act; or

(iii) The state plan under Title XIX of the federal Social Security Act or any successor program.

(b) Each group contract or group plan delivered or issued for delivery in this state, other than a group accident and sickness insurance policy, contract, or plan issued in connection with an extension of credit, which provides hospital, surgical, or major medical coverage, or any combination of these coverages, on an expense incurred or service basis, excluding contracts and plans which provide benefits for specific diseases or accidental injuries only, shall provide that members and qualifying eligible individuals whose insurance under the group contract or plan would otherwise terminate shall be entitled to continue their hospital, surgical, and major medical insurance coverage under that group contract or plan for themselves and their eligible dependents.

(c) Any group member or qualifying eligible individual whose coverage has been terminated and who has been continuously covered under the group contract or group plan, and under any contract or plan providing similar benefits which it replaces, for at least six months immediately prior to such termination, shall be entitled to have his or her coverage and the coverage of his or her eligible dependents continued under the contract or plan. Such coverage must continue for the fractional policy month remaining, if any, at termination plus three additional policy months upon payment of the premium by cash, certified check, or money order, at the option of the employer, to the policyholder or employer, at the same rate for active group members set forth in the contract or plan, on a monthly basis in advance as such premium becomes due during this coverage period. Such premium payment must include any portion of the premium paid by a former employer or other person if such employer or other person no longer contributes premium payments for this coverage. At the end of such period, the group member shall have the same conversion rights that were available on the date of termination of coverage in accordance with the conversion privileges contained in the group contract or group plan.

(d)(1) A group member shall not be entitled to have coverage continued if: (A) termination of coverage occurred because the employment of the group member was terminated for cause; (B) termination of coverage occurred because the group member failed to pay any required contribution; ~~or~~ (C) any discontinued group coverage is immediately replaced by similar group coverage including coverage under a health benefits plan as defined in the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1001, et seq.; or (D) ~~Further, a group member shall not be entitled to have coverage continued if~~ the group contract or group plan was terminated in its entirety or was terminated with respect to a class to which the group member belonged. This subsection shall not affect conversion rights available to a qualifying eligible individual under any contract or plan.

(2) A qualifying eligible individual shall not be entitled to have coverage continued if the most recent creditable coverage within the coverage period was terminated based on one of the following factors: (A) failure of the qualifying eligible individual to pay premiums or contributions in accordance with the terms of the health insurance

coverage or failure of the issuer to receive timely premium payments; (B) the qualifying eligible individual has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of coverage; or (C) any discontinued group coverage is immediately replaced by similar group coverage including coverage under a health benefits plan as defined in the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1001, et seq. This subsection shall not affect conversion rights available to a group member under any contract or plan.

(e) If the group contract or group plan terminates while any group member or qualifying eligible individual is covered or whose coverage is being continued, the group administrator, as prescribed by the insurer, must notify each such group member or qualifying eligible individual that he or she must exercise his or her conversion rights and rights to alternative mechanism coverage for the availability of individual health insurance coverage, as contemplated by Section 2741 of the federal Public Health Service Act, 42 U.S.C. Section 300gg-41, within:

(1) Thirty days of such notice for group members who are not qualifying eligible individuals; or

(2) Sixty-three days of such notice for qualifying eligible individuals.

(f) Every group contract or group plan, other than a group accident and sickness insurance policy, contract, or plan issued in connection with an extension of credit, which provides hospital, surgical, or major medical expense insurance, or any combination of these coverages, on an expense incurred or service basis, excluding policies which provide benefits for specific diseases or for accidental injuries only, shall contain a conversion privilege provision.

(g) Eligibility for the converted policies or contracts shall be as follows:

(1) ~~Any qualifying eligible individual whose insurance and its corresponding eligibility under the group policy, including any continuation available, elected, and exhausted under this Code section or the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), has been terminated for any reason, including failure of the employer to pay premiums to the insurer, other than fraud or failure of the qualifying eligible individual to pay a required premium contribution to the employer or, if so required, to the insurer directly and who has at least 18 months of creditable coverage immediately prior to termination shall be entitled, without evidence of insurability, to convert to individual or group based coverage covering such qualifying eligible individual and any eligible dependents who were covered under the qualifying eligible individual's coverage under the group contract or group plan. Such conversion coverage must be, at the option of the individual, retroactive to the date of termination of the group coverage or the date on which continuation or COBRA coverage ended, whichever is later. The insurer must offer qualifying eligible individuals at least two distinct conversion options from which to choose. One such choice of coverage shall be comparable to comprehensive health insurance coverage offered in the individual market in this state or comparable to a standard option of coverage available under the group or individual health insurance laws of~~

~~this state. The other choice may be more limited in nature but must also qualify as creditable coverage. Each coverage shall be filed, together with applicable rates, for approval by the Commissioner. Such choices shall be known as the 'Enhanced Conversion Options';~~

~~(2) Premiums for the enhanced conversion options for all qualifying eligible individuals shall be determined in accordance with the following provisions:~~

~~(A) Solely for purposes of this subsection, the claims experience produced by all groups covered under comprehensive major medical or hospitalization accident and sickness insurance for each insurer shall be fully pooled to determine the group pool rate. Except to the extent that the claims experience of an individual group affects the overall experience of the group pool, the claims experience produced by any individual group of each insurer shall not be used in any manner for enhanced conversion policy rating purposes;~~

~~(B) Each insurer's group pool shall consist of each insurer's total claims experience produced by all groups in this state, regardless of the marketing mechanism or distribution system utilized in the sale of the group insurance from which the qualifying eligible individual is converting. The pool shall include the experience generated under any medical expense insurance coverage offered under separate group contracts and contracts issued to trusts, multiple employer trusts, or association groups or trusts, including trusts or arrangements providing group or group-type coverage issued to a trust or association or to any other group policyholder where such group or group-type contract provides coverage, primarily or incidentally, through contracts issued or issued for delivery in this state or provided by solicitation and sale to Georgia residents through an out-of-state multiple employer trust or arrangement; and any other group-type coverage which is determined to be a group shall also be included in the pool for enhanced conversion policy rating purposes; and~~

~~(C) Any other factors deemed relevant by the Commissioner may be considered in determination of each enhanced conversion policy pool rate so long as it does not have the effect of lessening the risk-spreading characteristic of the pooling requirement. Duration since issue and tier factors may not be considered in conversion policy rating. Notwithstanding subparagraph (A) of this paragraph, the total premium calculated for all enhanced conversion policies may deviate from the group pool rate by not more than plus or minus 50 percent based upon the experience generated under the pool of enhanced conversion policies so long as rates do not deviate for similarly situated individuals covered through the pool of enhanced conversion policies;~~

~~(3)~~ Any group member who is not a qualifying eligible individual and whose insurance under the group policy has been terminated for any reason, including failure of the employer to pay premiums to the insurer, other than eligibility for medicare (reaching a limiting age for coverage under the group policy) or failure of the group member to pay a required premium contribution, and who has been continuously covered under the group contract or group plan, and under any contract or plan

providing similar benefits which it replaces, for at least six months immediately prior to termination shall be entitled, without evidence of insurability, to convert to individual or group coverage covering such group member and any eligible dependents who were covered under the group member's coverage under the group contract or group plan. Such conversion coverage must be, at the option of the individual, retroactive to the date of termination of the group coverage or the date on which continuation or COBRA coverage ended, whichever is later. The premium of the basic converted policy shall be determined in accordance with the insurer's table of premium rates applicable to the age and classification of risks of each person to be covered under that policy and to the type and amount of coverage provided. This form of conversion coverage shall be known as the 'Basic Conversion Option'; and

~~(4)~~(2) Nothing in this Code section shall be construed to prevent an insurer from offering additional options to qualifying eligible individuals or group members.

(h) Each group certificate issued to each group member or qualifying eligible individual, in addition to setting forth any conversion rights, shall set forth the continuation right in a separate provision bearing its own caption. The provisions shall clearly set forth a full description of the continuation and conversion rights available, including all requirements, limitations, and exceptions, the premium required, and the time of payment of all premiums due during the period of continuation or conversion.

(i) This Code section shall not apply to limited benefit insurance policies. For the purposes of this Code section, the term 'limited benefit insurance' means accident and sickness insurance designed, advertised, and marketed to supplement major medical insurance. The term limited benefit insurance includes accident only, CHAMPUS supplement, dental, disability income, fixed indemnity, long-term care, medicare supplement, specified disease, vision, and any other accident and sickness insurance other than basic hospital expense, basic medical-surgical expense, and comprehensive major medical insurance coverage.

(j) The Commissioner shall adopt such rules and regulations as he or she deems necessary for the administration of this Code section. Such rules and regulations may prescribe various conversion plans, including minimum conversion standards and minimum benefits, but not requiring benefits in excess of those provided under the group contract or group plan from which conversion is made, scope of coverage, preexisting limitations, optional coverages, reductions, notices to covered persons, and such other requirements as the Commissioner deems necessary for the protection of the citizens of this state.

(k) This Code section shall apply to all group plans and group contracts delivered or issued for delivery in this state on or after July 1, 1998, and to group plans and group contracts then in effect on the first anniversary date occurring on or after July 1, 1998."

SECTION 3.

Said title is further amended by striking Chapter 29A, relating to individual health insurance coverage availability and assignment systems, and inserting a new Chapter 29A to read as follows:

"CHAPTER 29A

33-29A-1.
(a) It is the intention of this chapter to provide an acceptable alternative mechanism for the availability of individual health insurance coverage, as contemplated by Section 2741 of the federal Public Health Service Act, 42 U.S.C. Section 300gg-41. This chapter shall be construed and administered so as to accomplish such intention.
(b) Any reference in this chapter to any federal statute shall refer to that federal statute as it existed on January 1, 1997, including its amendment by the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191.

33-29A-2.
(a) As used in this chapter, the term:
(1) 'Administrator' as used in this chapter shall have the same meaning as the term 'administrator' as defined in Code Section 33-23-100.
(2) 'Assignment pool' means the assignment pool administered by the Georgia Assignment Pool Underwriting Authority.
(3) 'Assignment pool coverage' means coverage offered by plan administrators on behalf of the assignment pool to eligible persons.
(4) 'Board' means the board of directors of the Georgia Assignment Pool Underwriting Authority created under this chapter.
(5) 'Commissioner' means the Commissioner of Insurance.
(6) 'Covered person' means any individual resident of this state, excluding dependents, who is eligible to receive benefits from any insurer.
(7) 'Creditable coverage' and 'eligible individual' have the same meaning as specified in Sections 270l and 2741 of the federal Public Health Service Act, 42 U.S.C. Sections 300gg and 300gg-41.
(8) 'Department' means the Georgia Department of Insurance.
(9) 'Dependent' shall have the same meaning as provided in subparagraph (3) of subsection (a) of Code Section 33-29-2 or paragraph (4) of Code Section 33-30-4.
(10) 'Family member' means a parent, grandparent, brother, or sister, whether such relationship is established by birth or by law.
(11) 'Health insurance' means any hospital or medical expense incurred policy, nonprofit health care services plan contract, health maintenance organization, subscriber contract, or any other health care plan or insurance arrangement that pays for or furnishes medical or health care services, whether by insurance or otherwise, when sold to an individual or as a group policy. This term does not include limited benefit insurance policies. For the purposes of this Code section, the term 'limited benefit insurance' means accident and sickness insurance designed, advertised, and marketed to supplement major medical insurance. The term 'limited benefit insurance' includes accident only, CHAMPUS supplement, dental, disability income, fixed indemnity, long-term care, medicare supplement, specified disease, vision, limited benefit, or credit insurance; coverage issued as a supplement to liability

insurance; insurance arising out of a workers´ compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance, and includes any other accident and sickness insurance other than basic hospital expense, basic medical-surgical expense, and comprehensive major medical insurance coverage.

(12) 'Health insurance issuer' and 'health maintenance organization' have the same meaning as specified in Section 2791 of the federal Public Health Service Act, 42 U.S.C. Section 300gg-92.

(13) 'Health insurer' means any health insurance issuer which is not a managed care organization.

(14) 'Insurance arrangement' or 'self-insurance arrangement' means a plan, program, contract, or other arrangement through which health care services are provided by an employer to its officers, employees, or other personnel, but does not include health care services covered through an insurer.

(15) 'Insured' means a person who is a legal resident of this state and who is eligible to receive benefits from the assignment pool. The term 'insured' may include dependents and family members.

(16) 'Managed care organization' means a health maintenance organization or a nonprofit health care corporation.

(17) 'Market share' means the percentage of the total number of covered persons living in Georgia included in health insurance and health plans insured, reinsured, and administered by a payor.

(18) 'Medicare' means coverage provided by Part A and Part B of Title XVIII of the federal Social Security Act, 42 U.S.C. Section 1395c, et seq.

(19) 'Payor' means any entity that is authorized in this state to write health insurance or that provides health insurance in this state. For the purposes of this chapter, the term 'payor' includes an insurance company; nonprofit health care services plan; health care corporation or surviving health care corporation as defined in Code Section 33-20-3; fraternal benefits society; health maintenance organization; any other entity providing a plan of health insurance or health benefits subject to state insurance regulation; association plans; and any administrator paying or processing health benefit claims in Georgia.

(20) 'Physician' means a person licensed to practice medicine in Georgia.

(21) 'Plan administrator' means a payor selected by the Georgia Assignment Pool Underwriting Authority to provide administrative services or accept assignments of insureds as defined in paragraph (15) of this subsection.

(22) 'Plan of operation' means the plan of operation of the assignment pool and includes the articles, bylaws, and operating rules of the assignment pool that are adopted by the board.

(23) 'Resident' means an individual who has been legally domiciled in Georgia for a minimum of 24 months; provided, however, that, for a federally defined eligible individual, there shall be no such time period requirement to establish residency.

(b) Any other term which is used in this chapter and which is also defined in Section 2791 of the federal Public Health Service Act, 42 U.S.C. Section 300gg-92, and not otherwise defined in this chapter shall have the same meaning specified in said Section 2791.

33-29A-3.
(a) There is created a body corporate to be known as the 'Georgia Assignment Pool Underwriting Authority' which shall be deemed to be a public corporation. The Georgia Assignment Pool Underwriting Authority shall have perpetual existence, and any change in the name or composition of the assignment pool or Georgia Assignment Pool Underwriting Authority shall in no way impair the obligations of any contracts existing under this chapter.
(b) The Commissioner, the Speaker of the House of Representatives, and the Senate Committee on Assignments shall each appoint two members of the authority for staggered four-year terms as provided by this Code section. One of the authority members appointed by each of the above persons or officers shall have a two-year initial term and one shall have a four-year initial term as designated by the person or officer making such appointment at the time of such appointment. Thereafter, successors to such members shall be appointed to and serve four-year terms.
(c) Such appointees shall be persons affiliated with payors admitted and authorized to write health insurance in this state or who are otherwise familiar with health insurance matters.
(d) The Governor shall appoint three members for staggered four-year terms as provided by this subsection. One appointee shall be a person representing the medical provider community, such as a physician licensed to practice medicine in this state, who shall serve a four-year initial term and the other two appointees shall be persons representing consumers. One of the authority members representing consumers appointed by the Governor shall have a two-year initial term, and one shall have a four-year initial term as designated by the Governor at the time of such appointment. Thereafter, successors to such members shall be appointed to and serve four-year terms.
(e) The appointed members of the authority shall elect one of their own members to serve as chairperson.
(f) If a vacancy occurs on the authority, the person or officer who made the appointment shall fill the vacancy for the unexpired term with a person who has the appropriate qualifications to fill that position on the authority.
(g) A member of the authority shall not be liable for an action or omission performed in good faith in the performance of the powers and duties under this chapter and a cause of action shall not arise against a member for such action or omission.

33-29A-4.
(a) The initial members of the Georgia Assignment Pool Underwriting Authority shall submit to the Commissioner a plan of operation for the assignment pool that will assure the fair, reasonable, and equitable administration of the assignment pool.

(b) In addition to the other requirements of this chapter, the plan of operation must include procedures for:

(1) Operation of the assignment pool;

(2) Selecting a plan administrator or multiple plan administrators;

(3) Creating a fund, under management of the authority, for administrative expenses;

(4) Handling, accounting, and auditing of money and other assets of the assignment pool;

(5) Developing and implementing a program to publicize the existence of the assignment pool, the eligibility requirements for coverage under the assignment pool, and the enrollment procedures, and to foster public awareness of the plan;

(6) Creation of a grievance committee to review complaints presented by applicants for coverage from the assignment pool and insureds who receive coverage from the assignment pool; and

(7) Other matters as may be necessary and proper for the execution of the board's powers, duties, and obligations under this chapter.

(c) After notice and hearing, the Commissioner shall approve the plan of operation if it is determined that the plan is suitable to assure the fair, reasonable, and equitable administration of the assignment pool.

(d) The plan of operation shall become effective on the date it is approved by the Commissioner.

(e) If the initial members of the authority fail to submit a suitable plan of operation within 180 days following the appointment of the initial members, the Commissioner, after notice and hearing, may adopt all necessary and reasonable rules to provide a plan for the assignment pool. The rules adopted under this subsection shall continue in effect until the initial members submit, and the Commissioner approves, a plan of operation as provided under this Code section.

(f) The authority shall amend the plan of operation as necessary to carry out the provisions of this chapter. All amendments to the plan of operation shall be submitted to the Commissioner for approval before becoming part of the plan.

33-29A-5.

(a) The Georgia Assignment Pool Underwriting Authority is authorized to exercise any of the authority that a corporation in this state may exercise under the laws of this state.

(b) As part of its authority, the Georgia Assignment Pool Underwriting Authority shall have the authority to:

(1) Develop a means in this chapter referred to as the assignment pool, through the assignment of risks to provide health benefits coverage to persons who are eligible for that coverage under this chapter;

(2) Enter into contracts that are necessary to carry out its powers and duties under this chapter including, with the approval of the Commissioner, entering into contracts with similar pools in other states for the joint performance of common administrative functions or with other organizations for the performance of administrative functions;

(3) Sue and be sued, including taking any legal action necessary or proper to recover or collect assessments due the assignment pool;
(4) Institute any legal action necessary to recover any amounts erroneously or improperly paid by the assignment pool, to recover any amounts paid by the assignment pool as a mistake of fact or law, and to recover other amounts due the assignment pool;
(5) Establish appropriate rates, rate schedules, rate adjustments, expense allowance, and agents´ referral fees, and perform any actuarial function appropriate to the operation of the assignment pool;
(6) Adopt policy forms, endorsements, and riders and applications for coverage;
(7) Develop a means for plan administrators to issue insurance policies subject to this chapter and the plan of operation;
(8) Appoint appropriate legal, actuarial, and other committees that are necessary to provide technical assistance in operating the assignment pool and performing any of the functions of the assignment pool;
(9) Employ and set the compensation of any persons necessary to assist the assignment pool in carrying out its responsibilities and functions;
(10) Borrow money as necessary to implement the purposes of the assignment pool; and
(11) Require plan administrators to employ cost containment measures and requirements, including, but not limited to, preadmission screening, second surgical opinion, concurrent utilization case management, disease-state management, and other risk reduction practices for the purpose of maximizing effectiveness and cost savings to the assignment pool, its insureds, and payers. Plan administrators shall report at least annually on these programs and document savings and improved health outcomes for eligible individuals.

(c) Not later than June 30 of each year, the board shall make an annual report to the Governor, the Senate Insurance and Labor Committee, the House Committee on Insurance, and the Commissioner. The report shall summarize the activities of the assignment pool in the preceding calendar year, including information regarding net written and earned premiums, plan enrollment, administration expenses, and paid and incurred losses of plan administrators on behalf of persons eligible for coverage under the assignment pool.
(e) The board shall establish a methodology to assure that the widest practicable and equitable distribution of risk among payors is achieved and that a variety of plan design offerings are available through plan administrators.
(f) The board shall establish in its plan of operation means by which to compensate plan administrators for accepting assignments from the assignment pool.

33-29A-6.
(a) After completing a competitive bidding process as provided by the plan of operation, the board may select one or more payors or plan administrators certified by the board to administer the assignment pool and offer assignment pool coverage.

(b) The board shall establish criteria for evaluating the bids submitted. The criteria shall include:

(1) A payor's or plan administrator's proven ability to handle accident and sickness insurance;

(2) The efficiency of a payor's or plan administrator's claims paying procedures;

(3) An estimate of total charges for administering the assignment pool;

(4) A payor's or plan administrator's ability to administer the assignment pool in a cost-efficient manner; and

(5) The financial condition and stability of the payor or plan administrator.

(c) The plan administrator shall perform such functions relating to the assignment pool as may be assigned to it, including:

(1) Providing health benefits coverage according to specifications adopted by the board to persons who are eligible for that coverage under this chapter;

(2) Performing eligibility and administrative claims payment functions for the assignment pool;

(3) Establishing a billing procedure for collection of premiums from persons insured by the assignment pool;

(4) Performing functions necessary to assuring timely payment of benefits to persons covered under the assignment pool, including:

(A) Providing information relating to the proper manner of submitting a claim for benefits to the assignment pool and distributing claim forms; and

(B) Evaluating the eligibility of each claim for payment by the assignment pool;

(5) Submitting regular reports to the board relating to the operation of the assignment pool; and

(6) Determining after the close of each calendar year the net written and earned premiums, expenses of administration, and paid and incurred losses of the assignment pool for that calendar year and reporting such information to the board and the Commissioner on forms prescribed by the Commissioner.

33-29A-7.

The Commissioner may by rule and regulation establish additional powers and duties of the board and may adopt other rules and regulations as are necessary and proper to implement this chapter. The Commissioner by rule and regulation shall provide the procedures, criteria, and forms necessary to implement, collect, and deposit assessments made and collected under Code Section 33-29A-12.

33-29A-8.

(a) Rates and rate schedules may be adjusted for appropriate risk factors, including age and variation in claim costs, and the board may consider appropriate risk factors in accordance with established actuarial and underwriting practices.

(b) The Georgia Assignment Pool Underwriting Authority shall determine the standard risk rate by considering the premium rates charged by insurers offering health insurance coverage to individuals. The standard risk rate shall be established using reasonable

actuarial techniques and shall reflect anticipated experience and expenses for such coverage. The initial assignment pool rate may not be less than 125 percent and may not exceed 150 percent of rates established as applicable for individual standard rates. Subsequent rates shall be established to provide fully for the expected costs of claims, including recovery of prior losses, expenses of operation, investment income of claim reserves, and any other cost factors subject to the limitations described in this subsection; however, in no event shall assignment pool rates exceed 150 percent of rates applicable to individual standard risks.

(c) All rates and rate schedules shall be submitted to the Commissioner for approval, and the Commissioner must approve the rates and rate schedules of the plans offered by the plan administrators on behalf of the assignment pool before assignment of risks to such plan's use by the assignment pool. The Commissioner in evaluating the rates and rate schedule of the assignment pool shall consider the factors provided for in this Code section.

33-29A-9.

(a) Any individual person who is and continues to be a legal resident of Georgia as defined in paragraph (22) of subsection (a) of Code Section 33-29A-2 shall be eligible for coverage from the assignment pool if evidence is provided of:

(1) A notice of rejection or refusal to issue substantially similar insurance for health reasons by two insurers. A rejection or refusal by an insurer offering only stop-loss, excess loss, or reinsurance coverage with respect to the applicant shall not be sufficient evidence under this subsection;

(2) A refusal by an insurer to issue insurance except at a rate exceeding the assignment pool rate;

(3) In the case of an individual who is eligible for coverage under the federal Health Insurance Portability and Accountability Act of 1996, P. L. 104-191, the individual's maintenance of health insurance coverage for the previous 18 months with no gap in coverage greater than 90 days of which the most recent coverage was through an employer sponsored plan;

(4) In the case of an individual who is eligible for coverage under the federal Health Insurance Portability and Accountability Act of 1996, P. L. 104-191, the individual's maintenance of health insurance coverage through this state's 'Enhanced Conversion Options,' 'Georgia Health Insurance Assignment System,' or 'Georgia Health Benefits Assignment System' at a rate exceeding the assignment pool rate with no gap in coverage since such coverage lapsed of more than 90 days; or

(5) Legal domicile in Georgia and eligibility for the credit for health insurance costs under Section 35 of the federal Internal Revenue Code of 1986.

(b) Each dependent of a person who is eligible for coverage from the assignment pool shall also be eligible for coverage from the assignment pool unless that person is enrolled in or is eligible to enroll in any form of health insurance or insurance arrangement, whether public or private. In the case of a child who is the primary

insured, resident family members shall also be eligible for coverage if they are the siblings, parents, or guardians of the child.

(c) A person may maintain assignment pool coverage for the period of time the person is satisfying a preexisting waiting period under another health insurance policy or insurance arrangement intended to replace the assignment pool policy.

(d) A person is not eligible for coverage from the assignment pool if the person;

(1) Has in effect on the date assignment pool coverage takes effect, or is eligible to enroll in, health insurance coverage from an insurer or insurance arrangement;

(2) Is eligible for other health care benefits at the time application is made to the assignment pool, including COBRA continuation, except:

(A) Coverage, including COBRA continuation, other continuation, or conversion coverage, maintained for the period of time the person is satisfying any preexisting condition waiting period under an assignment pool policy; or

(B) Individual coverage conditioned by the limitation described by paragraphs (1) through (3) of subsection (a) of this Code section;

(3) Has terminated coverage in the assignment pool within 12 months of the date that application is made to the assignment pool, unless the person demonstrates a good faith reason for the termination;

(4) Is confined in a county jail or imprisoned in a state or federal prison;

(5) Has premiums that are paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent thereof, of a government agency or health care provider, except as provided in paragraph (6) of subsection (a) of this Code section;

(6) Has premiums that are paid for or reimbursed by a nongovernmental third-party organization with interest in placing individuals in high risk pools or similar pools;

(7) Has had prior coverage with the assignment pool terminated for nonpayment of premiums or fraud; or

(8) Has voluntarily terminated coverage outside the assignment pool within six months of the date that application is made to the assignment pool unless the person demonstrates a good faith reason for the termination. If a person otherwise eligible for assignment pool coverage has declined or terminated COBRA continuation or other continuation or conversion coverage, except for basic conversion coverage as provided in subsection (g) of Code Section 33-24-21.1, such person is still eligible to apply for assignment pool coverage, but a preexisting condition exclusion shall apply and last for a period of 18 months.

(e) Assignment pool coverage shall cease:

(1) On the date a person is no longer a resident of this state, except for a child who is a dependent according to provisions of paragraph (3) of subsection (a) of Code Section 33-29-2 or paragraph (4) of Code Section 33-30-4 and who is financially dependent upon the parent, a child for whom a person may be obligated to pay child support, or a child of any age who is disabled and dependent upon the parent;

(2) On the date a person requests coverage to end;

(3) Upon the death of the covered person;
(4) On the date state law requires cancellation of the policy;
(5) At the option of the assignment pool, 30 days after the assignment pool sends to the person any inquiry concerning the person's eligibility, including an inquiry concerning the person's residence, to which the person does not reply;
(6) On the thirty-first day after the day on which a premium payment for assignment pool coverage becomes due if the payment is not made before that date; or
(7) At such time as the person ceases to meet the eligibility requirements of this Code section.

(f) A person who ceases to meet the eligibility requirements of this Code section may have his or her coverage terminated by the payor or plan administrator at the end of the policy period.

33-29A-10.

(a) The assignment pool shall offer assignment pool coverage consistent with major medical expense coverage to each eligible person who is not eligible for medicare. The board, with the approval of the Commissioner, shall establish:
(1) The coverages to be provided by the assignment pool;
(2) At least two health benefit products to be offered by the assignment pool;
(3) The applicable schedules of benefits; and
(4) Any exclusions to coverage and other limitations.

(b) The benefits provisions of the assignment pool's health benefits coverages shall include the following:
(1) All required or applicable definitions;
(2) A list of any exclusions or limitations to coverage;
(3) A description of covered services required under the assignment pool; and
(4) The deductibles, coinsurance options, and copayment options that are required or permitted under the assignment pool.

(c) The board may adjust deductibles and the time periods governing preexisting conditions to preserve the financial integrity of the assignment pool. Plan administrators may petition the board in a manner provided for in rules adopted by the board and approved by the Commissioner to address solvency concerns and matters affecting the financial integrity of coverage provided by plan administrators. If the board makes such an adjustment, it shall report in writing that adjustment together with its reasons for the adjustment to the Commissioner. The report shall be submitted not later than the thirtieth day after the date the adjustment is made.

(d) Benefits otherwise payable under assignment pool coverage shall be reduced by amounts paid or payable through any other health insurance or insurance arrangement and by all hospital and medical expense benefits paid or payable under any workers´ compensation coverage, automobile insurance whether provided on the basis of fault or no-fault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(e) The assignment pool and the plan administrators shall have a cause of action against an eligible person for the recovery of the amount of benefits paid that are not for covered expenses. Benefits due from the assignment pool and plan administrators may be reduced or refused as an offset against any amount recoverable under this subsection.
(f) Notwithstanding other provisions of this Code section and as long as the minimum standards set forth in this Code section are met, the board and plan administrators may offer additional major medical plans of coverage to eligible individuals that reflect those otherwise available to the private health insurance market, including, but not limited to, high deductible health plans (HDHP), health savings account eligible health plans (HSA), and other such plans as may be designed in the future to meet the need for affordable coverage for eligible individuals.

33-29A-11.
(a) Except as otherwise provided by this Code section, assignment pool coverage shall exclude charges or expenses incurred during the first 12 months following the effective date of coverage with regard to any condition for which medical advice, care, or treatment was recommended or received during the six-month period preceding the effective date of coverage.
(b) The preexisting conditions limitation provided in this Code section shall be reduced by aggregated creditable coverage that was in effect up to a date not more than 90 days before application for coverage in the assignment pool.
(c) An eligible individual who is eligible for enrollment in the assignment pool as a result of the federal Health Insurance Portability and Accountability Act of 1996, P. L. 104-191, and has 18 months of prior creditable coverage, the most recent of which is employer sponsored coverage, shall be eligible for coverage without regard to the 12-month preexisting conditions limitation.
(d) An eligible individual who is eligible for the credit for health insurance under Section 35 of the federal Internal Revenue Code of 1986 shall be eligible for coverage without regard to the 12-month preexisting conditions limitation only if he or she had three months of prior creditable coverage as of the date on which the individual seeks to enroll in assignment pool coverage, not counting any period prior to a 63-day break in coverage.

33-29A-12.
(a) Payors shall participate in the assignment pool by accepting direct assignments of eligible individuals for coverage or by contributing to the cost of claims beyond premiums collected by plan administrators that accept direct assignment of risks from the assignment pool.
(b) The board with review and approval of the Commissioner shall develop an accounting method to estimate future and determine actual claims of payors accepting direct assignment of risks from the assignment pool along with administrative costs of

the assignment pool and plan administrators and collect assessments from all payors using an equitable formula based on market share.

(c) If the claims or anticipated claims of payors exceed premiums collected from subscribers, the board, by July 1 of that year, shall assess payors in accordance with this subsection an amount necessary for the continued operation of the assignment pool for the next fiscal year. Assessments shall be due not less than 30 days after the end of each calendar quarter and shall accrue interest at a rate not to exceed 12 percent per annum on and after the due date. Each payor shall be assessed an amount established by the board not to exceed $2.00 per covered person per payor per month, excluding persons covered under limited benefit insurance policies as defined in paragraph (11) of subsection (a) of Code Section 33-29A-2. Health insurance and health plans established by federal, state, or local governments shall not be included in such assessments unless such state or local government has contracted with payors to provide insurance, stop-loss insurance, or plan administrator services.

(d) Plan administrators accepting direct assignment of risks from the assignment pool shall be allowed credit for actual claims of eligible individuals that exceed assessments that would otherwise be payable based on market share.

(e) To the extent not otherwise prohibited by law, each payor may itemize the cost of this assessment in statements or invoices to employers or covered persons.

(f) The board shall make reasonable efforts designed to ensure that each covered person is counted only once with respect to any assessment. For that purpose, the board shall require each payor that obtains excess or stop-loss insurance to include in its count of covered persons all individuals whose coverage is insured, including by way of excess or stop-loss coverage, in whole or in part. The board shall allow a payor to exclude from its number of covered persons those who have been counted by the primary payor or by the primary excess or stop-loss insurer for the purposes of determining its market share under this Code section.

(g) Each payor's assessment may be verified by the board based on annual statements and other reports deemed to be necessary by the board. The board may use any reasonable method of estimating the number of covered persons of a payor if the specific number is unknown.

(h) If assessments and other receipts by the assignment pool, board, or plan administrator exceed the actual losses and administrative expenses of the plan, the excess shall be held at interest and used by the board to offset future losses or to reduce plan premiums. Future losses shall include reserves for claims incurred but not reported.

(i) The Commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any payor that fails to pay an assessment. As an alternative, the Commissioner may levy a forfeiture on any payor that fails to pay an assessment when due. Such forfeiture may not exceed 5 percent of the unpaid assessment per month, but no forfeiture shall be less than $100.00 per month.

(j) The funding mechanism outlined in this Code section shall be modified only by general law.
(k) Notwithstanding other provisions of this chapter, a payor may accept, with board and Commissioner approval, direct assignments based on market share from the assignment pool without regard to recovery for claims as long as the payor does not attempt to discriminate or select which risks it will accept from the assignment pool. In addition, a payor meeting the qualifications of this subsection may seek approval to market new benefit plans that include, but are not limited to:
(1) Product or benefits designs to offer affordable coverage options to eligible individuals; or
(2) Risk reductions methodologies through disease-state management.
(l) Any plans offered as provided in subsection (k) of this Code section shall be approved as suitable for the purposes of this chapter by relevant federal authorities prior to enrollment of eligible individuals.
(m) Payors accepting direct assignment of risks as provided in subsection (k) of this Code section shall not be subject to assessments and their market share shall not be included in market share calculations for the purpose of assessments.
(n) The Commissioner and the board shall determine the period or periods of time plans authorized for assignments under subsection (k) of this Code section shall be offered except that no payor shall be permitted to elect to change its manner of participation in the assignment pool more than once in a two-year period.

33-29A-13.
An applicant or participant in coverage from the assignment pool is entitled to have complaints against the assignment pool reviewed by a grievance committee appointed by the board. The grievance committee shall report to the board after completion of the review of each complaint. The board shall retain all written complaints regarding the assignment pool at least until the third anniversary of the date the assignment pool received the complaint.

33-29A-14.
(a) The state auditor shall conduct annually a special audit of the assignment pool. The state auditor's report shall include a financial audit and an economy and efficiency audit.
(b) The state auditor shall report the cost of each audit conducted under this chapter to the board. The board shall then promptly remit that amount to the state auditor for deposit to the general fund.

33-29A-15.
Notwithstanding other changes in law contained in this chapter, persons eligible as a result of the federal Health Insurance Portability and Accountability Act of 1996, P. L. 104-191, shall continue to be issued health insurance coverage through this state's 'Georgia Health Insurance Assignment System,' 'Georgia Health Benefits Assignment

System,' or 'Enhanced Conversion Options,' under rules and procedures established under this chapter or under Code Section 33-24-21.1 prior to July 1, 2006, until December 31, 2006, or such time as the assignment pool is able to issue coverage to eligible individuals, whichever occurs later.

33-29A-16.
Coverages available under the assignment pool must be made available not later than January 1, 2007, except as provided in Code Section 33-29A-15."

SECTION 4.

Said title is further amended by striking paragraph (2) of subsection (b) of Code Section 33-30-15, relating to continuation of similar coverage, and inserting in lieu thereof a new paragraph (2) to read as follows:

"(2) Once such creditable coverage terminates, including termination of such creditable coverage after any period of continuation of coverage required under Code Section 33-24-21.1 or the provisions of Title X of the Omnibus Budget Reconciliation Act of 1986, the insurer must ~~offer a conversion policy~~ provide notice of eligibility for coverage under the state's alternative mechanism of the availability of individual health insurance coverage as provided under Chapter 29A of this title, as contemplated by Section 2741 of the federal Public Health Service Act, 42 U.S.C. Section 300gg-41, to the eligible employee, member, subscriber, enrollee, or dependent."

SECTION 5.

Said title is further amended by repealing and reserving Chapter 44, relating to high risk health insurance plans.

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 Crawford	Y Hill, C.A	N Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	N May	Y Scott, A
Y Ashe	N Day	N Horne	McCall	N Scott, M
Y Barnard	N Dean	Y Houston	E McClinton	Y Setzler

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

On the passage of the Bill, by substitute, the ayes were 122, nays 35.

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

Representative Henson of the 87th 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 1484. By Representative Tumlin of the 38th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to clarify the circumstances under which an insurable interest exists with respect to personal insurance; to codify the common law with respect to certain insurable interests; to change certain provisions concerning prerequisites for replacement life insurance exceeding insurance being surrendered; to change special employee group provisions of group life insurance; to alter required policy provisions for

group life insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Y 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
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James
Y Jamieson
E 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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
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
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y Sims, C
Y Sims, F
Y Sinkfield
Y 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
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 161, nays 0.

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

HB 1451. By Representatives Sheldon of the 105th, Knox of the 24th, Walker of the 107th, Byrd of the 20th, Channell of the 116th and others:

A BILL to be entitled an Act to amend Article 7A of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to the Long-term Care Partnership Program, so as to revise certain definitions; 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 Article 7A of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to the Long-term Care Partnership Program, so as to revise certain definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 7A of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to the Long-term Care Partnership Program, is amended by striking Code Section 49-4-161, relating to definitions, and inserting in lieu thereof a new Code Section 49-4-161 to read as follows:

"49-4-161.

As used in this article, the term:

(1) 'Asset disregard' means ~~the total assets an individual owns and may retain upon application for the~~, with regard to state Medicaid ~~program and still qualify for~~ benefits, the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an ~~if the~~ individual~~:~~

~~(A) Is~~ who is a beneficiary under ~~of a Georgia Long-Term Care Partnership Program approved policy; and~~

~~(B) Has exhausted the benefits of such policy or has diminished such assets below anticipated remaining policy benefits~~ a qualified long-term care insurance partnership policy.

(2) 'Commissioner' means the Commissioner of Insurance.

~~(2)~~(3) 'Department' means the Department of Community Health.

~~(3)~~ (4) 'Georgia ~~Long-Term~~ Qualified Long-term Care Partnership Program approved policy' means a long-term care insurance policy that ~~is approved by the Commissioner of Insurance and is provided through state approved long-term care insurers through the Georgia Long-Term Care Partnership Program~~ meets the model regulations and requirements of the National Association of Insurance Commissioners´ long-term care

insurance model regulation and long-term care insurance model act as specified in 42 U.S.C. 1917(b) and Section 6021 of the Federal Deficit Reduction Act of 2005 and the Commissioner certifies such policy as meeting these requirements.

~~(4)~~ (5) 'State Medicaid program' means the medical assistance program established in this state under Title XIX of the federal Social Security Act.

(6) 'State plan amendment' means a state Medicaid plan amendment made to the federal Department of Health and Human Services that provides for the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary under a qualified long-term care insurance partnership policy."

SECTION 2.

Said article is further amended by striking Code Section 49-4-162, relating to the Georgia Long-term Care Partnership Program, and inserting in lieu thereof a new Code Section 49-4-162 to read as follows:

"49-4-162.

(a) ~~There~~ In accordance with Section 6021 of the Federal Deficit Reduction Act of 2005, there is established the Georgia ~~Long-Term~~ Long-term Care Partnership Program which shall be administered by the Department of Community Health, with the assistance of the Commissioner of Insurance and the Department of Human Resources, and which shall be for the following purposes:

(1) To provide incentives for individuals to insure against the costs of providing for their long-term care needs;

(2) To provide a mechanism for individuals to qualify for coverage of the cost of their long-term care needs under the state Medicaid program without first being required to substantially exhaust their resources;

(3) To provide counseling services through the Division of Aging Services of the Department of Human Resources to individuals in planning of their long-term care needs; and

(4) To alleviate the financial burden on the state's Medicaid program by encouraging the pursuit of private initiatives.

(b) Upon the exhaustion of benefits or upon the diminishment of assets below the anticipated remaining benefits under a Georgia ~~Long-Term~~ Long-term Care Partnership Program approved policy, certain assets of an individual, as provided in subsection (c) of this Code section, shall not be considered when determining any of the following:

(1) Medicaid eligibility;

(2) The amount of any Medicaid payment; and

(3) Any subsequent recovery by the state of a payment for medical services.

(c) The department shall: ~~amend the state Medicaid program to allow for asset disregard. The department shall provide for asset disregard by counting insurance benefits paid for covered services under the Georgia Long-Term Care Partnership Program for purchasers of a Georgia Long-Term Care Partnership Program approved policy toward asset disregard~~

(1) Within 180 days of the effective date of this Code section, make application to the federal Department of Health and Human Services for a state plan amendment to establish that the assets an individual owns and may retain under Medicaid and still qualify for benefits under Medicaid at the time the individual applies for benefits is increased dollar for dollar for each dollar paid out under the individual's long-term care insurance policy if:

(A) The individual is the beneficiary of a qualified long-term care insurance partnership policy purchased through the Georgia Qualified Long-term Care Partnership Program; and

(B) The individual has exhausted the benefits of such policy; and

(2) Provide information and technical assistance to the Commissioner to assure that any individual who sells a qualified long-term care insurance partnership policy receives training and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care."

SECTION 3.

Said article is further amended by striking Code Section 49-4-163, relating to eligibility for asset disregard, and inserting in lieu thereof a new Code Section 49-4-163 to read as follows:

"49-4-163.

(a) An individual who is a beneficiary of a Georgia ~~Long-Term~~ Qualified Long-term Care Partnership Program approved policy is eligible for assistance under the state Medicaid program using asset disregard pursuant to the provisions of subsection (c) of Code Section 49-4-162.

(b) If the Georgia ~~Long-Term~~ Qualified Long-term Care Partnership Program is discontinued, an individual who purchased a Georgia ~~Long-Term~~ Qualified Long-term Care Partnership Program approved policy prior to the date the program was discontinued shall be eligible to receive asset disregard if allowed as provided by Title VI, Section 6021 of the Federal Deficit Reduction Act of 2005.

(c) The department may enter into reciprocal agreements with other states to extend the asset disregard to residents of the state who purchase long-term care policies in another state which has asset disregard provisions as established under this article as provided by Title VI, Section 6021 of the Federal Deficit Reduction Act of 2005."

SECTION 4.

Said article is further amended by striking Code Section 49-4-164, relating to rules and regulations, and inserting in lieu thereof a new Code Section 49-4-164 to read as follows:

"49-4-164.

(a) The Commissioner shall:

(1) Develop requirements to ensure that any individual who sells a qualified long-term care insurance partnership policy receives training and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care; and

(2) Not impose any requirement affecting the terms or benefits of qualified long-term care partnership policies unless the Commissioner imposes such a requirement on all long-term care policies sold in this state without regard to whether the policy is covered under the partnership or is offered in connection with such partnership.

(b) The department and the Commissioner ~~of Insurance~~ are authorized to promulgate rules and regulations to implement and administer the provisions of this article.

(c) The issuers of qualified long-term care partnership policies in this state shall provide regular reports to both the Secretary of the Department of Health and Human Services in accordance with federal law and regulations and to the department and the Commissioner as provided in Section 6021 of the Federal Deficit Reduction Act of 2005."

SECTION 5.

Said article is further amended by striking Code Section 49-4-165, relating to notice to consumers, and inserting in lieu thereof a new Code Section 49-4-165 to read as follows:

"49-4-165.

(a) A qualified long-term care insurance partnership policy ~~issued after the effective date of this article~~ shall contain a summary notice to the consumer in plain language on the current law pertaining to asset disregard and asset tests.

(b) The notice to the consumer under subsection (a) of this Code section shall be developed by the Commissioner of Insurance."

SECTION 6.

Said article is further amended by striking Code Section 49-4-166, relating to effective date, and inserting in lieu thereof a new Code Section 49-4-166 to read as follows:

"49-4-166.

~~The provisions of this article shall become effective 60 days after the effective date of the repeal of the restrictions to asset protection contained in the federal Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, 107 Stat. 312~~ Reserved."

SECTION 7.

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

SECTION 8.

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

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

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
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y 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
Y 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
Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James
Y Jamieson
E 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
E 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
E 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
Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Sailor
Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Stephenson
Y Talton
Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

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

HB 1506. By Representatives Houston of the 170th, Burkhalter of the 50th, Ehrhart of the 36th, Royal of the 171st, Harbin of the 118th and others:

A BILL to be entitled an Act to amend Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, collection, and assessment of state sales and use tax, so as to prohibit certain sales at any business location where the state revenue commissioner has revoked such business location's certificate of registration; to provide for

criminal penalties; 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 Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding state sales and use tax, so as to provide for increased criminal penalties with respect to violations of said Article 1; to provide for increased penalties with respect to filing false or fraudulent returns; to provide for increased criminal penalties with respect to failure to furnish certain returns or records; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding state sales and use tax, is amended by striking Code Section 48-8-7, relating to violations of said Article 1, and inserting in its place a new Code Section 48-8-7 to read as follows:

"48-8-7.

(a) It shall be unlawful for any dealer to knowingly and willfully fail, neglect, or refuse to collect the tax provided in this article, either by himself or through his agents or employees.

(b) In addition to the penalty of being liable for and paying the tax himself, any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor ~~and, upon conviction thereof, shall be punished by a fine of not more than $100.00 or imprisonment in the county jail for not more than three months, or both~~ of a high and aggravated nature and, upon conviction thereof, shall be punished by a fine of not more than $5,000.00 or imprisonment for not more than one year, or both. Upon the second or subsequent conviction of a person who violates subsection (a) of this Code section, the person shall be guilty of a felony and shall be punished by a fine of not more than $10,000.00 or imprisonment for not more than five years, or both."

SECTION 2.

Said part is further amended by striking Code Section 48-8-8, relating to filing false or fraudulent sales and use tax returns, and inserting in its place a new Code Section 48-8-8 to read as follows:

"48-8-8.

(a) It shall be unlawful for any dealer required by this article to knowingly and willfully make, render, sign, or verify any return to make a false or fraudulent return with intent to evade the tax levied by this article.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor ~~and, upon conviction thereof, shall be punished by a fine of not less than $100.00 nor more than $300.00 or confinement in the county jail for not less than 30 days nor more than three months, or both~~ of a high and aggravated nature and, upon conviction thereof, shall be punished by a fine of not more than $5,000.00 or imprisonment for not more than one year, or both. Upon the second or subsequent conviction of a person who violates subsection (a) of this Code section, the person shall be guilty of a felony and shall be punished by a fine of not more than $10,000.00 or imprisonment for not more than five years, or both."

SECTION 3.

Said part is further amended by striking Code Section 48-8-9, relating to failure to furnish sales and use tax returns, and inserting in its place a new Code Section 48-8-9 to read as follows:

"48-8-9.

(a) It shall be unlawful for any dealer subject to this article to knowingly and willfully fail or refuse to furnish any return required to be made by this article or to fail or refuse to furnish a supplemental return or other data required by the commissioner.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by a fine of not more than $5,000.00 or imprisonment for not more than one year, or both. Upon the second or subsequent conviction of a person who violates subsection (a) of this Code section, the person shall be guilty of a felony and shall be punished by a fine of not more than $10,000.00 or imprisonment for not more than five years, or both."

SECTION 4.

Said part is further amended by striking Code Section 48-8-10, relating to failure to keep or allow inspection of sales and use tax records, and inserting in its place a new Code Section 48-8-10 to read as follows:

"48-8-10.

(a) It shall be unlawful for any dealer subject to this article to knowingly and willfully fail to keep records or to fail to open the records to inspection as required by law.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by a fine of not more than $5,000.00 or imprisonment for not more than one year, or both. Upon the second or subsequent conviction of a person who violates subsection (a) of this Code section, the person shall be guilty of a felony and shall be punished by a fine of not more than $10,000.00 or imprisonment for not more than five years, or both."

SECTION 5.

This Act shall not apply to any offense committed before July 1, 2006. Any such offense shall be punishable as provided by the statute in effect at the time the offense was committed.

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
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Dollar
Y Drenner
Y Dukes
Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Y 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 Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James
Y Jamieson
E 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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
E 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
Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Reese
Y Rice
Y Roberts
Rogers
Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
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 162, nays 0.

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

Representative Reese of the 98th 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 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.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 12-3-10 of the Official Code of Georgia Annotated, 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 Official Code of Georgia Annotated, 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 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to the registration, operation, and sale of watercraft, so as to change certain provisions relating to definitions; to change certain provisions relating to exemptions from vessel numbering requirements; to provide for certain requirements and prohibitions relative to

hull identification numbers; to provide for seizure of certain vessels for which hull identification numbers are lacking or have been altered; to provide for forfeiture proceedings; to provide penalties for violations; to provide exemptions from hull identification numbering requirements; to change certain provisions relating to boating safety zones, restrictions on use of motors and operation of houseboats on certain lakes, and exceptions; 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.

Code Section 12-3-10 of the Official Code of Georgia Annotated, relating to directing persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and regulations and prohibited acts generally, is amended by striking subsections (e) through (h) and inserting in lieu thereof the following:

"(e) It shall be unlawful for any person to have or use a privately owned boat on any of the following state park lakes:

(1) A. H. Stephens Federal Lake and Lake Liberty; or

~~(2) Black Rock Mountain Lake;~~

~~(3) Vogel Lake Trahlyta;~~

~~(4) Franklin D. Roosevelt Lake Delano;~~

~~(5)~~(2) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply only from May 1 through Labor Day of each year~~;~~

~~(6) Unicoi Lake; and~~

~~(7) Willaway Inlet of Fort Yargo Lake (25 acres)~~.

(f) ~~It shall be unlawful to use a boat, other than one on official business, with any type of motor on the following state park lakes:~~

~~(1) Unicoi Lake;~~

~~(2) Willaway Inlet of Fort Yargo Lake (25 acres); and~~

~~(3) Fort Mountain Lake~~ Reserved.

(g) It shall be unlawful for any person to have or use a boat, other than one on official business, with other than ~~an~~ paddles or a portable bow or stern mounted electric trolling motor on any of the following state park lakes:

(1) Black Rock Mountain Lake;

(2) James H. 'Sloppy' Floyd Lake;

(3) A. H. Stephens-Lake Buncombe;

(4) Franklin D. Roosevelt-Lake Franklin or Lake Delano;

(5) John D. Tanner Lake (the 12 acre lake);

(5.1) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply only from the day after Labor Day each year through April 30 of the following year;

(6) Sweetwater Creek Lake; ~~and~~

(7) Hard Labor Creek Lake (the 37 acre lake)~~.~~;

(8) Fort Mountain Lake;
(9) Vogel Lake; or
(10) Unicoi Lake.

(h) It shall be unlawful for any person to use a boat, other than one on official business, with a motor which is neither an electric trolling motor nor ten horsepower or less on the following state park lakes:

(1) Fort Yargo Lake;
(2) Hamburg Lake;
(3) Hard Labor Creek Lake (the 275 acre lake);
(4) High Falls Lake;
(5) Indian Springs Lake;
(6) Kolomoki Mounds Lake;
(7) Stephen C. Foster Lake;
(8) Laura S. Walker Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset);
(9) Little Ocmulgee Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset); and
(10) Magnolia Springs Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset)."

SECTION 2.

Code Section 16-9-70 of the Official Code of Georgia Annotated, relating to criminal use of an article with an altered identification mark, is amended by striking subsection (a) and inserting in lieu thereof the following:

"(a) A person commits the offense of criminal use of an article with an altered identification mark when he or she buys, sells, receives, disposes of, conceals, or has in his or her possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, firearm, safe, vacuum cleaner, dictaphone, watch, watch movement, watch case, or any other mechanical or electrical device, appliance, contrivance, material, vessel as defined in Code Section 52-7-3, or other piece of apparatus or equipment, other than a motor vehicle as defined in Code Section 40-1-1, from which he or she knows the manufacturer's name plate, serial number, or any other distinguishing number or identification mark has been removed for the purpose of concealing or destroying the identity of such article."

SECTION 3.

Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to the registration, operation, and sale of watercraft, is amended by striking Code Section 52-7-3, relating to definitions, and inserting in lieu thereof the following:

"52-7-3.

As used in this article, the term:

(1) 'Blind point' means that portion of any of the waters of this state in which there is a natural or man-made obstruction which prevents the operator of a vessel from seeing vessels approaching from the opposite side of the obstruction, thus creating a safety hazard which could result in a boating accident.

(2) 'Board' means the Board of Natural Resources.

(3) 'Boat livery' means a business which holds any vessel for renting, leasing, or chartering.

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

(5) 'Dealer' means any person engaged in the business of manufacturing vessels or selling new or used vessels at an established place of business.

(6) 'Department' means the Department of Natural Resources.

(7) 'Discharged' means, and shall include, spilled, leaked, pumped, poured, emitted, or dumped.

(7.1) 'Hazardous area' means any area which the commissioner has designated as such because of conditions which create a threat to the safety and welfare of boaters who may operate in such area.

(8) 'Holding tank' means any container which is designed to receive and hold sewage and other wastes discharged from a marine toilet and which is constructed and installed in such a manner that it can only be emptied by pumping out the contents of such holding tank.

<u>(8.1) 'Homemade vessel' means any vessel that is built by an individual for personal use from raw materials that does not require the assignment of a federal hull identification number by a manufacturer pursuant to federal law. A person furnishing raw materials under a contract may be considered the builder of a homemade vessel. Antique boats, boats reconstructed from existing boat hulls, and rebuilt or reconstructed vessels are not considered homemade vessels.</u>

<u>(8.2) 'Hull identification number' or 'HIN' means a number assigned to vessels by the manufacturer of the vessel or by the issuing authority of a state as required by the United States Coast Guard in accordance with federal law.</u>

(9) 'Idle speed' means a slow speed maintained by the operator of a mechanically propelled vessel reached by engaging the engine of the vessel into said speed by reducing the throttle to a minimum.

<u>(9.1) 'Issuing authority' means, as to this state, the Department of Natural Resources; and, as to other states, the state if it has a numbering system approved by the United States Coast Guard or the United States Coast Guard if the state that does not have an approved numbering system.</u>

(10) 'Marine toilet' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage. A marine toilet must be equipped with a holding tank which can be emptied only by pumping out.

(11) 'Mechanically propelled vessel' means, for the purpose of determining fire extinguisher requirements, those vessels propelled by machinery using a volatile liquid for fuel.

(12) 'Nonmotorized vessel' means any vessel other than a sailboat which has no motor attached in a manner to make it readily available for operation.

(13) 'No wake' means that the wake or wash created by the movement of the vessel through the water is minimal.

(14) 'Operate' means to navigate or otherwise use a vessel which is not at anchor or moored, including vessels which are being paddled, are drifting, or are being powered by machinery.

(15) 'Operator' means the person who operates or has charge of the navigation or use of a vessel.

(16) 'Owner' means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person reserved or created by agreement and securing payment or performance of an obligation but the term excludes a lessee under a lease not intended as security.

(17) 'Person' means an individual, partnership, firm, corporation, association, or other legal entity.

(18) 'Personal flotation device' means any lifesaving device classified and approved as Type I, Type II, Type III, Type IV, or Type V (Hybrid) by the United States Coast Guard.

(19) 'Portable marine toilet' means any device which is movable or portable and is not permanently installed on a vessel and which is designed to receive and temporarily retain sewage.

(20) 'Power boat' means any boat, vessel, or water-going craft which is propelled by mechanical rather than manual means whether or not such propulsion device forms an integral part of the structure thereof.

(21) 'Protected fresh waters' means the waters of Lake Allatoona, Lake Blackshear, Clarks Hill Lake, Hartwell Lake, Lake Sidney Lanier, Lake Oconee, Lake Seminole, Lake Sinclair, Russell Lake, Walter F. George Reservoir, and West Point Lake.

(22) 'Reportable boating accident' means an accident, collision, or other casualty involving a vessel subject to this article which results in loss of life, injury sufficient to cause incapacitation for at least 24 hours, or actual physical damage to property, including vessels, in excess of $2,000.00.

(22.1) 'Sailboard' means any sailboat whose unsupported mast is connected by a swivel or a flexible universal joint to a hull similar to the hull of a surfboard.

(23) 'Sewage' means human body wastes and the waste from toilets and other receptacles intended to receive or retain body wastes.

(24) 'Undocumented vessel' means a vessel which is not required to have and does not have a valid marine document issued by the United States Coast Guard or federal agency successor thereto.

(25) 'Vessel' means every description of watercraft, other than a seaplane on the water or a sailboard, used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels; provided, however, Code Section 52-7-18, relating to rules of the road for boat traffic, shall be applicable to sailboards.

(26) 'Waters of this state' means any waters within the territorial limits of this state and the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state. This definition shall not include privately owned ponds or lakes not open to the public."

SECTION 4.

Said article is further amended by striking Code Section 52-7-6, relating to exemptions from vessel numbering requirements, and inserting in lieu thereof the following:

"52-7-6.

A vessel shall not be required to be numbered under ~~this article~~ Code Sections 52-7-4 and 52-7-5 if it is:

(1) Not motor propelled; provided, however, that sailboats 12 feet or more in length shall require registration;

(2) Covered by a certificate of number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state, provided that such vessel shall not be used on the waters of this state for a period in excess of 60 consecutive days;

(3) From a country other than the United States, provided that such vessel shall not be used on the waters of this state for a period in excess of 60 consecutive days;

(4) A vessel whose owner is the United States, a state, or a subdivision thereof, which vessel is used exclusively in the nonrecreation public service and which is clearly identifiable as such;

(5) A vessel's lifeboat if the boat is used solely for lifesaving purposes; this exemption does not include dinghies, tenders, speedboats, or other types of craft carried aboard vessels and used for other than lifesaving purposes;

(6) A vessel that is used exclusively for racing;

(7) A vessel belonging to a class of boats which has been exempted from numbering by the department after the department has found that:

(A) The numbering of vessels of such class will not materially aid in their identification;

(B) An agency of the federal government has a numbering system applicable to the class of vessel to which the vessel in question belongs; and

(C) The vessel would also be exempt from numbering if it were subject to the federal law;

(8) Operating temporarily by virtue of evidence that a recent application for a certificate of number has been submitted; or

(9) Used exclusively on privately owned ponds or lakes, except for those licensed by the Federal Energy Regulatory Commission."

SECTION 5.

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

"52-7-7.1.

(a) No person shall operate on the waters of this state a vessel manufactured after November 1, 1972, unless the vessel displays an assigned hull identification number as required by the United States Coast Guard or by the issuing authority, except any of those vessels exempted by Code Section 52-7-7.6. The hull identification number shall be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or the starboard side within two feet of the transom above the waterline in accordance with federal law or as directed by the issuing authority.

(b) No person shall operate on the waters of this state a vessel that was manufactured before November 1, 1972, for which an issuing authority has issued a hull identification number unless the hull identification number is clearly displayed on the hull of the vessel as described in subsection (a) of this Code section.

(c) No person shall destroy, remove, alter, cover, or deface the hull identification number, or any plate or decal bearing such number, of any vessel, except to make necessary repairs that require the removal of the HIN. Immediately upon completion of any repairs requiring the destruction, removal, alteration, covering, or defacing of a vessel's HIN, the person shall reaffix the hull identification number to the vessel in accordance with federal law or shall apply for a replacement hull identification number from the department.

(d) No person shall assign the same hull identification number to more than one vessel.

52-7-7.2.

Each vessel manufactured or built after the effective date of this Code section for sale in this state shall have a hull identification number displayed prior to sale or delivery for sale in accordance with federal law and this article. The hull identification number shall not be altered or replaced by the manufacturer or manufacturer's representative for the purpose of upgrading the model year of a vessel after being offered for sale or delivered to any dealer.

52-7-7.3.

(a) If the hull identification number on a vessel required by Code Section 52-7-7.1 or 52-7-7.2 to have a hull identification number does not exist or has been altered, removed, destroyed, covered, or defaced or the real identity of the vessel cannot be determined, the vessel, and any items used while towing said vessel, may be seized as contraband property by a law enforcement agency or the department and shall be

subject to forfeiture. Such vessel shall not be sold or operated on the waters of the state unless the department:

(1) Receives a request from a law enforcement agency providing adequate documentation for a replacement hull identification number; or

(2) Is directed by written order of a court of competent jurisdiction to issue to the vessel a replacement hull identification number.

Thereafter, the replacement HIN shall be used for identification purposes. No vessel shall be forfeited if the owner was unaware the vessel's HIN had been altered, removed, destroyed, covered, or defaced.

(b) The failure to have the hull identification number clearly displayed in compliance with this article shall be probable cause for any law enforcement officer to make further inspection of the vessel in question to ascertain the true identity thereof.

52-7-7.4.

(a) Property subject to forfeiture under Code Section 52-7-7.3 and in the possession of any state or local law enforcement agency shall not be subject to replevin but shall be deemed to be in the custody of the superior court of the county wherein the property is located subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings.

(b) The law enforcement agency having possession of any property subject to forfeiture under Code Section 52-7-7.3 shall report such fact within ten days of taking possession to the district attorney of the judicial circuit having jurisdiction in the county where the property is located. Within 30 days from the date he or she receives such notice, the district attorney of the judicial circuit shall file in the superior court of the county in which the property is located an action for condemnation of the property. The proceedings shall be brought in the name of the state, and the action shall be verified by a duly authorized agent of the state in the manner required by law. The action shall describe the property, state its location, state its present custodian, state the name of the owner, if known, state the duly authorized agent of the state, allege the essential elements which are claimed to exist, and shall conclude with a prayer of due process to enforce the forfeiture. Upon the filing of such an action, the court shall promptly cause process to issue to the present custodian in possession of the property described in the action, commanding him or her to seize the property described in the action and to hold that property for further order of the court. A copy of the action shall be served on the owner, if known. If the owner is known, a copy of the action shall also be served upon any person having a duly recorded security interest in or lien upon that property. If the owner is unknown or resides out of the state or departs the state or cannot after due diligence be found within the state or conceals himself or herself so as to avoid service, notice of the proceedings shall be published once a week for two weeks in the newspaper in which the sheriff's advertisements are published. Such publication shall be deemed notice to any and all persons having an interest in or right affected by such proceeding and from any sale of the property resulting therefrom but shall not constitute notice to any person having a duly recorded security interest in or

lien upon such property and required to be served under this Code section unless that person is unknown or resides out of the state or departs the state or cannot after due diligence be found within the state or conceals himself or herself to avoid service. At the expiration of 30 days after such filing, if no claimant has appeared to defend the action, the court shall order the disposition of the seized property as provided for in this Code section. If the owner of the vessel appears and defends the action and can show that he or she was unaware of the fact that the hull identification number had been removed, altered, defaced, falsified, or destroyed, the court shall order the property returned to the owner upon the owner's paying proper expenses relating to proceedings for forfeiture, including the expenses of the maintenance of custody, advertising, and court costs and upon the vessel being assigned a new hull identification number as provided in this article.

(c) Except as otherwise provided in this article, when property is forfeited under this article, the court may:

(1) Order that the vessel be retained by the law enforcement agency or the county in which the vessel is located; or

(2) Order that the vessel be disposed of by sale, the proceeds of which shall be used to pay the proper expenses relating to the proceedings for forfeiture, including the expenses of maintenance of custody, advertising, and court costs, with the remaining funds to be paid into the general fund of the county.

(d) Prior to the vessel being sold or returned to the owner or otherwise disposed of, the department shall assign it a new hull identification number in accordance with federal law.

52-7-7.5.

(a) It shall be unlawful for any person to knowingly possess, manufacture, sell or exchange, offer to sell or exchange, aid in the sale or exchange, supply in blank, authorize, direct, or give away any counterfeit HIN, any counterfeit manufacturer's vessel HIN plate or decal, or any manufacturer's vessel HIN plate decal which is assigned to a vessel to be used for the purpose of identification of a vessel other than the one to which it is assigned; or to conspire to do any of the foregoing. However, nothing in this subsection shall be applicable to any approved hull identification number plate or decal issued as a replacement by the manufacturer or an issuing authority.

(b) It shall be unlawful for any person to knowingly buy, sell, offer for sale, receive, dispose of, conceal, or have in his or her possession any vessel, outboard motor, or part thereof on which the HIN or any manufacturer's identification label of any kind has been altered, removed, destroyed, covered, or defaced or to knowingly maintain such vessel, outboard motor, or part thereof in any manner which conceals or misrepresents the true identity of the vessel, the outboard motor, or any part thereof.

52-7-7.6.

A vessel shall not be required to have a hull identification number under Code Section

52-7-7.1 or 52-7-7.2 if it is:
(1) An innertube; or
(2) A vessel used exclusively for racing."

SECTION 6.

Said chapter is further amended in Code Section 52-7-13, relating to boating safety zones, restrictions on use of motors and operation of houseboats on certain lakes, and exceptions, by redesignating subsection (h) as subsection (i) and by adding a new subsection (h) to read as follows:

"(h) The operation of any of the following vessels on Lake Burton, Seed Lake, Lake Rabun, Lake Tugalo, Tallulah Falls Lake, and Lake Yonah shall be prohibited:

(1) Any motorized vessel greater than 30 feet six inches in length; except for law enforcement, scientific research, or dam operation and maintenance craft; or

(2) Any vessel equipped with any type of bypass mechanism that reduces or eliminates the effectiveness of the muffler or baffler system required by Code Section 52-7-10."

SECTION 7.

Said article is further amended by striking Code Section 52-7-26, relating to penalties, and inserting in lieu thereof the following:

"52-7-26.

(a) Except as otherwise provided in this article, any person who violates this article or any rule or regulation promulgated hereunder shall be guilty of a misdemeanor.

(b) Any person who violates any provision of Code Section 52-7-7.1, 52-7-7.2, or 52-7-7.5 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years, by a fine of not more than $50,000.00, or by both such fine and imprisonment."

SECTION 8.

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

SECTION 9.

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

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

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

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A

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

On the passage of the Bill, by substitute, the ayes were 149, nays 14.

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

HB 1008. By Representative Carter of the 159th:

A BILL to be entitled an Act to amend Article 9 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, the "Georgia Hospice Law," so as to provide that palliative care may be provided under hospice to patients with advanced and progressive diseases with a life expectancy of more than six months; to revise certain definitions relating to hospice care; to provide for construction; 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 Article 9 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, the "Georgia Hospice Law," so as to provide that palliative care may be provided under hospice to patients with advanced and progressive diseases; to revise certain definitions relating to hospice care; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 9 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, the "Georgia Hospice Law," is amended by striking Code Section 31-7-172, relating to definitions, and inserting in lieu thereof the following:

"31-7-172.

As used in this article, the term:

(1) 'Advanced and progressive disease' means a serious life-threatening medical condition which is irreversible and which will continue indefinitely, where there is no reasonable hope of recovery, but where the patient's medical prognosis is one in which there is a life expectancy of up to two years. This term does not include terminally ill patients as defined in paragraph (12) of this Code section.

(2) 'Bereavement services' means the supportive services provided to the family unit to assist it in coping with the patient's death, including follow-up assessment and assistance through the first year after death.

~~(2)~~(3) 'Department' means the Department of Human Resources.

(4) 'Health care facility' means hospitals; other special care units, including but not limited to podiatric facilities; skilled nursing facilities; intermediate care facilities; personal care homes; ambulatory surgical or obstetrical facilities; health maintenance organizations; home health agencies; and diagnostic, treatment, or rehabilitation centers.

~~(3)~~(5) 'Hospice' means a public agency or private organization or unit of either providing to persons terminally ill and to their families, regardless of ability to pay, a centrally administered and autonomous continuum of palliative and supportive care, directed and coordinated by the hospice care team primarily in the patient's home but also on an outpatient and short-term inpatient basis and which is classified as hospice by the department. In addition, such public agency or private organization or unit of either may also provide palliative care to persons with advanced and progressive diseases and to their families, directed and coordinated by the hospice care team.

~~(4)~~(6) 'Hospice care' means both regularly scheduled care and care available on a 24 hour on-call basis, consisting of medical, nursing, social, spiritual, volunteer, and bereavement services substantially all of which are provided to the patient and to the patient's family regardless of ability to pay under a written care plan established and

periodically reviewed by the patient's attending physician, by the medical director of the hospice program, and by the hospice care team.

~~(5)~~(7) 'Hospice care team' means an interdisciplinary working unit composed of members of the various helping professions (who may donate their professional services), including but not limited to: a physician licensed or authorized to practice in this state, a registered professional nurse, a social worker, a member of the clergy or other counselor, and volunteers who provide hospice care.

~~(6)~~(8) 'Hospice patient family unit' means the terminally ill person or person with an advanced and progressive disease and his or her family, which may include spouse, children, siblings, parents, and other relatives with significant personal ties to the patient.

~~(7)~~(9) 'License' means a license issued by the department.

~~(8)~~(10) 'Palliative care' means those interventions by the hospice care team which are intended to alleviate suffering and to achieve relief from, reduction of, or elimination of pain and of other physical, emotional, social, or spiritual symptoms of distress to achieve the best quality of life for the patients and their families.

~~(9)~~(11) 'Patient' means a terminally ill individual receiving the hospice continuum of services, regardless of ability to pay, and also means an individual with an advanced and progressive disease.

~~(10)~~(12) 'Terminally ill' means that the individual is experiencing an illness for which therapeutic intervention directed toward cure of the disease is no longer appropriate, and the patient's medical prognosis is one in which there is a life expectancy of six months or less."

SECTION 2.

Said article is further amended by striking Code Section 31-7-176, relating to responsibilities of provider of hospice care, and inserting in lieu thereof the following:

"31-7-176.

(a) The hospice care program shall coordinate its services with those of the patient's primary or attending physicians, and may contract out for elements of services rendered to the patient and family unit, but not for the basic hospice care services, provided by physicians, attending nurses, and counselors. The hospice care team shall be responsible for coordination of inpatient, outpatient, and home care aspects of care.

(b) Hospice services must meet all applicable definitions provided for in Code Section 31-7-172.

(c) A hospice program of care shall not impose the dictates of any value or belief system on its patients and their family units.

(d)(1) Notwithstanding any inconsistent provision of this article to the contrary, a hospice may, in addition to providing care to terminally ill individuals, also provide palliative care for patients with advanced and progressive diseases and for their families. Such care may be provided by a hospice acting alone or under contract with a health care facility.

(2) Nothing in this subsection shall prevent the provision of palliative care for patients with advanced and progressive diseases and for their families by any other health care provider otherwise authorized to provide such care."

SECTION 3.

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

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

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

Y Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
N Byrd
Y Carter
Y 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
Y Fludd
Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y 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
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James
Y Jamieson
E 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
E Lane, R
Y Lewis
Y Lindsey
Lord
Y Loudermilk
Lucas
Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Martin
Y Maxwell
May
Y McCall
E McClinton
Y Meadows
E Millar
E 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
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
N Royal
Y Rynders
Sailor
Y Scheid
Y Scott, A
Y Scott, M
Setzler
Y Shaw
Y Sheldon
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
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 3.

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

Representatives Forster of the 3rd and Lucas of the 139th 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.

HR 1345. By Representatives Smith of the 129th, Burkhalter of the 50th, Roberts of the 154th, Sailor of the 93rd, Walker of the 107th and others:

A RESOLUTION proposing an amendment to the Constitution, in a manner consistent with the United States Constitution, so as to prevent discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, directly or indirectly, for the provision of such services; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

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

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

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

Y Butler	Y Golick	Y Lakly	N Porter	N Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	N Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	N Greene	Y Lewis	N Randall Ray	E Warren
Y Chambers	N Hanner	Y Lindsey	N Reece, B	N Watson
Y Channell	Y Harbin	N Lord	Y Reece, S	Y Wilkinson
N Cheokas	Y Hatfield	Y Loudermilk	Y Reese	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Rice	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Roberts	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Rogers	Y Williams, R
N Coleman, T	Y Hembree	Y Mangham	N Royal	N Wix
Y Cooper	N Henson	Y Manning	Y Rynders	Y Yates
Y Cox	Y Hill, C	N Marin		Richardson, Speaker

On the adoption of the Resolution, the ayes were 95, nays 74.

The Resolution, having failed to receive the requisite constitutional majority, was lost.

Representative Mangham of the 94th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Sailor of the 93rd 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.

The Speaker announced the House in recess until 8:30 o'clock, this evening.

The Speaker called the House to order.

The following Resolutions of the House were read:

HR 1798. By Representatives Morris of the 155th, Parrish of the 156th and Porter of the 143rd:

A RESOLUTION expressing regret at the passing of Wayne H. Sumner; and for other purposes.

HR 1799. By Representatives Orrock of the 58th, Benfield of the 85th, Drenner of the 86th, Morgan of the 39th, Gardner of the 57th and others:

A RESOLUTION remembering and honoring the life of Mrs. Cherry Waldrep Clements; and for other purposes.

HR 1800. By Representative Channell of the 116th:

A RESOLUTION expressing regret at the passing of William J. Breeding; and for other purposes.

HR 1801. By Representatives Bordeaux of the 162nd, Cummings of the 16th, Hanner of the 148th, Parham of the 141st, Dodson of the 75th and others:

A RESOLUTION congratulating former Speaker of the House Thomas B. Murphy on the occasion of his 82nd birthday; and for other purposes.

HR 1802. By Representatives Heard of the 114th, Kidd of the 115th and Smith of the 113th:

A RESOLUTION commending Mrs. Carrie Hill Dillard on the occasion of her retirement; and for other purposes.

HR 1803. By Representative Anderson of the 123rd:

A RESOLUTION recognizing Ms. Gwendolyn Williams for all her contributions as an educator; and for other purposes.

HR 1804. By Representatives Byrd of the 20th, Hill of the 21st, Scheid of the 22nd and Murphy of the 23rd:

A RESOLUTION commending the Cherokee County Republican Women's Club; and for other purposes.

HR 1805. By Representatives Day of the 163rd, Burkhalter of the 50th, Yates of the 73rd, Ehrhart of the 36th, Fleming of the 117th and others:

A RESOLUTION commending Alpha Company of the 648th Engineer Battalion (Sapper) of the United States Army Corps of Engineers; and for other purposes.

HR 1806. By Representatives Maxwell of the 17th and Richardson of the 19th:

A RESOLUTION commending Mary Louise Hollingshed; and for other purposes.

HR 1807. By Representatives Lane of the 158th, Burns of the 157th, Parrish of the 156th and Barnard of the 166th:

A RESOLUTION congratulating the Statesboro High School Blue Devils Class AAAA champion football team; and for other purposes.

HR 1808. By Representatives Drenner of the 86th, Henson of the 87th and Benfield of the 85th:

A RESOLUTION commending Jan Dunaway; and for other purposes.

HR 1809. By Representatives Drenner of the 86th and Henson of the 87th:

A RESOLUTION commending Lee F. Swaney; and for other purposes.

HR 1810. By Representatives Drenner of the 86th, Benfield of the 85th and Henson of the 87th:

A RESOLUTION commending Tony J. Scipio for his service to law enforcement and the citizens of this state; and for other purposes.

HR 1811. By Representatives Day of the 163rd, Burkhalter of the 50th, Yates of the 73rd, Fleming of the 117th, Ehrhart of the 36th and others:

A RESOLUTION commending Captain Jason P. Ball; and for other purposes.

HR 1812. By Representatives Cooper of the 41st, Millar of the 79th, Hatfield of the 177th, Brown of the 69th and Smith of the 131st:

A RESOLUTION commending Dr. William Hardcastle; and for other purposes.

HR 1813. By Representatives Williams of the 4th and Dickson of the 6th:

A RESOLUTION commending Pleasant Grove Elementary School on receiving a Single Statewide Accountability System Bronze Award from the Governor's Office of Student Achievement; and for other purposes.

HR 1814. By Representative Jamieson of the 28th:

A RESOLUTION honoring Patricia Kesler and congratulating her upon being elected Governor of the Georgia District of Pilot International; and for other purposes.

HR 1815. By Representative Jamieson of the 28th:

A RESOLUTION congratulating the PBX\Telecommmunicators Club of Toccoa; and for other purposes.

HR 1816. By Representatives Oliver of the 83rd and Gardner of the 57th:

A RESOLUTION remembering Mary Baker Eddy during Women's History Month for her contributions to humanity and the advancement of women; and for other purposes.

HR 1817. By Representative Maddox of the 172nd:

A RESOLUTION commending James Christopher Harrell on becoming an Eagle Scout; and for other purposes.

HR 1818. By Representative Greene of the 149th:

A RESOLUTION congratulating Lodge 187 of the Woodmen of the World on its 100th anniversary; and for other purposes.

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

E Abdul-Salaam
Y Amerson
E Anderson
Ashe
Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Drenner
Dukes
Y Ehrhart
Y England
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
Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Howard, E
Y Hudson
Y Hugley
Jackson
Jacobs
Y James
Y Jamieson
Jenkins
Y Jennings
Johnson
Y Jones, J
Y Jones, S
Jordan
Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Lane, B
E Lane, R
Lewis
Y Lindsey
Y Lord
Y Loudermilk
Lucas
Lunsford
Y Maddox
Y Mangham
Y Martin
Y Maxwell
Y May
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
Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Powell
Y Ralston
Randall
Y Ray
Reece, B
Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
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
Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Teilhet
Thomas, A.M
Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Willard
Y Williams, A
Y Williams, E
Y Williams, R
Wix

Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the adoption of the Resolutions, the ayes were 133, nays 0.

The Resolutions were adopted.

Representatives Jenkins of the 8th and Lane of the 158th 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 supplemental Rules Calendar was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
MONDAY, MARCH 13, 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 13, 2006, by adding the following:

UNCONTESTED HOUSE/SENATE RESOLUTIONS

HR 1109 Samuel Ernest Vandiver, Jr. Interchange; dedicate
HR 1661 Hershel Stokes Memorial Overpass; dedicate

Open Rule

HB 731 Judicial Retirement; juvenile court judge; creditable service
HB 907 Wholesale Licensure and Prescription Medication Integrity Act; enact
HB 910 Cemeteries and funeral services; amend certain provisions
HB 931 Ad valorem taxes; transfer of tax executions; amend certain provisions
HB 953 Law enforcement officer; change definition
HB 1239 Education; annual instruction in criminal law; require
HB 1279 Probate court; certain employees; state health benefit plan; provisions
HB 1335 Law enforcement officer; hiring; first offender record; review
HB 1372 State health benefit plans; termination of coverage; provisions
HB 1391 State Licensing Board for Residential and General Contractors; change provisions
HB 1423 Gwinnett County; superior court; change terms
HB 1497 Vicious dogs; requirements for owners; provide
HB 1501 County ordinance violations; maximum fines; change provisions
HB 1542 Contractors; licensing requirements; extend date

Modified Open Rule
None

Modified Structured Rule
None

Structured Rule

HB 429	Setoff debt collection; claimant agencies; include public housing authorities
HB 1160	Taxable net income; certain companies; provide adjustments
HB 1216	All-terrain vehicles; law enforcement agencies; allow use
HB 1294	Education; nonlapsing revenue of institutions; change certain provisions
HB 1323	Local government; infrastructure development districts; provide
HB 1403	Sales and use tax; certifying additional municipalities; change provisions
HR 1339	Infrastructure development districts; General Assembly; authorize creation

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 1391. By Representative Burkhalter of the 50th:

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 change certain provisions relating to creation of the State Licensing Board for Residential and General Contractors, membership, divisions, vacancies, qualifications, terms, and meetings; to change certain provisions relating to appointment of members, chairperson, meetings and quorums, and assistance from professional licensing boards division; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representatives Burkhalter of the 50th and Harbin of the 118th move to *amend HB 1391 by striking lines 14 and 15 of page 1 and inserting in lieu thereof the following:*

(a) There is created the State Licensing Board for Residential and General Contractors consisting of ~~14~~ 15 members, 14 of whom shall be appointed by the Governor for five-year terms and one of whom shall be appointed by the Speaker of the House of Representatives for a five-year term. The board.

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

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

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

On the passage of the Bill, as amended, the ayes were 139, nays 0.

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

Representatives Jenkins of the 8th, Lane of the 158th, Lucas of the 139th, Powell of the 29th, Thomas of the 55th, 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.

HB 429. By Representatives Smith of the 168th, Rogers of the 26th, Manning of the 32nd, Coleman of the 144th and Graves of the 137th:

A BILL to be entitled an Act to amend Code Section 48-7-161 of the Official Code of Georgia Annotated, relating to definitions relative to the setoff of debt collection, so as to authorize a setoff of certain debts owed to public housing authorities; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-7-161 of the Official Code of Georgia Annotated, relating to definitions relative to the setoff of debt collection, so as to authorize a setoff of certain debts owed to public housing authorities; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-7-161 of the Official Code of Georgia Annotated, relating to definitions relative to the setoff of debt collection, is amended by striking in its entirety paragraph (1) and inserting in lieu thereof the following:

"(1) 'Claimant agency' means and includes, in the order of priority set forth below:

(A) The Department of Human Resources with respect to collection of debts under Chapter 9 of Title 37, Article 1 of Chapter 11 of Title 19, and Code Section 49-4-15;

(B) The Georgia Student Finance Authority with respect to the collection of debts arising under Part 3 of Article 7 of Chapter 3 of Title 20;

(C) The Georgia Higher Education Assistance Corporation with respect to the collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

(D) The State Medical Education Board with respect to the collection of debts arising under Part 6 of Article 7 of Chapter 3 of Title 20;

(E) The Department of Labor with respect to the collection of debts arising under Code Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the exception of Code Sections 34-8-158 through 34-8-161; provided, however, that

the Department of Labor establishes that the debtor has been afforded required due process rights by such Department of Labor with respect to the debt and all reasonable collection efforts have been exhausted; ~~and~~

(F) The Department of Corrections with respect to probation fees arising under Code Section 42-8-34 and restitution or reparation ordered by a court as a part of the sentence imposed on a person convicted of a crime and placed on probation by the court if such person has absconded or ended probation in warrant status; and

(G) Public housing authorities with respect to the collection of debt related to occupying public housing; provided, however, that the public housing authority establishes that the debtor has been afforded required due process rights by the public housing authority with respect to the debt and all reasonable collection efforts have been exhausted. This subparagraph shall apply only to a debt owed by an occupant of public housing who has moved from the property."

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:

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

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

On the passage of the Bill, by substitute, the ayes were 144, nays 0.

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

Representatives Lane of the 158th and Thomas of the 55th 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 953. By Representatives Chambers of the 81st, Geisinger of the 48th, Day of the 163rd and Bearden of the 68th:

A BILL to be entitled an Act to amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia State Indemnification Fund, so as to change the definition of law enforcement officer; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representatives Bearden of the 68th and Chambers of the 81st move to *amend HB 953 by striking lines 10 and 11 of page 1 and inserting in lieu thereof the following:*

subdivision or municipality thereof, <u>or an authority or instrumentality of this state or a political subdivision thereof</u> who, as a full-time or part-time employee, <u>is enrolled in a basic training course for purposes of Code Section 35-8-9 in a school certified by the Georgia Peace Officer Standards and Training Council or</u> is vested either.

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

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

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Drenner
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 Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Howard, E
Hudson
Y Hugley
Jackson
Y Jacobs
Y James
Y Jamieson
Jenkins
Y Jennings
Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Lakly
Y Lane, B
E 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
Y Mitchell
Y Morgan
Y Morris
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
Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Wix
Y Yates
Richardson,
Speaker

On the passage of the Bill, as amended, the ayes were 152, nays 0.

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

Representatives Benfield of the 85th and Jenkins of the 8th 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 1372. By Representative Harbin of the 118th:

A BILL to be entitled an Act to amend Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees´ insurance and benefit

plans, so as to provide for mechanisms for termination of coverage for nonpayment of premium; to provide for notification to employers; to provide for the introduction and consideration of bills impacting the state health benefit plans; 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 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees´ insurance and benefit plans, so as to provide for mechanisms for termination of coverage for nonpayment of premium; to provide for notification to employers; 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 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees´ insurance and benefit plans, is amended striking Code Section 45-18-5, relating to county officers and employees, and inserting in lieu thereof a new Code Section 45-18-5 to read as follows:

"45-18-5.

(a) The board is authorized to contract with the various counties of this state for the inclusion of the employees of any county within any health insurance plan or plans established under this article. The various counties of this state are authorized to contract with the board as provided in this Code section. In the event that any such contract is entered into, it shall be the duty of any counties so contracting to deduct from the salary or other compensation of its employees such payment as may be required under any health insurance plan and to remit the same to the board for inclusion in the health insurance fund. In addition, it shall be the duty of such county or counties to make the employer contributions required for the operation of such plan or plans. Should such county or counties fail to remit such deductions or such employer contributions, the commissioner may, not less than 30 days after written notice was sent to such county or counties via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from the employer.

(b) County officials may elect to be included in a health insurance plan, health maintenance organization, or other health benefits plan offered or provided by a county

for its county officials or any health plan or plans established under this article. The governing authority of a county may elect by majority vote to provide for payment in a uniform manner of any portion, all, or none of the employer contributions for or required premiums or payments due from the county officials or former county officials who under this Code section are eligible for inclusion in the health plan or plans established under this article. The board is authorized to contract with the County Officers Association of Georgia on behalf of the various counties of this state for the inclusion in any health insurance plan or plans established under this article of officials, spouses, and dependents of officials serving in one or more of the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk of the superior court, full-time or part-time state court judge, solicitor, state court clerk, or solicitor-general, chief magistrate, juvenile court judge, or members of the county governing authority and officials, spouses, and dependents of officials leaving office on or after December 31, 1996, who have served at least 12 years in one or more of the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk of the superior court, full-time or part-time state court judge, solicitor, state court clerk, or solicitor-general, chief magistrate, juvenile court judge, or members of the county governing authority. The County Officers Association of Georgia is authorized to contract with the board as provided in this Code section. In the event that such a contract is entered into, it shall be the duty of the County Officers Association of Georgia to collect from the various counties of this state with which it has contracted under this subsection and remit to the board such payment as may be required under any health insurance plan for inclusion in the health insurance fund. The County Officers Association of Georgia may add a reasonable fee to the premiums required under the plan to cover necessary administrative costs. In addition, it shall be the duty of the County Officers Association of Georgia to maintain and remit to the board accurate records of official, dependent, and other information required by the board to administer this Code section. Should the County Officers Association of Georgia fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the County Officers Association of Georgia via certified mail, terminate the coverage for such officials as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such officials from the County Officers Association of Georgia.

(c) The various counties of this state are authorized to contract with the County Officers Association of Georgia for the inclusion in any health insurance plan or plans established under this article of officials, spouses, and dependents of officials serving in one or more of the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk of the superior court, full-time or part-time state court judge, solicitor, or solicitor-general, chief magistrate, juvenile court judge, or members of the county governing authority and officials, spouses, and dependents of officials leaving office on or after December 31, 1996, who have served at least 12 years in one or more of the

following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk of the superior court, full-time or part-time state court judge, solicitor, state court clerk, or solicitor-general, chief magistrate, juvenile court judge, or members of the county governing authority. The County Officers Association of Georgia is authorized to contract with the various counties of the state as provided in this Code section. In the event that any such contracts are entered into, it shall be the duty of any counties so contracting to deduct from the salary or other compensation of its officials and otherwise collect from former officials such payment as may be required under any health insurance plan and to remit the same to the County Officers Association of Georgia for payment to the board. To the extent employer contributions are not fully made by a county, it shall be the duty of the covered officials and former officials to make such employer contributions required on their behalf for the operation of such plan or plans. Should the County Officers Association of Georgia fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the County Officers Association of Georgia via certified mail, terminate the coverage for such officials as of the day following the last day of the month after which such deductions on such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such officials from the County Officers Association of Georgia.

(c.1) Any local board of education may elect for members thereof and their spouses and dependents to be included in any health plan or plans established under Code Section 20-2-918. It shall be the duty of any local boards of education so electing to deduct from the salary or other compensation of its members such payment as may be required under paragraph (1) of subsection (b) of Code Section 20-2-55 and to remit the same to the health insurance fund created under Code Section 20-2-918. Should any local board of education fail to remit such payment to the board, the provisions of subsection (b) of Code Section 20-2-920 shall be applicable to such nonpayment.

(d) In administering this Code section, it shall be the responsibility of the board to develop rates for coverage based on the actual claims experience of the individuals covered by this Code section. The board shall require a bond, not to exceed one year's annual premium, satisfactory to the commissioner to assure the contractual performance of any entities with which it contracts under this Code section.

(e) Nothing in this Code section shall preclude the exercise of any options or rights otherwise available to such county officers or members of local boards of education under other state or federal laws which relate to extension or continuation of health benefits."

SECTION 2.

Said chapter is further amended by striking Code Section 45-18-5.1, relating to licensed blind or otherwise seriously disabled vendors, and inserting in lieu thereof a new Code Section 45-18-5.1 to read as follows:

"45-18-5.1.

The Department of Labor is authorized to contract with the Georgia Cooperative Services for the Blind, Inc., a nominee agent designated by the Division of Rehabilitation Services of the Department of Labor, for the inclusion of licensed blind persons or other persons with disabilities operating a vending facility in accordance with Article 2 of Chapter 15 of Title 34 within any health insurance plan or plans established under this article. In the event any contract is entered into, it shall be the duty of the Georgia Cooperative Services for the Blind, Inc., to deduct the payment required under the plan from the earnings or other compensation of licensed blind persons or other persons with disabilities and remit it to the Department of Labor for inclusion in the health insurance fund. In addition, it shall be the duty of the Georgia Cooperative Services for the Blind, Inc., to make the employer contributions required for the operation of such plan or plans. Should the Georgia Cooperative Services for the Blind, Inc., fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the Georgia Cooperative Services for the Blind, Inc., via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from the Georgia Cooperative Services for the Blind, Inc."

SECTION 3.

Said chapter is further amended by striking Code Section 45-18-5.2, relating to sheltered employment center employees, and inserting in lieu thereof a new Code Section 45-18-5.2 to read as follows:

"45-18-5.2.

The board is authorized to contract with public and private nonprofit sheltered employment centers which contract with or employ persons within the Division of Rehabilitation Services of the Department of Labor and the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources for the inclusion of employees working in the sheltered employment centers within any health insurance plan or plans established under this article. The board is authorized to adopt regulations for entering into any contract. In the event any contract is entered into, it shall be the duty of the sheltered employment center to remit any funds that may be deducted from the earnings or other compensation of such sheltered employees for inclusion in the health insurance fund. In addition, it shall be the duty of the sheltered employment center to make the employer contributions required for the operation of such plan or plans. Should the sheltered employment center fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the sheltered employment center via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may

be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from the shelter employment center."

SECTION 4.

Said chapter is further amended by striking Code Section 45-18-7.1, relating to employees of the Georgia Development Authority, and inserting in lieu thereof a new Code Section 45-18-7.1 to read as follows:

"45-18-7.1.

The board is authorized to contract with the Georgia Development Authority for the inclusion in any health insurance plan or plans established under this article of the employees and retiring employees of the Georgia Development Authority and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of the Georgia Development Authority to deduct from the salary or other remuneration of its employees such payment as may be required under the board's regulations. In addition, it shall be the duty of the Georgia Development Authority to make the employer contributions required for the operation of such plan or plans. Should the Georgia Development Authority fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the Georgia Development Authority via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from the Georgia Development Authority."

SECTION 5.

Said chapter is further amended by striking Code Section 45-18-7.2, relating to Agrirama Development Authority employees, and inserting in lieu thereof a new Code Section 45-18-7.2 to read as follows:

"45-18-7.2.

The board is authorized to contract with the Georgia Agrirama Development Authority for the inclusion in any health insurance plan or plans established under this article of the employees and retiring employees of the Georgia Agrirama Development Authority and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of the Georgia Agrirama Development Authority to deduct from the salary or other remuneration of its employees such payment as may be required under the board's regulations. In addition, it shall be the duty of the Georgia Agrirama Development Authority to make the employer contributions required for the operation of such plan or plans. Should the Georgia Agrirama Development Authority fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the Georgia Agrirama Development Authority via certified mail, terminate

the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from the Georgia Agrirama Development Authority."

SECTION 6.

Said chapter is further amended by striking Code Section 45-18-7.3, relating to employees of Peace Officers´ Annuity and Benefit Fund, Georgia Firefighters´ Pension Fund, and Sheriffs´ Retirement Fund of Georgia, spouses, and dependent children, and inserting in lieu thereof a new Code Section 45-18-7.3 to read as follows:

"45-18-7.3.

The board is authorized to contract with the Peace Officers´ Annuity and Benefit Fund, Georgia Firefighters´ Pension Fund, and the Sheriffs´ Retirement Fund of Georgia for the inclusion in any health insurance plan or plans established under this article of the employees and retiring employees of said Peace Officers´ Annuity and Benefit Fund, Georgia Firefighters´ Pension Fund, and Sheriffs´ Retirement Fund of Georgia and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of said Peace Officers´ Annuity Benefit Fund, Georgia Firefighters´ Pension Fund, and Sheriffs´ Retirement Fund of Georgia to deduct from the salary or other remuneration of their employees such payment as may be required under the board's regulations. In addition, it shall be the duty of said Peace Officers´ Annuity and Benefit Fund, Georgia Firefighters´ Pension Fund, and Sheriffs´ Retirement Fund of Georgia to make the employer contributions required for the operation of such plan or plans. Should the Peace Officers´ Annuity and Benefit Fund, Georgia Firefighters´ Pension Fund, or Sheriffs´ Retirement Fund of Georgia fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the Peace Officers´ Annuity and Benefit Fund, Georgia Firefighters´ Pension Fund, or Sheriffs´ Retirement Fund of Georgia, as the case may be, via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from the Peace Officers´ Annuity and Benefit Fund, Georgia Firefighters´ Pension Fund, or Sheriffs´ Retirement Fund of Georgia, as the case may be."

SECTION 7.

Said chapter is further amended by striking Code Section 45-18-7.5, relating to employees of Georgia Housing and Finance Authority, spouses, and dependent children, and inserting in lieu thereof a new Code Section 45-18-7.5 to read as follows:

"45-18-7.5.

The board is authorized to contract with the Georgia Housing and Finance Authority for the inclusion in any health insurance plan or plans established under this article of the employees and retiring employees of the Georgia Housing and Finance Authority and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of the Georgia Housing and Finance Authority to deduct from the salary or other remuneration or otherwise collect such payment from its qualified employees, retired employees, or dependents as may be required under the board's regulations. In addition, it shall be the duty of the Georgia Housing and Finance Authority to make the employer contributions required for the operation of such plan or plans. Should the Georgia Housing and Finance Authority fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the Georgia Housing and Finance Authority via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from the Georgia Housing and Finance Authority."

SECTION 8.

Said chapter is further amended by striking Code Section 45-18-7.6, relating to employees of Georgia-Federal State Inspection Service, spouses, and dependent children, and inserting in lieu thereof a new Code Section 45-18-7.6 to read as follows:

"45-18-7.6.

The board is authorized to contract with the Georgia-Federal State Inspection Service for the inclusion in any health insurance plan or plans established under this article of the state employees of, retiring employees of, and employees who retired under the Employees´ Retirement System of Georgia on or before July 1, 2000, from the Georgia-Federal State Inspection Service and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of the Georgia-Federal State Inspection Service to deduct from the salary or other remuneration or otherwise collect such payment from its qualified employees or dependents as may be required under the board's regulations. In addition, it shall be the duty of the Georgia-Federal State Inspection Service to make the employer contributions required for the operation of such plan or plans. Should the Georgia-Federal State Inspection Service fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to the Georgia-Federal State Inspection Service via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from the Georgia-Federal State Inspection Service."

SECTION 9.

Said chapter is further amended by striking Code Section 45-18-7.7, relating to employees and dependents of critical access hospitals in health plans, and inserting in lieu thereof a new Code Section 45-18-7.7 to read as follows:

"45-18-7.7.

(a) The board is authorized to contract with any public or nonprofit critical access hospital that meets such requirements as the department may establish for the inclusion of the employees and dependents of such critical access hospitals in any health plan established under this article. It shall be the duty of such critical access hospital to deduct from the salary or other remuneration or otherwise collect such payment from its qualified employees as may be required under the board's regulations. In addition, it shall be the duty of such critical access hospital to make the employer contributions required for the operation of such plan. Should any critical access hospital fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to such critical access hospital via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from such critical access hospital.

(b) The board is authorized to contract with any federally qualified health center, as defined in Section 1395x(aa)(4) of Title 42 of the United States Code Annotated, that meets such requirements as the department may establish for the inclusion of the employees and dependents of such federally qualified health centers in any health plan established under this article. It shall be the duty of the federally qualified health center to deduct from the salary or other remuneration or otherwise collect such payment from its qualified employees as may be required under the board's regulations. In addition, it shall be the duty of such federally qualified health center to make the employer contributions required by the board for the operation of such plan. The department shall make a determination, no later than January 1, 2005, as to whether a federally qualified health center is an agency or instrumentality of the State of Georgia. In the event that the department determines that such centers are agencies or instrumentalities of the State of Georgia, then all employees and dependents of such centers shall be eligible for inclusion in the state employees´ health insurance plan. Should any such federally qualified health center fail to remit such payment, the commissioner may, not less than 30 days after written notice was sent to such federally qualified health center via certified mail, terminate the coverage for such employees as of the day following the last day of the month after which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted. If coverage is not so reinstated, the commissioner may recover the amount of any claims paid on behalf of such employees from such federally qualified health center.

(c) The authority granted to the board pursuant to Code Sections 45-18-5.1, 45-18-5.2, 45-18-7.1, 45-18-7.2, 45-18-7.3, 45-18-7.5, and 45-18-7.6; by this Code section; or by any other provision of this article may be exercised only upon a determination by the department that the employer is an agency or instrumentality of the State of Georgia or, if the department determines that such entities are not agencies or instrumentalities of the State of Georgia, then employees and dependents of such entities may be included in the state employees´ health insurance plan up to the point that such health plan would not be able to retain its exempt status under the federal Employee Retirement Income Security Act of 1974."

SECTION 10.

Said chapter is further amended by striking Code Section 45-18-16, relating to certification to departments and other entities of the state of employer payment percentage for ensuing fiscal year, and inserting in lieu thereof a new Code Section 45-18-16 to read as follows:

"45-18-16.

~~On or before June 1 of each year~~ Not less than 30 days prior to the commencement of the plan year, the commissioner of community health shall certify to the director or chief administrative officer of each state department, bureau, institution, board, commission, or authority having employees covered by this article the amount of percentage adopted by the board as employer payments for the ensuing fiscal year; and they shall, in their annual budget, make provisions for funds with which to pay the board the required employer payments."

SECTION 11.

This Act shall become effective on July 1, 2006.

SECTION 12.

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:

E 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	Y Setzler
Y Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Drenner	Jackson	Y Mitchell	Y Sims, F

Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Cooper
Y Cox
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
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 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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
O'Neal
Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y 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.

HB 1227. By Representatives England of the 108th, Coleman of the 97th, McCall of the 30th, Roberts of the 154th, Black of the 174th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education accountability assessment programs, so as to create the Agricultural Education Oversight Commission; to provide for membership, filling of vacancies, terms, officers, duties, meetings, and reimbursement of members of the commission; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated,

relating to education accountability assessment programs, so as to create the Agricultural Education Advisory Commission; to provide for membership, filling of vacancies, terms, officers, duties, meetings, and reimbursement of members of the commission; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education accountability assessment programs, is amended by adding a new part to read as follows:

"Part 8

20-14-90.

(a) There is created the Agricultural Education Advisory Commission.

(b)(1) The commission shall consist of three members of the House of Representatives to be appointed by the Speaker of the House, at least one of whom shall be from the House Committee on Agriculture and Consumer Affairs and at least one of whom shall be from the House Committee on Education; three members of the Senate to be appointed by the Senate Committee on Assignments, at least one of whom shall be from the Senate Agriculture and Consumer Affairs Committee and at least one of whom shall be from the Senate Education and Youth Committee; three members who are not members of the General Assembly to be appointed by the Governor; and three members who are not members of the General Assembly to be appointed by the State School Superintendent.

(2) Vacancies in the commission shall be filled in the same manner as the original appointments.

(3)(A) Legislative members of the commission shall serve two-year terms concurrent with their terms as members of the General Assembly.

(B) Nonlegislative members of the commission shall serve for two year terms concurrent with those terms of legislative members of the commission.

(c) The Speaker of the House shall designate one of the commission members from the House of Representatives as a co-chairperson of the commission, and the Senate Committee on Assignments shall designate one of the commission members from the Senate as a co-chairperson of the commission. Each co-chairperson shall serve as such concurrent with his or her term as a member of the commission.

(d)(1) The head of the agricultural education program of the Department of Education shall report annually to commission regarding the conditions, needs, issues, and problems of the program.

(2) The commission shall periodically review the conditions, needs, issues, and problems related to the agricultural education program, issue annually a report on the

same to the General Assembly, and recommend any action or legislation which the commission deems necessary or appropriate.

(e)(1) The commission may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this Code section. The commission shall meet upon the call of either co-chairperson. The commission shall meet not less than two nor more than four times annually.

(2) The legislative members of the commission shall receive the allowances provided for in Code Section 28-1-8. Any citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Any members of the commission who are state officials, other than legislative members, and state employees shall receive no compensation for their services on the commission, but they shall be reimbursed for expenses incurred by them in the performance of their duties as members of the commission in the same manner as they are reimbursed for expenses in their capacities as state officials or employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to the Department of Education. All other funds necessary to carry out the provisions of this Code section shall come from funds appropriated to the House of Representatives and the Senate. The expenses and allowances authorized by this paragraph shall not be received by members of the commission for more than four days annually."

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:

E Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Amerson	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	N Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	N Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Jackson	Y Mitchell	Y Sims, F
Y Benton	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
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P

Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
N Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
N Everson
Y Fleming
Y Floyd, H
Y Floyd, J
Fludd
Y Forster
Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Graves, D
N 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 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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
N Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
N Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Smith, R
Y Smith, T
Y Smith, V
Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 152, nays 7.

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

Representative Franklin of the 43rd 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 1228. By Representatives England of the 108th, Coleman of the 97th, McCall of the 30th, Roberts of the 154th, Black of the 174th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education accountability assessment programs, so as to create the Career and Technical Education Oversight Commission; to provide for membership, filling of vacancies, terms, officers, duties, meetings, and reimbursement of members of the commission; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated,

relating to education accountability assessment programs, so as to create the Career and Technical Education Advisory Commission; to provide for membership, filling of vacancies, terms, officers, duties, meetings, and reimbursement of members of the commission; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education accountability assessment programs, is amended by adding a new part to read as follows:

"Part 8

20-14-90.

(a) There is created the Career and Technical Education Advisory Commission.

(b)(1) The commission shall consist of three members of the House of Representatives to be appointed by the Speaker of the House, one of whom shall be from the House Committee on Economic Development and Tourism, one of whom shall be from the House Committee on Agriculture and Consumer Affairs, and one of whom shall be from the House Committee on Education; three members of the Senate to be appointed by the Senate Committee on Assignments, one of whom shall be from the Senate Economic Development Committee, one of whom shall be from the Senate Agriculture and Consumer Affairs Committee, and one of whom shall be from the Senate Education and Youth Committee; three members who are not members of the General Assembly to be appointed by the Governor; and three members who are not members of the General Assembly to be appointed by the State School Superintendent.

(2) Vacancies in the commission shall be filled in the same manner as the original appointments.

(3)(A) Legislative members of the commission shall serve two-year terms concurrent with their terms as members of the General Assembly.

(B) Nonlegislative members of the commission shall serve for two year terms concurrent with those terms of legislative members of the commission.

(c) The Speaker of the House shall designate one of the commission members from the House of Representatives as a co-chairperson of the commission, and the Senate Committee on Assignments shall designate one of the commission members from the Senate as a co-chairperson of the commission. Each co-chairperson shall serve as such concurrent with his or her term as a member of the commission.

(d)(1) The head of the career and technical education program of the Department of Education shall report annually to commission regarding the conditions, needs, issues, and problems of the program.

(2) The commission shall periodically review the conditions, needs, issues, and problems related to the career and technical education program, issue annually a report on the same to the General Assembly, and recommend any action or legislation which the commission deems necessary or appropriate.

(e)(1) The commission may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this Code section. The commission shall meet upon the call of either co-chairperson. The commission shall meet not less than two nor more than four times annually.

(2) The legislative members of the commission shall receive the allowances provided for in Code Section 28-1-8. Any citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Any members of the commission who are state officials, other than legislative members, and state employees shall receive no compensation for their services on the commission, but they shall be reimbursed for expenses incurred by them in the performance of their duties as members of the commission in the same manner as they are reimbursed for expenses in their capacities as state officials or employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to the Department of Education. All other funds necessary to carry out the provisions of this Code section shall come from funds appropriated to the House of Representatives and the Senate. The expenses and allowances authorized by this paragraph shall not be received by members of the commission for more than four days annually."

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:

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

Y Black
Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
N Byrd
Y Carter
N Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Ehrhart
Y England
Y Epps
N 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
N 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 James
Y Jamieson
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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
N Loudermilk
Y Lucas
N Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
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
Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
N Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 148, nays 10.

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

Representatives Holmes of the 61st and Jenkins of the 8th 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 1244. By Representatives Scott of the 2nd, Reece of the 27th, Chambers of the 81st, Williams of the 4th, Graves of the 12th and others:

A BILL to be entitled an Act to amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the levy of the motor fuel tax, so as to change certain provisions regarding exemptions of sales by duly licensed bulk distributors with respect to public mass transit bases; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the levy of the motor fuel tax, so as to change certain provisions regarding exemptions of sales by duly licensed bulk distributors with respect to public mass transit buses; to provide for an additional exemption for a limited period of time with respect to certain vehicles operated by a public campus transportation system; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the levy of the motor fuel tax, is amended by striking paragraph (10) of subsection (b) and inserting in its place a new paragraph (10) to read as follows:

"(10)(A) During the period of July 1, ~~2005~~ 2006, through June 30, 2008, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for public mass transit ~~buses~~ vehicles which are owned by ~~state or local government or an entity created by local or general law of the General Assembly~~ public transportation systems which receive or are eligible to receive funds pursuant to 49 U.S.C Sections 5307 and 5311 for which passenger fares are routinely charged and which ~~buses~~ vehicles are used exclusively for revenue generating purposes which motor fuel sales occur at bulk purchase facilities approved by the department.

(B) During the period of July 1, 2006, through June 30, 2008, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for vehicles operated by a public campus transportation system, provided that such system has a policy which provides for free transfer of passengers from the public transportation system operated by the jurisdiction in which the campus is located; makes the general public aware of such free transfer policy; and receives no state or federal funding to assist in the operation of such public campus transportation system and which motor fuel sales occur at bulk purchase facilities approved by the department.

(C) For purposes of this paragraph, the term 'vehicle' or 'vehicles' means buses, vans, minibuses, or other vehicles which have the capacity to transport seven or more passengers."

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:

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y 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
Drenner
Y Dukes
Y Ehrhart
N 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
Y Hudson
Y Hugley
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
E 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
Y Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Smyre
Y Stanley-Turner
Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 2.

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

HB 1307. By Representatives Loudermilk of the 14th, Martin of the 47th, Lewis of the 15th, Byrd of the 20th, Everson of the 106th and others:

A BILL to be entitled an Act to amend Code Section 50-25-6 of the Official Code of Georgia Annotated, relating to the Georgia Register, so as to change certain provisions regarding the method of publishing and the contents of the publication; 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:

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Byrd
Y Carter
Y 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
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
Y Hudson
Y Hugley
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
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Manning
Y Marin
Y Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
N Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 163, nays 1.

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

HB 1121. By Representatives Smith of the 131st, Smith of the 129th, Yates of the 73rd, Warren of the 122nd, Smith of the 168th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official

Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide for an exemption with respect to sales of certain tangible personal property used in direct connection with the construction or improvement of the National Infantry Museum and Heritage Park at Fort Benning; to provide for procedures, conditions, and limitations; 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 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide for an exemption for a limited period of time with respect to sales of certain tangible personal property used in direct connection with the construction of a national infantry museum and heritage park facility; to provide for a definition; to provide for procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, is amended by striking "or" at the end of paragraph (81), by striking the period at the end of paragraph (82) and inserting in its place "; or", and by adding a new paragraph immediately following paragraph (82) to be designated paragraph (83) to read as follows:

"(83)(A) Notwithstanding any provision of Code Section 48-8-63 to the contrary, from July 1, 2006, until June 30, 2008, sales of tangible personal property used in direct connection with the construction of a national infantry museum and heritage park facility.

(B) As used in this paragraph, the term 'national infantry museum and heritage park facility' means a museum and park facility which is constructed after the effective date of this paragraph; is dedicated to the history of the American foot soldier; has more than 130,000 square feet of space; and has associated facilities, including, but not limited to, parking, parade grounds, and memorial areas.

(C) Any person making a sale of tangible personal property for the purpose specified in this paragraph shall collect the tax imposed on this sale unless the purchaser furnishes such person with an exemption determination letter issued by the commissioner certifying that the purchaser is entitled to purchase the tangible personal property without paying the tax."

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:

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y 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
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
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
Y Hudson
Y Hugley
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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Lunsford
Y Maddox
Y Mangham
Manning
Y Marin
Martin
Y Maxwell
Y May
Y McCall
E McClinton
Y Meadows
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
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

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

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

HB 1222. By Representatives Hatfield of the 177th, Fleming of the 117th, Ralston of the 7th, Bearden of the 68th, Byrd of the 20th and others:

A BILL to be entitled an Act to provide a comprehensive revision, modernization, and reform of the laws of this state relating to operating motor vehicles while under the influence of alcohol, drugs, or other substances; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic, so as to provide legislative intent; to prohibit the operation of motor vehicles in this state while under the influence of alcohol, drugs, or other substances; to provide for implied consent to chemical testing; to provide definitions; to provide for chemical testing of persons suspected of driving under the influence of alcohol, drugs, or other substances; to provide for the procedures to obtain and perform such tests; to provide for the administration of certain warnings with regard to such tests; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To provide a comprehensive revision, modernization, and reform of the laws of this state relating to operating motor vehicles while under the influence of alcohol, drugs, or other substances; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide legislative intent; to prohibit the operation of motor vehicles in this state while under the influence of alcohol, drugs, or other substances; to provide for implied consent to chemical testing; to provide definitions; to provide for chemical testing of persons suspected of driving under the influence of alcohol, drugs, or other substances; to provide for the procedures to obtain and perform such tests; to provide for the administration of certain warnings with regard to such tests; to provide for independent tests under certain circumstances; to provide for certain qualifications of persons performing such tests and certain instruments used in such tests; to provide for the admission into evidence of the results of such tests and such certifications of testing instruments; to provide for certain immunities; to provide for certain disclosures; to provide for the taking of the driver's license of a person suspected of operating a motor vehicle while under the influence of alcohol, drugs, or other substances in certain circumstances; to provide for temporary driving permits under certain circumstances; to provide for certain reports by law enforcement officers and courts; to provide for the suspension and revocation of drivers´ licenses under certain circumstances; to provide for procedures for such suspensions and revocations; to provide for hearings in certain circumstances; to provide for reinstatement of drivers´ licenses under certain circumstances; to provide for compensation for law enforcement officers for attending hearings; to provide for sanctions and penalties for operating motor vehicles in this state while under the influence of alcohol, drugs, or other substances; to

prohibit the operation of a school bus while under the influence of alcohol, drugs, or other substances; to prohibit the operation of a motor vehicle while under the influence of alcohol, drugs, or other substances when transporting a child under the age of 14 years; to provide for the admissibility of certain evidence; to provide that legal entitlement to use alcohol, marijuana, or other drugs shall not constitute a defense; to provide that certain pleas shall constitute prior convictions for sentencing purposes; to provide for the adoption of such laws by ordinance by political subdivisions; to provide for the discretion of the court to accept certain pleas; to provide for the publication of the photographs and fact of conviction for certain offenders; to provide for the seizure and forfeiture of certain vehicles operated by certain violators; to provide for related matters; to amend various provisions of the Official Code of Georgia Annotated, so as to conform such provisions to the provisions of this Act; to provide for the applicability and effect of this Act; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I.
SECTION 1-1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by adding a new Code Section 40-1-8 to read as follows:

"40-1-8.

(a) The State of Georgia considers that any person who drives or is in actual physical control of any vehicle in violation of the laws of this state by consuming a prohibited level of alcohol or by consuming any other drug constitutes a direct and immediate threat to the welfare and safety of the general public.

(b) Any person who operates a motor vehicle upon the highways or elsewhere throughout this state shall be deemed to have given consent to a chemical test or tests of his or her blood, breath, urine, or other bodily substance for the purpose of determining the presence of alcohol or any other drug.

(c) Any person who is dead, unconscious, or otherwise in a condition rendering such person incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection (b) of this Code section, and the chemical test or tests of his or her blood, breath, urine, or other bodily substance may be administered as provided in Article 9 of Chapter 5 of this title."

SECTION 1-2.

Said title is further amended by adding a new Article 9 to Chapter 5, relating to drivers´ licenses, to read as follows:

"ARTICLE 9

40-5-200.

As used in this article, the term:

(1) 'Adequate breath sample' means a breath sample sufficient to cause the breath-testing instrument to produce a printed alcohol concentration analysis.

(2) 'Law enforcement officer' means any peace officer, jail officer, juvenile correctional officer, or law enforcement support personnel, as such terms are defined by Code Section 35-8-2, or any individual possessing a valid permit issued by the Division of Forensic Sciences of the Georgia Bureau of Investigation to administer breath tests.

(3) 'Medical facility' means a hospital, clinical laboratory, medical clinic, or similar medical institution.

40-5-201.

A law enforcement officer is authorized to obtain one or more chemical tests of a person's blood, breath, urine, or other bodily substance for the purpose of determining the presence of alcohol or any other drug if there is probable cause to believe that such person operated or was in actual physical control of a motor vehicle in violation of any of the provisions of Part 2 of Article 15 of Chapter 6 of this title. The law enforcement officer shall designate which test or tests shall be administered.

40-5-202.

(a) Prior to the administration of chemical tests to a person pursuant to this article, the implied consent notice as provided in subsection (c) of this Code section shall be read to such person.

(b) The notices provided in subsections (c) and (d) of this Code section shall be read in their entirety but need not be read exactly so long as the substance of the notice remains unchanged. If such notice is used to advise a person of his or her rights regarding the administration of chemical testing, such person shall be deemed to have been properly advised of his or her rights under this Code section. The informing of or failure to inform the accused person concerning the implied consent law shall not affect the admissibility of such results in any case, including a prosecution for a violation of Part 2 of Article 15 of Chapter 6 of this title. The informing of an accused person concerning the implied consent law shall only have application to and be relevant at a hearing concerning suspension of the driver's license of said person for a violation of the implied consent law.

(c) At the time a chemical test or tests are requested, the following implied consent notice shall be read to the person:

'Georgia law requires you to submit to state administered chemical tests of your blood, breath, urine, or other bodily substance for the purpose of determining if you are operating a motor vehicle under the influence of alcohol or drugs or with a prohibited substance in your body. If you submit to this testing, the results may be used against you in a court of law or in an administrative proceeding. If you refuse to submit to this testing, your Georgia driver's license or privilege to drive on the highways of this state may be suspended for a minimum period of one year and your

refusal may be used as evidence against you. If you submit to the state's testing, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substance at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered testing under the implied consent law?'

(d) In addition to the implied consent notice, if the person is driving, operating, or in physical control of a commercial motor vehicle, the following notice shall be read:

'If you submit to testing and the results indicate the presence of any alcohol, you will also be issued an out-of-service order and will be prohibited from operating a commercial motor vehicle for 24 hours. If the results indicate an alcohol concentration of 0.02 grams or more, you will be disqualified from operating a commercial motor vehicle for a minimum period of one year.'

(e) If the person submits to the state administered test or tests, such person may have a qualified person of such person's choosing administer chemical tests in addition to any tests administered at the direction of a law enforcement officer. The justifiable failure or inability to obtain an additional test shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(f) Nothing in this article shall be deemed to preclude the acquisition or admission of such evidence if obtained by voluntary consent or a search warrant as authorized by the Constitution or laws of this state or of the United States.

(g) Upon the request of the person who shall submit to a chemical test or tests designated by a law enforcement officer, a copy of the results of the test or tests shall be made available to such person or such person's attorney.

40-5-203.

(a) Any test authorized by Code Section 40-5-201 shall be performed according to methods approved by the Division of Forensic Sciences of the Georgia Bureau of Investigation.

(b) Any test of a person's breath shall be performed on a machine approved by the Division of Forensic Sciences of the Georgia Bureau of Investigation which machine shall be operated with all its electronic and operating components prescribed by its manufacturer properly attached and in good working order. Such test shall be performed by an individual possessing a valid permit issued by the Division of Forensic Sciences for such purpose.

(c) The Division of Forensic Sciences of the Georgia Bureau of Investigation shall approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits, along with requirements for properly operating and maintaining any testing instruments, and to issue certificates certifying that instruments have met those requirements, which certificates and permits shall be subject to termination or revocation at the discretion of the Division of Forensic Sciences.

(d) In all cases where a law enforcement officer designates breath testing, two sequential breath samples shall be requested for the testing of alcohol concentration. For either or both of these sequential samples to be admissible in the state's or plaintiff's

case-in-chief, the readings shall not differ from each other by an alcohol concentration of greater than 0.020 grams and the lower of the two results shall be determinative for accusation and indictment purposes and administrative license suspension purposes. No more than two sequential series of a total of two adequate breath samples each shall be requested by the law enforcement officer. A refusal to give an adequate sample or samples on any subsequent breath, blood, urine, or other bodily substance test shall not affect the admissibility of the results of any prior samples.

40-5-204.

(a) Each time an approved breath-testing instrument is inspected, the inspector shall prepare a certificate which shall be signed under oath by the inspector and which shall include the following language:

'This breath-testing instrument (serial no. _____) was thoroughly inspected, tested, and standardized by the undersigned on (date _____) and all of its electronic and operating components prescribed by its manufacturer are properly attached and are in good working order.'

(b) When properly prepared and executed, as prescribed in this Code section, the certificate shall, notwithstanding any other provision of law, be self-authenticating, shall be admissible in any court of law, and shall satisfy the requirements of this Code section and Code Section 40-5-203.

40-5-205.

(a) In all cases where a law enforcement officer designates blood testing pursuant to Code Section 40-5-202 for the purpose of determining the alcohol or other drug content, the sample may be drawn by a physician, physician's assistant, qualified technician, chemist, registered nurse, licensed practical nurse, medical technologist, medical laboratory technician, emergency medical technician, certified paramedic, phlebotomist, or other personnel trained to draw blood.

(b) For the purpose of establishing that a person was qualified to draw blood at the time the blood was drawn, the following shall be admissible as evidence:

(1) Certification by the office of the Secretary of State or by the Department of Human Resources that a person who drew blood was licensed or certified in accordance with the laws, rules, or regulations of this state;

(2) Records of a medical facility or employer, which records are duly certified by the custodian of such records as provided by Code Section 24-7-8, that certify that the person who drew the blood was properly trained and authorized to draw blood as an employee of the medical facility or employer;

(3) Testimony, under oath, of the person who drew the blood; or

(4) Testimony, under oath, of the supervisor of the person who drew the blood or the medical records custodian that the person who drew the blood was properly trained and authorized to draw blood as an employee of the medical facility or employer.

(c) A medical facility, physician, physician's assistant, qualified technician, chemist, registered nurse, licensed practical nurse, medical technologist, medical laboratory

technician, emergency medical technician, certified paramedic, phlebotomist, or other personnel trained to draw blood; or a duly licensed clinical laboratory director, supervisor, technologist, technician, or employer thereof; or other person assisting a law enforcement officer shall not incur any civil, criminal, or administrative liability as a result of the withdrawal of a blood specimen requested in writing by a law enforcement officer with the consent of the accused as provided in subsection (d) of Code Section 40-5-202 or when ordered by a court of competent jurisdiction. Notwithstanding any other provision of law, obtaining a blood sample pursuant to this article shall not constitute the practice of medicine or any other profession relating to health care which is regulated, licensed, or certified by the state.

40-5-206.

(a) Whenever any resident or nonresident person is charged with a violation of Part 2 of Article 15 of Chapter 6 of this title, the law enforcement officer shall take the driver's license of the person so charged. The driver's license shall be attached to the court's copy of the uniform traffic citation and complaint form and shall be forwarded to the court having jurisdiction of the offense unless the law enforcement officer is required to submit a report to the department pursuant to Code Section 40-5-207. Taking the driver's license as required in this Code section shall not prohibit any law enforcement officer or agency from requiring any cash bond authorized by Article 1 of Chapter 6 of Title 17.

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

(1) If the driver refuses to submit to a test or tests to determine the presence of alcohol or drugs as required by this article, the officer shall issue a 30 day temporary driving permit;

(2) If the driver's license is required to be suspended under Code Section 40-5-208, the officer shall issue a 30 day temporary driving permit; or

(3) If the test or tests administered pursuant to this article indicate an alcohol concentration less than the level for an administrative suspension of the license pursuant to Code Section 40-5-208 but there are reasonable grounds to believe that the person violated Code Section 40-6-410, the officer shall issue a 180 day temporary driving permit.

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

(d)(1) If the person is convicted of violating or enters a plea of nolo contendere to a violation of any of the provisions of Part 2 of Article 15 of Chapter 6 of this title, the

court shall, within ten days, forward the person's driver's license and the record of the disposition of the case to the department. If such person is in possession of a temporary driving permit issued pursuant to subsection (b) of this Code section, the court shall also require the person to surrender such temporary driving permit instanter.

(2) If the person is not convicted of violating or does not enter a plea of nolo contendere to a violation of any of the provisions of Part 2 of Article 15 of Chapter 6 of this title and the court is in possession of the driver's license, the court shall return the driver's license to the person unless the license is in suspension for any other offense, in which case the court shall forward the license to the department for disposition.

40-5-207.

(a) A law enforcement officer shall submit a report to the department if:

(1) A person submits to a chemical test upon the request of a law enforcement officer and the test results indicate that a suspension or disqualification is required under this article; or

(2) A person refuses to submit to a chemical test designated by a law enforcement officer as provided in this article.

(b) A report submitted pursuant to subsection (a) of this Code section shall be in writing, signed by a law enforcement officer and in such form as the department shall prescribe. Such report may be submitted electronically in accordance with Chapter 12 of Title 10, the 'Georgia Electronic Records and Signatures Act.' The signature of the officer, whether actual or electronic, shall be considered an attestation of the officer that the facts contained therein are true and correct.

(c) A law enforcement officer, acting on behalf of the department, shall personally serve the notice of intention to suspend or disqualify the license of the arrested person or other person refusing such test on such person at the time of the person's refusal to submit to a test or at the time at which such a test indicates that suspension or disqualification is required under Code Section 40-5-208.

(d) The law enforcement officer shall forward the person's driver's license to the department along with the notice of intent to suspend or disqualify and the report required by subsections (a) and (b) of this Code section within ten calendar days after the date of the arrest of such person. This subsection shall not apply to any person issued a 180 day temporary permit pursuant to subsection (b) of Code Section 40-5-206. The failure of the officer to transmit the report required by this Code section within ten calendar days shall not prevent the department from accepting such report and utilizing it in the suspension of a driver's license as provided in this article.

40-5-208.

(a) Upon the receipt of the report of the law enforcement officer, the department shall suspend the person's driver's license, permit, or nonresident operating privilege pursuant to Code Section 40-5-209 if:

(1) The person submitted to a chemical test at the request of a law enforcement officer and the test results indicated that:

(A) The person had an alcohol concentration of 0.08 grams or more;

(B) The person had an alcohol concentration of 0.02 grams or more and the person was under the age of 21; or

(C) The person had an alcohol concentration of 0.02 grams or more and the person was operating or was in actual physical control of a moving commercial motor vehicle; or

(2) The person refused to submit to the chemical test requested by a law enforcement officer.

(b) If notice has not been given by a law enforcement officer pursuant to Code Section 40-5-207, the department, upon receipt of the report of such officer, shall suspend the person's driver's license, permit, or nonresident operating privilege or disqualify such person from operating a motor vehicle and, by regular mail, at the last known address, notify such person of such suspension or disqualification. The notice shall inform the person of the grounds of suspension or disqualification, the effective date of the suspension or disqualification, and the right to review. The notice shall be deemed received three days after mailing.

(c) The period of suspension provided for in this Code section shall be for a minimum period of one year; provided, however, that such suspension shall be subject to review as provided in this chapter. If the person was operating or in actual physical control of a commercial motor vehicle, the department shall disqualify the person from operating a commercial motor vehicle and shall suspend the person's driver's license, permit, or nonresident operating privilege, subject to review as provided for in this chapter.

(d) If the person is a resident without a driver's license, commercial driver's license, or permit to operate a motor vehicle in this state, the department shall deny issuance of a license or permit to such person for the same period provided in subsection (c) of this Code section for suspension of a license or permit or disqualification to operate a commercial motor vehicle, subject to review as provided for in this chapter.

(e) Any driver's license required to be suspended under the provisions of this Code section shall be suspended subject to the following terms and conditions:

(1) Upon the first suspension pursuant to this Code section or former Code Section 40-5-67.1 within the previous five years, as measured from the dates of previous arrests for which a suspension was obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for one year. Not sooner than 30 days following the effective date of suspension, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of $210.00, or $200.00 when such reinstatement is processed by mail, unless such conviction was a recidivist conviction in which case the restoration fee shall be $510.00, or $500.00 when processed by mail. A driver's license suspended pursuant to this Code section shall not become valid and shall remain suspended until such person submits proof of completion of a

DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee;

(2) Upon the second suspension pursuant to this Code section within five years or a suspension imposed pursuant to this Code section within five years of a suspension imposed pursuant to former Code Section 40-5-67.1, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for three years. The person shall be eligible to apply to the department for license reinstatement not sooner than 18 months following the effective date of suspension. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of $210.00, or $200.00 when such reinstatement is processed by mail, unless such conviction was a recidivist conviction in which case the restoration fee shall be $510.00, or $500.00 when processed by mail. A driver's license suspended pursuant to this Code section shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee; and

(3) Upon the third or subsequent suspension pursuant to this Code section singularly or in combination with any suspension or suspensions imposed pursuant to former Code Section 40-5-67.1 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for five years. A driver's license suspended pursuant to this Code section shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. The driver may apply for a probationary license pursuant to Code Section 40-5-58 after the expiration of two years from the effective date of suspension.

(f) An administrative license suspension pursuant to this Code section shall be counted toward fulfillment of any period of suspension subsequently imposed as a result of a conviction of violating Code Section 40-6-410, 40-6-411, 40-6-412, or 40-6-413 which arises out of the same violation for which the administrative license suspension was imposed. An administrative license suspension pursuant to this Code section shall run concurrently with any revocation of such driver's license pursuant to a subsequent determination that such person is a habitual violator.

(g) In all cases in which the department may return a license to a driver prior to the termination of the full period of suspension, the department may require such tests of driving skill and knowledge as it determines to be proper, and the department's discretion shall be guided by the driver's past driving record and performance. The driver shall pay a restoration fee of $210.00, or $200.00 when processed by mail.

(h) Any other provision of law to the contrary notwithstanding, a driver with no previous conviction for a violation of Code Section 40-6-410, 40-6-411, 40-6-412, or 40-6-413 or former Code Section 40-6-391 within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the

current arrest, during the period of administrative suspension contemplated under this article, shall be entitled to a limited driving permit as provided in Code Section 40-5-64.

40-5-209.

(a)(1) A person whose driver's license is suspended or a person who is disqualified from operating a commercial motor vehicle pursuant to this article shall request, in writing, a hearing within ten business days from the date of personal notice or receipt of notice sent by certified mail or statutory overnight delivery, return receipt requested, or the right to said hearing shall be deemed waived. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded.

(2) The scope of the hearing shall be limited to the following issues:

(A) Whether the law enforcement officer had reasonable grounds to believe the person was driving or in actual physical control of a moving motor vehicle while under the influence of alcohol, a drug, or any combination thereof or had a prohibited substance in his or her body;

(B) Whether the law enforcement officer requested the person to submit to a state administered chemical test;

(C) Whether at the time of the request for the test or tests the officer informed the person of the person's implied consent rights and the consequence of submitting or refusing to submit to such test; and

(D)(i) Whether the person refused the test; or

(ii)(I) Whether a test or tests were administered and the results indicated an alcohol concentration of 0.08 grams or more or, for a person under the age of 21, an alcohol concentration of 0.02 grams or more or, for a person operating or having actual physical control of a commercial motor vehicle, an alcohol concentration of 0.02 grams or more; and

(II) Whether the test or tests were properly administered by an individual possessing a valid permit issued by the Division of Forensic Sciences of the Georgia Bureau of Investigation on an instrument approved by the Division of Forensic Sciences or a test conducted by the Division of Forensic Sciences, including whether the machine at the time of the test was operated with all its electronic and operating components prescribed by its manufacturer properly attached and in good working order. A copy of the operator's permit showing that the operator has been trained on the particular type of instrument used and one of the original copies of the test results or, where the test is performed by the Division of Forensic Sciences, a copy of the crime lab report shall satisfy the requirements of this subparagraph.

(3) The hearing officer shall, within five calendar days after such hearing, forward a decision to the department to rescind or sustain the driver's license suspension or disqualification. If no hearing is requested within ten business days as specified in

paragraph (1) of this subsection, and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the person, the right to a hearing shall have been waived. The request for a hearing shall not stay the suspension of the driver's license; provided, however, that if the hearing is timely requested and is not held before the expiration of the temporary permit and the delay is not due in whole or in part to the reasonably avoidable fault of the person, the suspension shall be stayed until such time as the hearing is held and the hearing officer's decision is made.

(4) In the event the person is acquitted of a violation of Code Section 40-6-410, 40-6-411, 40-6-412, or 40-6-413 or such charge is initially disposed of other than by a conviction or plea of nolo contendere, then the suspension shall be terminated and deleted from the driver's license record. An accepted plea of nolo contendere shall be entered on the driver's license record and shall be considered and counted as a conviction for purposes of any future violations of Code Section 40-6-410, 40-6-411, 40-6-412, or 40-6-413. In the event of an acquittal or other disposition other than by a conviction or plea of nolo contendere, the driver's license restoration fee shall be promptly returned by the department to the licensee.

(b) If the suspension is sustained after such a hearing, the person whose license has been suspended under this Code section shall have a right to file for a judicial review of the department's final decision, as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' While such appeal is pending, the order of the department shall not be stayed.

40-5-210.

(a) Subject to the limitations of this subsection, any law enforcement officer who attends a hearing provided for by Code Section 40-5-209 for the purpose of giving testimony relative to the subject of such hearing shall be compensated in the same amount as is authorized as per diem for law enforcement officers pursuant to Code Section 24-10-27 for each day's attendance at such hearing. In the event a law enforcement officer gives testimony at two or more different hearings on the same day, such officer shall receive only $20.00 for attendance at all hearings.

(b) The compensation provided for in this Code section shall not be paid to any law enforcement officer who is on regular duty or who is on a lunch or other break from regular duty at the time the officer attends any such hearing. The compensation provided for by this Code section shall be paid to the law enforcement officer by the department from department funds at such time and in such manner as the commissioner shall provide by rule.

(c) A law enforcement officer requesting compensation pursuant to this Code section shall submit a request for payment in such form as the commissioner shall prescribe by rule. Such form shall be signed by the officer, attesting that the officer:

(1) Appeared at the implied consent hearing as a witness or complainant on the date and time shown in the request;

(2) Was not on regular duty at the time of attending the hearing; and

(3) Has not received and will not receive compensation from such officer's regular employer for attending the hearing.

(d) A request for compensation shall be certified by the hearing officer who presided at the hearing for which compensation is requested."

SECTION 1-3.

Said title is further amended by redesignating the existing provisions of Article 15 of Chapter 6, relating to serious traffic offenses, as Part 1 and inserting a new Part 2 to read as follows:

"Part 2

40-6-410.

A person commits the offense of driving under the influence if such person drives or is in actual physical control of any moving vehicle while:

(1) Under the influence of alcohol to the extent that it is less safe for the person to drive;

(2) Under the influence of any drug or marijuana to the extent that it is less safe for the person to drive;

(3) Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to drive; or

(4) Under the combined influence of any two or more of the substances specified in paragraphs (1) through (3) of this Code section to the extent that it is less safe for the person to drive.

40-6-411.

A person commits the offense of driving with a prohibited substance in his or her body if such person drives or is in actual physical control of any moving vehicle and such person has:

(1) At any time within three hours after having driven or been in actual physical control of any moving vehicle, an alcohol concentration of 0.08 grams or more in such person's blood, breath, urine, or other bodily substance from alcohol consumed before or while driving or being in actual physical control of such motor vehicle; or

(2) Any amount of a Schedule I controlled substance, as defined in Code Section 16-13-25, present in such person's blood, urine, or other bodily substance, including the metabolites and derivatives of such controlled substances, without regard to whether any alcohol is present in the person's breath or blood.

40-6-412.

A person commits the offense of driving a commercial motor vehicle with a prohibited substance in his or her body if such person drives or is in actual physical control of a commercial motor vehicle and has, at any time within three hours after having driven or been in actual physical control of such commercial motor vehicle, an alcohol

concentration of 0.02 grams or more in such person's blood, breath, urine, or other bodily substance.

40-6-413.
A person commits the offense of underage driving with a prohibited substance in his or her body if a person under 21 years of age drives or is in actual physical control of any moving vehicle and has, at any time within three hours of driving or being in physical control of such motor vehicle, an alcohol concentration of 0.02 grams or more in such person's blood, breath, urine, or other bodily substance from alcohol consumed before or while driving or being in actual physical control of such motor vehicle.

40-6-414.
(a) Unless otherwise provided in this part, any person convicted of any violation of Code Sections 40-6-410 through 40-6-413 shall be punished as follows:

(1) For a first conviction with no conviction of and no plea of nolo contendere accepted to a charge of violating this Code section within the previous five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a misdemeanor and shall be punished as follows:

(A) A fine of not less than $300.00 nor more than $1,000.00, which fine shall not, except as provided in subsection (f) of this Code section, be subject to suspension, stay, or probation;

(B) A period of imprisonment of not less than ten days nor more than 12 months, which period of imprisonment may, at the sole discretion of the judge, be suspended, stayed, or probated; provided, however, that, if the offender's alcohol concentration at the time of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all but 24 hours of any term of imprisonment imposed under this subparagraph;

(C) Not less than 40 hours of community service; provided, however, that, for a conviction for violation of Code Section 40-6-413 where the person's alcohol concentration at the time of the offense was less than 0.08 grams, the period of community service shall be not less than 20 hours;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and

(E) If the defendant is sentenced to a period of imprisonment for less than 12 months, a period of probation of 12 months less any days during which the defendant is actually incarcerated;

(2) For the second conviction within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is

obtained or a plea of nolo contendere is accepted, such person shall be guilty of a misdemeanor and shall be punished as follows:

(A) A fine of not less than $600.00 nor more than $1,000.00, which fine shall not, except as provided in subsection (f) of this Code section, be subject to suspension, stay, or probation;

(B) A period of imprisonment of not less than 90 days nor more than 12 months. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, thereby subjecting the offender to the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge may impose; provided, however, that the offender shall be required to serve not less than 72 hours of actual incarceration;

(C) Not less than 240 hours of community service;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program;

(E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if indicated by such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and

(F) A period of probation of 12 months less any days during which the defendant is actually incarcerated; or

(3) For the third or subsequent conviction within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a misdemeanor of a high and aggravated nature and shall be punished as follows:

(A) A fine of not less than $1,000.00 and not more than $5,000.00, which fine shall not, except as provided in subsection (f) of this Code section, be subject to suspension, stay, or probation;

(B) A mandatory period of imprisonment of not less than 120 days nor more than 12 months. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, thereby subjecting the offender to the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge may impose; provided, however, that the offender shall be required to serve not less than 15 days of actual incarceration;

(C) Not less than 30 days of community service;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program;

(E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if indicated by such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and

(F) A period of probation of 12 months less any days during which the defendant is actually incarcerated.

(b) For the purpose of imposing a sentence under subsection (a) of this Code section, a plea of nolo contendere or an adjudication of delinquency based on a violation of Code Sections 40-6-410 through 40-6-413 shall constitute a conviction.

(c) When a defendant has been convicted of violating, by a single transaction, more than one of the provisions of Code Sections 40-6-410 through 40-6-413, the court shall merge such offenses for the purpose of sentencing and such offenses shall be treated as a single conviction for the purposes of this Code section and Code Section 40-5-58.

(d)(1) If the payment of the fine required under subsection (a) of this Code section will impose an economic hardship on the defendant, the judge, at his or her sole discretion, may order the defendant to pay such fine in installments and such order may be enforced through a contempt proceeding or a revocation of any probation otherwise authorized by this Code section.

(2) In the sole discretion of the judge, he or she may suspend up to one-half of the fine imposed under paragraph (2) or (3) of subsection (a) of this Code section for a second or subsequent conviction conditioned upon the defendant's undergoing treatment in a substance abuse treatment program as defined in Code Section 40-5-1.

(e) Any person convicted of violating Code Section 40-6-412 shall, in addition to any disqualification resulting under Article 7 of Chapter 5 of this title, the 'Uniform Commercial Driver's License Act,' be fined as provided in subsection (a) of this Code section.

(f)(1) In any case where a person is sentenced to a period of imprisonment pursuant to this Code section for a violation of Code Section 40-6-413, it is within the authority and discretion of the sentencing judge in cases involving the first such violation to allow the sentence to be served on weekends by weekend confinement or during the nonworking hours of the defendant. A weekend shall commence and shall end in the discretion of the sentencing judge, and the nonworking hours of the defendant shall be determined in the discretion of the sentencing judge; provided, however, that the judge shall retain plenary control of the defendant at all times during the sentence period. Confinement during the nonworking hours of a defendant during any day may be counted as serving a full day of the sentence.

(2) Any confinement of a person pursuant to a sentence to a period of imprisonment for a violation of Code Section 40-6-413 shall be served in a county jail; provided, however, that, for the first such violation, such person shall be kept segregated from all offenders other than those confined for violating such Code section.

40-6-415.

(a) A person commits the offense of endangering a child by driving under the influence of alcohol or drugs if such person drives or is in actual physical control of any moving

vehicle while in violation of Code Section 40-6-410, 40-6-411, 40-6-412, or 40-6-413 while transporting a child under the age of 14 years.
(b) Any person convicted of a violation of this Code section shall be punished as provided in subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child.
(c) Any violation of this Code section shall be considered a separate offense.

40-6-416.
(a) A school bus driver licensed pursuant to Article 7 of Chapter 5 of this title shall, upon a conviction of a violation of Code Section 40-6-410, 40-6-411, 40-6-412, or 40-6-413 while driving a school bus, be punished by imprisonment for a period of not less than one year nor more than five years or by a fine of not less than $1,000.00 nor more than $5,000.00, or both.
(b) Any violation of this Code section shall be considered a separate offense.

40-6-417.
(a) Except as provided in subsection (b) of this Code section, upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of this part, the amount of alcohol in the person's blood at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance, may give rise to inferences as follows:
(1) If there was at that time an alcohol concentration of 0.05 grams or less, the trier of fact in its discretion may infer therefrom that the person was not under the influence of alcohol, as prohibited by paragraphs (1) and (4) of Code Section 40-6-410;
(2) If there was at that time an alcohol concentration in excess of 0.05 grams but less than 0.08 grams, such fact shall not give rise to any inference that the person was or was not under the influence of alcohol, as prohibited by paragraphs (1) and (4) of Code Section 40-6-410, but such fact may be considered by the trier of fact with other competent evidence in determining whether the person was under the influence of alcohol, as prohibited by paragraphs (1) and (4) of Code Section 40-6-410; or
(3) If there was at that time an alcohol concentration of 0.08 grams or more, the trier of fact in its discretion may infer therefrom that the person was under the influence of alcohol, as prohibited by paragraphs (1) and (4) of Code Section 40-6-410.
(b)(1) In any civil or criminal action or proceeding arising out of acts alleged to have been committed in violation of paragraph (1) of Code Section 40-6-411, if there was at that time or within three hours after driving or being in actual physical control of a moving vehicle from alcohol consumed before such driving or being in actual physical control ended an alcohol concentration of 0.08 or more grams in the person's blood, breath, urine, or other bodily substance, the person shall be in violation of paragraph (1) of Code Section 40-6-411.
(2) In any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of Code Section 40-6-412, if there was at that time or within three hours after driving or being in actual physical control of a

moving vehicle from alcohol consumed before such driving or being in actual physical control ended an alcohol concentration of 0.02 grams or more in the person's blood, breath, urine, or other bodily substance, the person shall be in violation of Code Section 40-6-412.

(3) In any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of Code Section 40-6-413, if there was at that time or within three hours after driving or being in actual physical control of a moving vehicle from alcohol consumed before such driving or being in actual physical control ended an alcohol concentration of 0.02 grams or more in the person's blood, breath, urine, or other bodily substance, the person shall be in violation of Code Section 40-6-413.

(c) In any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of Code Section 40-6-410, the refusal of the defendant to submit to a chemical analysis of his or her blood, breath, urine, or other bodily substance, or the failure to provide an adequate sample, shall be admissible in evidence against the person. The trier of fact, in its discretion, may infer from such refusal that any test given would have shown the presence of alcohol, drugs, or other prohibited substances.

40-6-418.

The fact that any person charged with violating any of the provisions of this part is or has been legally entitled to use alcohol, marijuana, or a drug shall not constitute a defense against any charge of violating this part.

40-6-419.

(a) Any conviction of or plea of nolo contendere to a violation of any local ordinance adopted pursuant to Article 14 of this chapter, which ordinance adopts the provisions of this part, shall be deemed to be a prior conviction under this part.

(b) Any conviction of or plea of nolo contendere to a violation of former Code Section 40-6-391, or any local ordinance adopted pursuant to Article 14 of this chapter, which ordinance adopted the provisions of former Code Section 40-6-391, shall be deemed to be a prior conviction under this part.

(c) Any conviction of or plea of nolo contendere to a violation of any previously or currently existing law of this state or its political subdivisions or authorities; of the United States or its territories, dominions, and possessions; or of the several states or the political subdivisions of such states which, at the time such violation occurred, was the same or substantially conformed to the laws of this state shall be deemed to be a prior conviction under this part. For the purposes of this part, a conviction or plea of nolo contendere in a tribal court shall be deemed to be conviction by a court of the United States.

40-6-420.

(a) The decision to accept a plea of nolo contendere to a charge of violating the

provisions of this part shall be at the sole discretion of the judge; but, if such plea is accepted, the penalties provided for in Code Section 40-6-414 shall be imposed; provided, however, that no such plea of nolo contendere shall be accepted if the person is charged with violating the provisions of Code Section 40-6-410, 40-6-411, 40-6-412, or 40-6-413 and had an alcohol concentration of more than 0.15 grams at any time within three hours after driving or being in control of any moving vehicle from alcohol consumed before such driving or being in control ended.

(b) If the defendant has not been convicted of or had a plea of nolo contendere accepted to a charge of violating the provisions of Code Section 40-6-410, 40-6-411, 40-6-412, or 40-6-413 within the previous five years and if the plea of nolo contendere shall be used as provided in paragraph (1) of subsection (a) of Code Section 40-5-63, no such plea shall be accepted unless, at a minimum, the following conditions are met:

(1) The defendant has filed a verified petition with the court requesting that such plea be accepted and setting forth the facts and special circumstances necessary to enable the judge to determine that accepting such plea is in the best interest of justice; and

(2) The judge has reviewed the defendant's driving records that are on file with the Department of Driver Services.

(c) The judge, as part of the record of the disposition of the charge, shall set forth, under seal of the court, his or her reasons for accepting the plea of nolo contendere.

(d) The record of the disposition of the case, including the ruling required in subsection (c) of this Code section, shall be forwarded to the Department of Driver Services within ten days after disposition.

(e) If a plea of nolo contendere is accepted under the conditions set forth in subsection (b) of this Code section, the defendant's driver's license shall be forwarded to the Department of Driver Services as provided in subsection (d) of Code Section 40-5-206.

40-6-421.

The provisions of Code Section 17-10-3, relating to general punishment for misdemeanors including traffic offenses, and the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, shall not apply to any person convicted or adjudicated of violating any provision of this article.

40-6-422.

(a) Notwithstanding the limits set forth in any municipal charter, any municipal court of any municipality shall be authorized to impose the punishments provided for in Code Section 40-6-414 upon a conviction of violating Code Sections 40-6-410 through 40-6-413 or upon a conviction of violating any ordinance adopting the provisions of this article.

(b) Any court authorized to hear cases involving violations of Code Sections 40-6-410 through 40-6-413 shall be authorized to exercise the power to probate, suspend, or stay any sentence imposed. Such power shall, however, be limited to the conditions and limitations imposed by Code Section 40-6-414.

40-6-423.
(a) In addition to any other provisions of law, the clerk of the court in which a person is convicted a second or subsequent time of a violation of this article within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, shall cause to be published a notice of conviction for each such person convicted. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at the time of arrest, name and address of the convicted person, and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.
(b) The convicted person for which a notice of conviction is published pursuant to this Code section shall be assessed $25.00 for the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed pursuant to this Code section.
(c) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided that such publication was made in good faith.

40-6-424.
Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of this part, evidence of the amount of alcohol or drug in a person's blood, urine, breath, or other bodily substance obtained in accordance with the provisions of this part shall be admissible.

40-6-425.
(a) Except as provided in this Code section, any motor vehicle operated by a person who has been declared a habitual violator for three violations of any of the provisions of this part and whose license has been revoked is declared to be contraband and subject to forfeiture to the state, as provided in this Code section.
(b) Any motor vehicle subject to forfeiture under subsection (a) of this Code section shall be seized upon determination by any peace officer or law enforcement agency of this state or any political subdivision thereof who has the power to make arrests and whose duty it is to enforce this part that said motor vehicle is contraband as provided in subsection (a) of this Code section. When a motor vehicle is seized pursuant to this Code section, the peace officer seizing the same shall report the fact of seizure, within 20 days thereof, to the district attorney of the judicial circuit having jurisdiction in the county where the seizure was made.

(c) In any action under this Code section, the court may enter such restraining orders or take other appropriate action, including acceptance of performance bonds, in connection with any interest in the motor vehicle that is subject to forfeiture.

(d) Within 60 days of the date of the seizure of a motor vehicle pursuant to this Code section, the district attorney shall initiate a forfeiture proceeding as provided in Code Section 16-13-49. If the state fails to initiate forfeiture proceedings against property seized for forfeiture by notice of pending forfeiture within the time limits specified in this subsection and subsection (b) of this Code section, the property must be released on the request of an owner or interest holder, pending further proceedings pursuant to this Code section, unless the property is being held as evidence.

(e) An owner or interest holder, as defined by subsection (a) of Code Section 16-13-49, may establish as a defense to the forfeiture of property which is subject to forfeiture under this Code section the applicable provisions of subsection (e) or (f) of Code Section 16-13-49.

(f) Property which is forfeited pursuant to this Code section shall be disposed of as provided in Code Section 16-13-49.

(g) The proceeds arising from such sale shall be deposited into the general treasury of the state or any other governmental unit whose law enforcement agency it was that originally seized the motor vehicle. It is the intent of the General Assembly that, where possible, proceeds deposited into the state treasury should be used and that proceeds vested in any local governmental unit shall be applied to fund alcohol or drug treatment, rehabilitation, and prevention and education programs, after making the necessary expenditures for:

(1) Any cost incurred in the seizure;

(2) The costs of the court and its officers; and

(3) Any costs incurred in the storage, advertisement, maintenance, or care of the motor vehicle.

(h) In any case where a motor vehicle which is the only family vehicle is determined to be subject to forfeiture, the court may, if it determines that the financial hardship to the family as a result of the forfeiture and sale outweighs the benefit to the state from such forfeiture, order the title to the vehicle transferred to such other family member who is a duly licensed operator and who requires the use of such vehicle for employment or family transportation purposes. Such transfer shall be subject to any valid liens and shall be granted only once."

PART II
SECTION 2-1.

Code Section 6-2-5.1 of the Official Code of Georgia Annotated, relating to operation or physical control of aircraft while under the influence of alcohol or drugs, is amended by striking subsection (b) and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Any person arrested for violation of this Code section shall, at the request of a law enforcement officer of the state or any political subdivision, be administered a test as provided by and subject to the restrictions of ~~subsection (a) of Code Section 40-6-392~~ Part 2 of Article 15 of Chapter 6 of Title 40."

SECTION 2-2.

Code Section 12-3-315 of the Official Code of Georgia Annotated, relating to the exercise of police powers by the Lake Lanier Islands Development Authority, is amended by striking subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) The maximum punishment for violation of such an ordinance shall be stated in the ordinance and shall not exceed a fine of $500.00 or imprisonment for 60 days, or both, except that an ordinance adopting the provisions of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40 shall provide the same punishment as provided ~~by Code Section 40-6-391~~ for violations of that ~~Code section~~ part."

SECTION 2-3.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking subsection (b.1) of Code Section 15-11-66, relating to disposition of delinquent child, and inserting in lieu thereof a new subsection (b.1) to read as follows:

"(b.1) Notwithstanding the provisions of subsections (a) and (b) of this Code section, at the conclusion of the dispositional hearing provided in subsection (a) of Code Section 15-11-65, if the child is found to have committed a delinquent offense which would be a violation ~~of subsection (k)~~ of Code Section ~~40-6-391~~ 40-6-413 if committed by an adult, the court shall make an order of disposition which, for purposes of the child's rehabilitation, imposes the same penalty, period of confinement, and period of community service provided in Code Section ~~40-6-391~~ 40-6-413 which are applicable to an adult convicted of violating ~~subsection (k) of~~ Code Section ~~40-6-391~~ 40-6-413, with any such period of confinement to be served in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority or, if no such facility is available, in a regional youth detention center, provided that such child shall be kept segregated from all children other than those confined for violating ~~subsection (k) of~~ Code Section ~~40-6-391~~ 40-6-413. A previous finding that the child committed such a delinquent offense shall be deemed a previous conviction for purposes of this subsection. The judge shall have the same authority and discretion regarding allowing service of confinement on weekends or during nonworking hours as is provided under subsection (a) of Code Section 17-10-3.1."

SECTION 2-4.

Said title is further amended by striking subsection (a) of Code Section 15-21-112, relating to additional penalty for violation of Code Section 40-6-391, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) In every case in which any state court; probate court; juvenile court; municipal court, whether known as mayor's, recorder's, or police court; or superior court in this state shall impose a fine, which shall be construed to include costs, for a violation of ~~Code Section 40-6-391~~ any of the provisions of Part 2 of Article 15 of Chapter 6 of Title 40, relating to driving under the influence of alcohol or drugs, or a violation of an ordinance of a political subdivision of this state which has adopted by reference ~~Code Section 40-6-391~~ said part pursuant to Article 14 of Chapter 6 of Title 40, there shall be imposed as an additional penalty a sum equal to the lesser of $26.00 or 11 percent of the original fine."

SECTION 2-5.

Said title is further amended by striking subsection (a) of Code Section 15-21-149, relating to fines, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) In every case in which any court in this state shall impose a fine, which shall be construed to include costs, for any violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40, relating to driving under the influence of alcohol or drugs, or for violations of ordinances of political subdivisions which have adopted by reference ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40, there shall be imposed as an additional penalty a sum equal to 10 percent of the original fine."

SECTION 2-6.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by striking subparagraph (c)(2)(S) of Code Section 16-10-51, relating to bail jumping, and inserting in lieu thereof a new subparagraph (c)(2)(S) to read as follows:

"(S) ~~Driving under the influence of alcohol or drugs, as provided in Code Section 40-6-391~~ Operating a motor vehicle in violation of Part 2 of Article 15 of Chapter 6 of Title 40;".

SECTION 2-7.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking subparagraph (b)(2)(A) of Code Section 17-6-1, relating to where offenses are bailable, procedure, schedule of bails, and appeal bonds, and inserting in lieu thereof a new subparagraph (b)(2)(A) to read as follows:

"(A) A person charged with violating ~~Code Section 40-6-391~~ any of the provisions of Part 2 of Article 15 of Chapter 6 of Title 40, relating to operating a motor vehicle while under the influence of alcohol or drugs, whose alcohol concentration at the time of arrest, as determined by any method authorized by law, violates that provided in paragraph ~~(5) of subsection (a)~~ (1) of Code Section ~~40-6-391~~ 40-6-411 may be detained for a period of time up to six hours after booking and prior to being released on bail or on recognizance; and".

SECTION 2-8.

Said title is further amended by striking paragraph (2) of subsection (a) of Code Section 17-6-2, relating to acceptance of bail in misdemeanor cases, and inserting in lieu thereof a new paragraph (2) to read as follows:

"(2) The individual posting a license as collateral pursuant to this subsection shall execute an acknowledgment and agreement between the individual and the State of Georgia as bond wherein the individual agrees to appear in court to answer the charges made against the individual and acknowledges that failure to appear in court when the case is scheduled for hearing, trial, or plea shall result in a forfeiture of the individual's license through suspension by operation of law effective upon the date of the individual's scheduled appearance. The individual shall also be notified that failure to appear in court as required may result in criminal prosecution for bail jumping as provided in Code Section 16-10-51. After execution of the agreement, except as otherwise provided by law, the license shall be returned to the individual and the original agreement shall be delivered to the prosecuting attorney for filing with the accusation, citation, or dismissal. Whenever an individual has been charged with a violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40, relating to driving under the influence of alcohol or drugs, then the provisions of Code Section ~~40-5-67~~ 40-5-206 shall apply."

SECTION 2-9.

Said title is further amended by striking Code Section 17-10-3.1, relating to punishment for violations of Code Section 40-6-391, and inserting a new Code Section 17-10-3.1 to read as follows:

"17-10-3.1.

(a) In any case where a person is sentenced to a period of imprisonment under Code Section ~~40-6-391~~ 40-6-413 upon conviction for violating ~~subsection (k) of~~ said Code section, it is within the authority and discretion of the sentencing judge in cases involving the first such violation to allow the sentence to be served on weekends by weekend confinement or during the nonworking hours of the defendant. A weekend shall commence and shall end in the discretion of the sentencing judge, and the nonworking hours of the defendant shall be determined in the discretion of the sentencing judge; provided, however, that the judge shall retain plenary control of the defendant at all times during the sentence period. Confinement during the nonworking hours of a defendant during any day may be counted as serving a full day of the sentence.

(b) Any confinement of a person pursuant to a sentence to a period of imprisonment under Code Section ~~40-6-391~~ 40-6-413 upon conviction for violating ~~subsection (k) of~~ said Code section shall be served in a county jail, provided that for the first such violation such person shall be kept segregated from all offenders other than those confined for violating ~~subsection (k) of~~ Code Section ~~40-6-391~~ 40-6-413."

SECTION 2-10.

Said title is further amended by striking subsections (a) and (h) of Code Section 17-15-7,

relating to persons eligible for victim compensation awards, and inserting in lieu thereof new subsections (a) and (h) to read as follows:

"(a) Except as otherwise provided in this Code section, the following persons are eligible for awards pursuant to this chapter:

(1) A victim;

(2) A dependent spouse or child of a victim;

(2.1) For purposes of an award under subsection (k) of Code Section 17-15-8, any member of the immediate family of a victim of homicide by vehicle caused by a violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40;

(3) Any person who goes to the aid of another and suffers physical injury or death as a direct result of acting, not recklessly, to prevent the commission of a crime, to apprehend lawfully a person reasonably suspected of having committed a crime, or to aid the victim of a crime or any person who is injured or killed while aiding or attempting to aid a law enforcement officer in the prevention of crime or apprehension of a criminal at the officer's request;

(4) Any person who is a victim of family violence as defined by Code Section 19-13-1 and anyone who is a victim as a result of a violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40; or

(5) Any person who is not a direct service provider and who assumes the cost of an eligible expense of a victim regardless of such person's relationship to the victim or whether such person is a dependent of the victim."

"(h) A victim or claimant who has been convicted of a felony involving criminally injurious conduct and who is currently serving a sentence therefor shall not be considered eligible to receive an award under this chapter. For purposes of this subsection, 'criminally injurious conduct' means an act which occurs or is attempted in this state that results in personal injury or death to a victim, which act is punishable by fine, imprisonment, or death. Such term shall not include acts arising out of the operation of motor vehicles, boats, or aircraft unless the acts were committed with the intent to inflict injury or death or unless the acts committed were in violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40. For the purposes of this subsection, a person shall be deemed to have committed criminally injurious conduct notwithstanding that by reason of age, insanity, drunkenness, or other reason, he or she was legally incapable of committing a crime."

SECTION 2-11.

Said title is further amended by striking paragraph (1) of subsection (k) of Code Section 17-15-8, relating to amount of victim compensation award, and inserting in lieu thereof a new paragraph (1) to read as follows:

"(k)(1) In addition to any other award authorized by this Code section, in any case where a deceased was a victim of homicide by vehicle caused by a violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40 on any road which is part of the state highway system, upon request of the next of kin of the deceased, an

award of compensation in the form of a memorial sign erected by the Department of Transportation as provided by this subsection shall be paid to an eligible claimant."

SECTION 2-12.

Said title is further amended by striking paragraph (1) of subsection (b) of Code Section 17-15-10, relating to the Georgia Crime Victims Emergency Fund, and inserting in lieu thereof a new paragraph (1) to read as follows:

"(b)(1) The fund shall consist of all moneys received pursuant to Article 7 of Chapter 21 of Title 15 from the assessment of additional penalties in cases involving a violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40, relating to driving under the influence of alcohol or drugs, or a violation of an ordinance of a political subdivision of this state which has adopted by reference ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of Title 40 pursuant to Article 14 of Chapter 6 of Title 40."

SECTION 2-13.

Code Section 20-2-984.2 of the Official Code of Georgia Annotated, relating to reports of criminal offenses to local boards of education, is amended by striking paragraph (6) of subsection (a) and inserting in lieu thereof a new paragraph (6) to read as follows:

"(6) Unlawfully operating a motor vehicle after being declared a habitual violator for violating former Code Section 40-6-391 or 40-6-392 or Code Section 40-5-54~~, 40-6-391, 40-6-392,~~ or 40-6-394, or Part 2 of Article 15 of Chapter 6 of Title 40, or any combination of such ~~Code sections~~ provisions."

SECTION 2-14.

Code Section 33-9-43 of the Official Code of Georgia Annotated, relating to reduction in premiums for motor vehicle liability, is amended by striking paragraph (3) of subsection (c) and inserting in lieu thereof a new paragraph (3) to read as follows:

"(3) Had that person's driver's license suspended for refusal to submit to chemical tests pursuant to former Code Section 40-5-67.1 or Article 9 of Chapter 5 of Title 40 and that suspension has not been reversed, if appealed from."

SECTION 2-15.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by striking subsection (a) of Code Section 40-2-136, relating to surrender of license plates upon second or subsequent convictions of driving under the influence, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Upon any person's second or subsequent conviction of violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the court shall issue an order requiring that the license plates of all motor vehicles registered in such person's name be surrendered to the court. The court shall notify the commissioner within ten

days after issuing any such order, and the commissioner shall revoke each such license plate upon receiving such notice. The court shall issue a receipt for the surrendered license plate or plates. The court shall forward the surrendered license plate or plates to the local tag agent immediately upon receipt. For purposes of this subsection, a plea of nolo contendere shall constitute a conviction."

SECTION 2-16.

Said title is further amended by striking paragraphs (4) and (9) of Code Section 40-5-1, relating to definitions regarding drivers´ licenses, and inserting in lieu thereof new paragraphs (4), (9), and (13.1) to read as follows:

"(4) ~~'Code Section 40-6-391' means Code Section 40-6-391 of the Official Code of Georgia Annotated, as now or hereafter amended, any federal law or regulation substantially conforming to or parallel with the offense covered under Code Section 40-6-391, any local ordinance adopted pursuant to Article 14 of Chapter 6 of this title, which ordinance adopts the provisions of Code Section 40-6-391, or any previously existing or existing law of this or any other state, which law was or is substantially conforming to or parallel with Code Section 40-6-391~~ Reserved."

"(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by the Department of Driver Services which consists of two components: assessment and intervention. In the case of a conviction or plea of nolo contendere to a violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of this title or in any other instance in which a person may be referred to a DUI Alcohol or Drug Use Risk Reduction Program, the program administers the assessment component and refers such offender to the intervention component."

"(13.1) 'Part 2 of Article 15 of Chapter 6 of this title' means Part 2 of Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, as now or hereafter amended, any federal law or regulation substantially conforming to or parallel with the offenses covered under Part 2 of Article 15 of Chapter 6 of this title, any local ordinance adopted pursuant to Article 14 of Chapter 6 of this title, which ordinance adopts the provisions of Part 2 of Article 15 of Chapter 6 of this title, or any previously existing or existing law of this or any other state, which law was or is substantially conforming to or parallel with Part 2 of Article 15 of Chapter 6 of this title."

SECTION 2-17.

Said title is further amended by striking subsections (a) and (c) of Code Section 40-5-2, relating to keeping of records of applications for licenses and information on licensees, and inserting in lieu thereof new subsections (a) and (c) to read as follows:

"(a) The department shall maintain records regarding the drivers´ licenses and permits issued by the department under this chapter. The drivers´ records maintained by the department shall include:

(1) A record of every application for a license received by it and suitable indexes containing:

(A) All applications granted; and

(B) The name of every licensee whose license has been canceled, suspended, or revoked by the department and after each such name shall note the reasons for such action;

(2) Drivers´ records received from other jurisdictions. Upon receipt of such driver's record, it shall become a part of such driver's record in this state and shall have the same force and effect as though entered on the driver's record in this state in the original instance; and

(3) Records of all accident reports and abstracts of court records of convictions of any offense listed in subsection (a) of Code Section 40-5-54, Code Section 40-6-10, driving on a suspended license in violation of Code Section 40-5-121, administrative license suspension pursuant to ~~Code Sections 40-5-67 through 40-5-67.2~~ Article 9 of this chapter, Code Section 40-5-75, Chapter 9 of this title, the 'Motor Vehicle Safety Responsibility Act,' and Chapter 34 of Title 33, the 'Georgia Motor Vehicle Accident Reparations Act,' any felony offense under this title, any offense committed while operating a commercial motor vehicle, serious traffic offenses, or other offenses requiring the assessment of points on the driving record that are received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which such licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times. For purposes of issuing a driver's operating record to the public as provided in this Code section, the period of calculation for compilation of such report shall be determined by the date of arrest."

"(c)(1) The driver's record provided by the department shall include an enumeration of any accidents in which the individual was convicted of a moving traffic violation, such moving traffic violation convictions, and information pertaining to financial responsibility. The department shall furnish a driver's operating record or personal information from a driver's record under the following circumstances:

(A) With the written instructions and consent of the driver upon whom the operating record has been made and compiled;

(B)(i) Pursuant to a written request or a request made in accordance with a contract with the Georgia Technology Authority for immediate on-line electronic furnishing of information, for use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting involving the driver; provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished under this division shall be limited to name, address, driver identification number, and medical or disability information. The person who makes a request for a driver's operating record shall identify himself or herself and shall have certified or affirmed that the information contained in the record will be

used only for the purpose specified in the request. Further, the person making the request shall certify or affirm that he or she has on file an application for insurance or for the renewal or amendment thereof involving the driver or drivers; or

(ii) For the purpose of ascertaining necessary rating information by an insurance agent pursuant to an insurer's contract with the Georgia Technology Authority for the immediate on-line electronic furnishing of limited rating information to such insurer's agents. Limited rating information furnished under this division shall include only the number of violations of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of this title, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, and the number and type of other moving traffic violations which were committed by the proposed insured driver or drivers within the immediately preceding three or five years, which period shall be specified by the person making the request. The provisions of division (i) of this subparagraph notwithstanding, no other information concerning a driver's operating record shall be released to such agents for purposes of rating;

(B.1) The department shall implement a pilot program for 12 months to determine the revenue feasibility of supplying limited rating information to agents, insurers, and insurance support organizations. The department shall report the results of such pilot program to the Office of Planning and Budget. Unless the Office of Planning and Budget determines that the pilot program is not successful, the department shall continue the program on a year-to-year basis and furnish limited rating information to insurance support organizations for the same purposes as provided in division (ii) of subparagraph (B) of this paragraph, pursuant to a contract with the Georgia Technology Authority, provided that all other necessary requirements of this subsection have been met;

(C) In accordance with Article 7 of this chapter, the 'Georgia Uniform Commercial Driver's License Act';

(D) To a judge, prosecuting official, or law enforcement agency for use in investigations or prosecutions of alleged criminal or unlawful activity, or to the driver's licensing agency of another state; provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished to the driver's licensing agency of another state shall be limited to name, address, driver identification number, and medical or disability information;

(E) Pursuant to a request from a public or private school system concerning any person currently employed or an applicant for employment as a school bus driver who agrees in writing to allow the department to release the information;

(F) With the written release of the driver, to a rental car company for use in the normal course of its business; provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished under this subparagraph shall be limited to name, address, driver identification number, and medical or disability information. Such access shall be

provided and funded through the GeorgiaNet Division of the Georgia Technology Authority, and the department shall bear no costs associated with such access; and

(G) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(i) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(ii) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;

provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished under this subparagraph shall be limited to name, address, and driver identification number and shall not include photographs, fingerprints, computer images, or medical or disability information. The personal information obtained by a business under this subparagraph shall not be resold or redisclosed for any other purpose without the written consent of the individual. Furnishing of information to a business under this subparagraph shall be pursuant to a contract entered into by such business and the state which specifies, without limitation, the consideration to be paid by such business to the state for such information and the frequency of updates.

(2) Nothing in this Code section shall preclude the department from confirming or verifying the status of a driver's license or permit."

SECTION 2-18.

Said title is further amended by striking subsections (a) and (b) of Code Section 40-5-24, relating to instruction permits, and inserting in lieu thereof new subsections (a) and (b) to read as follows:

"(a)(1) Any resident of this state who is at least 15 years of age may apply to the department for an instruction permit to operate a noncommercial Class C vehicle. The department shall, after the applicant has successfully passed all parts of the examination referred to in Code Section 40-5-27 other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having such permit in his or her immediate possession, to drive a Class C vehicle upon the public highways for a period of two years when accompanied by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver.

(2) A person who has been issued an instruction permit under this subsection and has never been issued a Class D driver's license under subsection (b) of this Code section will become eligible for a Class D driver's license under subsection (b) of this Code section only if such person is at least 16 years of age, has a valid instruction permit which is not under suspension, and, for a period of not less than 12 consecutive months prior to making application for a Class D driver's license, has not been

convicted of a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title, hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted of any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57.

(3) This subsection does not apply to instruction permits for the operation of motorcycles.

(b)(1) Any resident of this state who is at least 16 years of age and who, for a period of at least 12 months, had a valid instruction permit issued under subsection (a) of this Code section may apply to the department for a Class D driver's license to operate a noncommercial Class C vehicle if such resident has otherwise complied with all prerequisites for the issuance of such Class D driver's license as provided in subsection (a) of this Code section, provided that a resident at least 16 years of age who has at any age surrendered to the department a valid instruction permit or driver's license issued by another state or the District of Columbia or who has submitted to the department proof, to the satisfaction of the department, of a valid instruction permit or driver's license issued by another state or the District of Columbia may apply his or her driving record under such previously issued permit or driver's license toward meeting the eligibility requirements for a Class D driver's license the same as if such previously issued permit or driver's license were an instruction permit issued under subsection (a) of this Code section.

(2) The department shall, after all applicable requirements have been met, issue to the applicant a Class D driver's license which shall entitle the applicant, while having such license in his or her immediate possession, to drive a Class C vehicle upon the public highways of this state under the following conditions:

(A) Any Class D license holder shall not drive a Class C motor vehicle on the public roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

(B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when more than three other passengers in the vehicle who are not members of the driver's immediate family are less than 21 years of age.

(ii) During the six-month period immediately following issuance of such license, any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when any other passenger in the vehicle is not a member of the driver's immediate family;

provided, however, that a Class D license holder shall not be charged with a violation of this paragraph alone but may be charged with violating this paragraph in addition to any other traffic offense.

(3) A person who has been issued a Class D driver's license under this subsection and has never been issued a Class C driver's license under this chapter will become

eligible for a Class C driver's license under this chapter only if such person has a valid Class D driver's license which is not under suspension and, for a period of not less than 12 consecutive months prior to making application for a Class C driver's license, has not been convicted of a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title, hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted of any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57 and is at least 18 years of age."

SECTION 2-19.

Said title is further amended by striking subsections (a) and (b) of Code Section 40-5-52, relating to suspension of license or operating privilege for conduct in another state, and inserting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) The department shall suspend, as provided in Code Section 40-5-63, the license of any resident of this state and may suspend a nonresident's operating privilege, upon receiving notice of a conviction in another state of an offense described in Code Section 40-5-54 or ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of this title or any drug related offense.

(b) The department is authorized to suspend or revoke the license of any resident or the operating privilege of any nonresident upon receiving notice of the conviction of such person in another state of an offense other than those described in Code Section 40-5-54 or ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of this title which, if committed in this state, would be grounds for the suspension or revocation of a driver's license."

SECTION 2-20.

Said title is further amended by striking Code Section 40-5-55, relating to implied consent to chemical tests, and inserting in lieu thereof a new Code Section 40-5-55 to read as follows:

"40-5-55.

~~(a) The State of Georgia considers that any person who drives or is in actual physical control of any moving vehicle in violation of any provision of Code Section 40-6-391 constitutes a direct and immediate threat to the welfare and safety of the general public. Therefore, any person who operates a motor vehicle upon the highways or elsewhere throughout this state shall be deemed to have given consent, subject to Code Section 40-6-392, to a chemical test or tests of his or her blood, breath, urine, or other bodily substances for the purpose of determining the presence of alcohol or any other drug, if arrested for any offense arising out of acts alleged to have been committed in violation of Code Section 40-6-391 or if such person is involved in any traffic accident resulting in serious injuries or fatalities. The test or tests shall be administered at the request of a law enforcement officer having reasonable grounds to believe that the person has been driving or was in actual physical control of a moving motor vehicle upon the highways~~

~~or elsewhere throughout this state in violation of Code Section 40-6-391. The test or tests shall be administered as soon as possible to any person who operates a motor vehicle upon the highways or elsewhere throughout this state who is involved in any traffic accident resulting in serious injuries or fatalities. Subject to Code Section 40-6-392, the requesting law enforcement officer shall designate which of the test or tests shall be administered, provided a blood test with drug screen may be administered to any person operating a motor vehicle involved in a traffic accident resulting in serious injuries or fatalities.~~

~~(b) Any person who is dead, unconscious, or otherwise in a condition rendering such person incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection (a) of this Code section, and the test or tests may be administered, subject to Code Section 40-6-392~~ Reserved."

SECTION 2-21.

Said title is further amended by striking Code Section 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses and suspension of licenses of persons under age 18 for certain point accumulations, and inserting in lieu thereof a new Code Section 40-5-57.1 to read as follows:

"40-5-57.1.

(a) Notwithstanding any other provision of this chapter, the driver's license of any person under 21 years of age convicted of hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, purchasing an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23, or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23, or violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of this title shall be suspended by the department as provided by this Code section; and the driver's license of any person under 18 years of age who has accumulated a violation point count of four or more points under Code Section 40-5-57 in any consecutive 12 month period shall be suspended by the department as provided by this Code section. A plea of nolo contendere shall be considered a conviction for purposes of this subsection. Notice of suspension shall be given by certified mail or statutory overnight delivery, return receipt requested; or, in lieu thereof, notice may be given by personal service upon such person. Such license shall be surrendered within ten days of notification of such suspension. Notice given by certified mail or statutory overnight delivery, return receipt requested, mailed to the person's last known address shall be prima-facie evidence that such person received the required notice.

(b) A person whose driver's license has been suspended under subsection (a) of this Code section shall:

(1) Subject to the requirements of subsection (c) of this Code section and except as otherwise provided by paragraph (2) of this subsection:

(A) Upon a first such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after six months; and

(B) Upon a second or subsequent such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after 12 months; or

(2)(A) If the driver's license was suspended upon conviction for violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title, be subject to the provisions of Code Section 40-5-63.

(B) If such driver was convicted of driving under the influence of alcohol or of having an unlawful alcohol concentration and is otherwise subject to the provisions of paragraph (1) of subsection (a) of Code Section 40-5-63, then such person shall not be eligible for a limited driving permit under Code Section 40-5-64, and:

(i) If the driver's alcohol concentration at the time of the offense was less than 0.08 grams, he or she shall not be eligible for license reinstatement until the end of six months; or

(ii) If the driver's alcohol concentration at the time of the offense was 0.08 grams or more, he or she shall not be eligible for license reinstatement until the end of 12 months.

(b.1) In any case where a person's driver's license was administratively suspended as a result of the offense for which the person's driver's license has been suspended pursuant to this Code section, the administrative license suspension period and the license suspension period provided by this Code section may run concurrently, and any completed portion of such administrative license suspension period shall apply toward completion of the license suspension period provided by this Code section.

(c) Any driver's license suspended under subsection (a) of this Code section for commission of any offense other than violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title shall not become valid and shall remain suspended until such person submits proof of completion of a defensive driving program approved by the department and pays a fee equivalent to that required for restoration of a suspended driver's license under paragraph (1) of subsection (a) of Code Section 40-5-63; provided, however, that such fee shall not be required under this subsection if such person's driver's license was administratively suspended as a result of the offense for which the person's driver's license has been suspended pursuant to this Code section and the restoration fee was paid for such administratively suspended driver's license.

(d) A suspension provided for in this Code section shall be imposed based on the person's age on the date of the conviction giving rise to the suspension."

SECTION 2-22.

Said title is further amended by striking Code Section 40-5-58, relating to habitual violators, and inserting in lieu thereof a new Code Section 40-5-58 to read as follows:

"40-5-58.

(a) As used in this Code section, 'habitual violator' means any person who has been arrested and convicted within the United States three or more times within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained to the date of the most recent arrest for which a conviction was obtained, of:

(1) Committing any offense covered under Code Section 40-5-54 or former Code Sections 40-6-391 through 40-6-395 or Part 2 of Article 15 of Chapter 6 of this title or violating a federal law or regulation or the law of any state or a valid municipal or county ordinance substantially conforming to any offense covered under Code Section 40-5-54 or ~~Code Sections 40-6-391 through 40-6-395~~ Part 2 of Article 15 of Chapter 6 of this title; or

(2) Singularly or in combination, any of the offenses described in paragraph (1) of this subsection.

Convictions for violations of former Code Section 40-6-391 shall be given the same effect as convictions for violations of Part 2 of Article 15 of Chapter 6 of this title for the purpose of this Code section if the arrest or arrests for such violations occurred on or before June 30, 2006.

(b) When the records of the department disclose that any person has been arrested and convicted of a violation of Chapter 6 of this title, or of a valid local ordinance adopted pursuant thereto, of an offense occurring on or after January 1, 1976, which record of arrest and conviction, when taken with and added to previous arrests and convictions of such person as contained in the files of the department, reveals that such person is a habitual violator as defined in subsection (a) of this Code section, the department shall forthwith notify such person that upon the date of notification such person has been declared by the department to be a habitual violator, and that henceforth it shall be unlawful for such habitual violator to operate a motor vehicle in this state unless otherwise provided in this Code section. Notice shall be given by certified mail or statutory overnight delivery, with return receipt requested; or, in lieu thereof, notice may be given by personal service upon such person. In the event that at the time of determination the habitual violator had been issued a driver's license, such license shall be revoked by such notice and shall be surrendered to the department within ten days of notification of such determination. For the purposes of this chapter, notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima-facie evidence that such person received the required notice. In addition to the procedure set forth in this subsection, the sentencing judge or prosecutor in a conviction which conviction classifies the defendant as a habitual violator may, at the time of sentencing, declare such defendant to be a habitual violator. The judge or prosecutor shall, when declaring a defendant to be a habitual violator, then give personal notice to such defendant on forms provided by the department that henceforth it shall be unlawful for such habitual violator to operate a motor vehicle in this state unless otherwise provided in this Code section. The judge or prosecutor, as the case may be, shall within three days forward to the department the order declaring that the defendant is a habitual violator, the notice of service, with the

defendant's driver's license or a sworn affidavit of the defendant declaring that the driver's license has been lost, and the department's copy of the uniform citation or the official notice of conviction attached thereto.

(c)(1) Except as provided in paragraph (2) of this subsection or in subsection (e) of this Code section, it shall be unlawful for any person to operate any motor vehicle in this state after such person has received notice that his or her driver's license has been revoked as provided in subsection (b) of this Code section, if such person has not thereafter obtained a valid driver's license. Any person declared to be a habitual violator and whose driver's license has been revoked under this Code section and who is thereafter convicted of operating a motor vehicle before the department has issued such person a driver's license or before the expiration of five years from such revocation, whichever occurs first, shall be punished by a fine of not less than $750.00 or by imprisonment in the penitentiary for not less than one nor more than five years, or both. Any person declared to be a habitual violator and whose driver's license has been revoked and who is convicted of operating a motor vehicle after the expiration of five years from such revocation but before the department has issued such person a driver's license shall be guilty of a misdemeanor.

(2) Any person declared to be a habitual violator as a result of three or more convictions of violations of <u>former</u> Code Section 40-6-391 <u>or Part 2 of Article 15 of Chapter 6 of this title</u> within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained to the date of the most recent arrest for which a conviction was obtained, and who is thereafter convicted of operating a motor vehicle during such period of revocation, prior to the issuance of a probationary license under subsection (e) of this Code section or before the expiration of five years, shall be guilty of the felony of habitual impaired driving and shall be punished by a fine of not less than $1,000.00 or by imprisonment in the penitentiary for not less than one nor more than five years, or both.

(d) Notwithstanding any contrary provisions of Code Section 17-7-95, for the purposes of this Code section, any plea of nolo contendere entered and accepted after January 1, 1976, shall be considered a conviction.

(e)(1) Notwithstanding any contrary provisions of this Code section or any other Code section of this chapter, any person who has been declared a habitual violator and who has had his <u>or her</u> driver's license revoked under subsection (b) of this Code section for a period of five years and two years have expired since the date on which such person's license was surrendered or an affidavit was accepted as provided in subsection (e) of Code Section 40-5-61, such person may be issued a probationary driver's license for a period of time not to exceed three years upon compliance with the following conditions:

(A) Such person has not been convicted, or pleaded nolo contendere to a charge, of violating any provision of this chapter or any local ordinance relating to the movement of vehicles for a period of two years immediately preceding the application for a probationary driver's license;

(B) Such person has not been convicted, or pleaded nolo contendere to a charge, of a violation of any provision of this chapter which resulted in the death or injury of any individual;

(C) Such person has successfully completed, prior to the issuance of the probationary driver's license, a defensive driving course or a DUI Alcohol or Drug Use Risk Reduction Program as designated by the department;

(D) Such person has not been convicted, or pleaded nolo contendere to a charge, of violating any provision of Title 3, relating to alcoholic beverages, or of violating any provision of Chapter 13 of Title 16, relating to controlled substances;

(E) Such person shall submit a sworn affidavit that such person does not excessively use alcoholic beverages and does not illegally use controlled substances or marijuana. It shall be a misdemeanor to falsely swear on such affidavit and, upon conviction, the probationary license shall be revoked. No probationary license shall be issued during the remainder of the revocation period, and no driver's license shall be issued for the remainder of the original revocation period or for a period of two years from the date of conviction under this subparagraph;

(F) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(G) Refusal to issue a probationary driver's license would cause extreme hardship to the applicant. For the purposes of this subsection, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student;

(iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; or

(v) Attending under court order any driver education or improvement school or alcohol or drug treatment program or course approved by the court which entered the judgment of conviction resulting in revocation of his or her driver's license or by the commissioner.

(2) Application for a probationary driver's license shall be made upon such forms as the commissioner may prescribe. Such forms shall require such information as is necessary for the department to determine the need for such license. All applications shall be signed by the applicant before a person authorized to administer oaths.

(3) Upon compliance with the above conditions and the payment of a fee of $210.00, or $200.00 when processed by mail, such person may be issued a probationary driver's license by the department. Upon payment of a fee in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a

person may be issued a replacement for a lost or destroyed probationary driver's license issued to him or her.

(4) A probationary driver's license shall be endorsed with such conditions as the commissioner deems necessary to ensure that such license will be used by the licensee only to avoid the conditions of extreme hardship. Such conditions may include the following restrictions:

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

(B) Routes to be followed by the licensee;

(C) Times of travel;

(D) The specific vehicles which the licensee may operate; and

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

(5) A probationary driver's license issued pursuant to this Code section shall become invalid upon the expiration of the period of the suspension or revocation of the driver's license of such person.

(6)(A)(i) Any probationary licensee violating the provisions of paragraph (4) of this subsection or operating a vehicle in violation of any conditions specified in this subsection shall be guilty of a misdemeanor.

(ii) Except as provided in division (iii) of this subparagraph, any probationary licensee violating any state law or local ordinance involving an offense listed in Code Section 40-5-54 or ~~Code Section 40-6-391~~ Part 2 of Article 15 of Chapter 6 of this title shall be guilty of a felony and shall be punished by a fine of not less than $1,000.00 or by imprisonment in the penitentiary for not less than one nor more than five years, or both.

(iii) Any probationary licensee violating any state law or local ordinance involving a felony offense listed in Code Section 40-5-54 shall be guilty of a felony and shall be punished as is provided for conviction of such felony.

(B) Any probationary licensee who is convicted of violating, or who pleads nolo contendere to a charge of violating, any state law or local ordinance involving an offense listed in Code Section 40-5-54 or former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title or any probationary licensee who is convicted of violating, or who pleads nolo contendere to a charge of violating, the conditions endorsed on his or her license, shall have his or her license revoked by the department. Any court in which such conviction is had or in which said nolo contendere plea is accepted shall require the licensee to surrender the license to the court. The court shall forward the license to the department within ten days after the conviction or acceptance of the plea, with a copy of the conviction. Any person whose probationary license is revoked for committing an offense listed in Code Section 40-5-54 or former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title shall not be eligible to apply for a regular driver's license until the expiration of the original five-year revocation period during which the probationary license was originally issued or for a period of two years following the conviction, whichever is greater.

(C) If the commissioner has reason to believe or makes a preliminary finding that the requirements of the public safety or welfare outweigh the individual needs of a person for a probationary license, the commissioner, in his or her discretion, after affording the person notice and an opportunity to be heard, may refuse to issue the license under this subsection.

(D) Any person whose probationary driver's license has been revoked shall not be eligible to apply for a subsequent probationary license under this Code section for a period of five years.

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

(f) If a person's license was revoked for a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title resulting from a motor vehicle collision in which any person lost his or her life, the person whose license was revoked shall not be entitled to a probationary license as set forth in this Code section."

SECTION 2-23.

Said title is further amended by striking subsection (b) of Code Section 40-5-62, relating to periods of suspension, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) The department shall not issue a new license nor restore a person's suspended license or nonresident's operating privilege unless and until it is satisfied after investigation of the character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways. Notwithstanding subsection (a) of this Code section or any other provision of this title, the department shall not issue a new license to any person whose license was revoked as a habitual violator for three violations of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title within a five-year period unless and until such person submits proof of completion of an approved DUI Alcohol or Drug Use Risk Reduction Program. The department may issue rules and regulations providing for reinstatement hearings. In the case of a revocation pursuant to Code Section 40-5-58, the department shall charge a fee of $210.00, or $200.00 if processed by mail, in addition to the fee prescribed by Code Section 40-5-25 to issue a new driver's license to a person whose driver's license has been revoked."

SECTION 2-24.

Said title is further amended by striking subsections (a), (b), and (c) of Code Section 40-5-63, relating to periods of revocation, and inserting in lieu thereof new subsections (a), (b), and (c) to read as follows:

"(a) The driver's license of any person convicted of an offense listed in Code Section 40-5-54 or of violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title, unless the driver's license has been previously suspended pursuant to former Code Sections 40-5-67.1 and 40-5-67.2 or Article 9 of this chapter, shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions; provided, however, that any person convicted of a drug related offense pursuant to former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title shall be governed by the suspension requirements of Code Section 40-5-75:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for 12 months. At the end of 120 days, the person may apply to the department for reinstatement of said driver's license. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of ~~$210~~ $210.00, or ~~$200~~ $200.00 when such reinstatement is processed by mail, unless such conviction was a recidivist conviction in which case the restoration fee shall be $510.00, or $500.00 when such reinstatement is processed by mail, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving program approved by the department or a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. For purposes of this paragraph, an accepted plea of nolo contendere to an offense listed in Code Section 40-5-54 by a person who is under 18 years of age at the time of arrest shall constitute a conviction. For the purposes of this paragraph only, an accepted plea of nolo contendere by a person 21 years of age or older, with no conviction of and no plea of nolo contendere accepted to a charge of violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title within the previous five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered a conviction, and the court having jurisdiction shall forward, as provided in ~~Code Section 40-6-391.1~~ Part 2 of Article 15 of Chapter 6 of this title, the record of such disposition of the case to the department and the record of such disposition shall be kept on file for the purpose of considering and counting such accepted plea of nolo contendere as a conviction under paragraphs (2) and (3) of this subsection;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of

the current arrest for which a conviction is obtained, the period of suspension shall be for three years. At the end of 120 days, the person may apply to the department for reinstatement of said driver's license; except that if such license was suspended as a result of a second conviction of a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title within five years, the person shall not be eligible to apply for license reinstatement until the end of 18 months. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of ~~$210~~ $210.00, or ~~$200~~ $200.00 when such reinstatement is processed by mail, unless such conviction was a recidivist conviction in which case the restoration fee shall be $510.00, or $500.00 when processed by mail, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving program approved by the department or a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title and all prior accepted pleas of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions; or

(3) Upon the third conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person shall be considered a habitual violator, and said license shall be revoked as provided for in paragraph (1) of subsection (a) of Code Section 40-5-62. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas of nolo contendere to a charge of violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions.

(4) For the purpose of determining whether a person was previously convicted of an offense subject to suspension under this Code section, convictions for violations of

former Code Section 40-6-391 shall be given the same effect as convictions for violations of Part 2 of Article 15 of Chapter 6 of this title for the purpose of this Code section if the arrest or arrests for such violations occurred on or before June 30, 2006.

(b) The periods of suspension provided for in this Code section shall begin on the date the person is convicted of an offense listed in Code Section 40-5-54 or of violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title.

(c) In all cases in which the department may return a license to a driver prior to the termination of the full period of suspension, the department may require such tests of driving skill and knowledge as it determines to be proper, and the department's discretion shall be guided by the driver's past driving record and performance, and the driver shall pay the applicable restoration fee. In addition to any other requirement the department may impose, a driver's license suspended as a result of a conviction of a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title shall not become valid, shall remain suspended, and shall not be returned to such driver or otherwise reinstated until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program."

SECTION 2-25.

Said title is further amended by striking Code Section 40-5-63.1, relating to clinical evaluation and substance abuse treatment programs for certain offenders, and inserting in lieu thereof a new Code Section 40-5-63.1 to read as follows:

"40-5-63.1.

In addition to any and all other conditions of license reinstatement, issuance, or restoration under Code Section 40-5-58, 40-5-62, or 40-5-63, any person with two or more convictions of violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, shall be required to undergo a clinical evaluation and, if indicated by such evaluation, must complete a substance abuse treatment program, provided that such evaluation and treatment shall be at such person's expense except as otherwise provided by Code Section 37-7-120. Acceptable proof of completion of such a program must be submitted to the department prior to license reinstatement, issuance, or restoration. For purposes of this Code section, a plea of nolo contendere to a charge of violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title and all prior accepted pleas of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions."

SECTION 2-26.

Said title is further amended by striking subsections (a) and (e) of Code Section 40-5-64, relating to limited driving permits for certain offenders, and inserting in lieu thereof new subsections (a) and (e) to read as follows:

"(a) *To whom issued.*

(1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any other Code section of this chapter, any person who has not been previously convicted or adjudicated delinquent for a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, or paragraph (1) of subsection (a) of former Code Section 40-5-67.2, or subsection (e) of Code Section 40-5-208.

(2) Any person whose driver's license has been suspended and who is subject to a court order for installation and use of an ignition interlock device as a condition of probation pursuant to the provisions Article 7 of Chapter 8 of Title 42 may apply for a limited driving permit."

"(e) *Duration of permit.* A permit issued pursuant to this Code section shall be $25.00 and shall be nonrenewable and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following the effective date of suspension of the applicant's driver's license in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57, upon the expiration of 120 days following conviction in the case of a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title, upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection ~~(a)~~ (e) of Code Section ~~40-5-67.2~~ 40-5-208, or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit."

SECTION 2-27.

Said title is further amended by striking subsection (a) of Code Section 40-5-66, relating

to appeals from decisions of the department, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Except as provided in subsection (h) of Code Section ~~40-5-67.1~~ 40-5-64 and subsection ~~(h)~~ (b) of Code Section ~~40-5-64~~ 40-5-209, any decision rendered by the department shall be final unless the aggrieved person shall desire an appeal. In such case, such person shall have the right to enter an appeal in the superior court of the county of his or her residence or in the Superior Court of Fulton County. Such appeal shall name the commissioner as defendant and must be filed within 30 days from the date the department enters its decision or order. The person filing the appeal shall not be required to post any bond nor to pay the costs in advance."

SECTION 2-28.

Said title is further amended by striking Code Section 40-5-67, relating to seizure and disposition of driver's license of persons charged with driving under the influence, and inserting in lieu thereof a new Code Section 40-5-67 to read as follows:

"40-5-67.

~~(a) Whenever any resident or nonresident person is charged with violating Code Section 40-6-391, the law enforcement officer shall take the driver's license of the person so charged. The driver's license shall be attached to the court's copy of the uniform traffic citation and complaint form and shall be forwarded to the court having jurisdiction of the offense. A copy of the uniform traffic citation and complaint form shall be forwarded, within ten days of issue, to the department. Taking the driver's license as required in this Code section shall not prohibit any law enforcement officer or agency from requiring any cash bond authorized by Article 1 of Chapter 6 of Title 17.~~

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

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

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

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

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

~~(c)(1) If the person is convicted of violating or enters a plea of nolo contendere to a charge of violating Code Section 40-6-391, the court shall, within ten days, forward the person's driver's license and the record of the disposition of the case to the department. At this time, the court shall also require the person to surrender the temporary driving permit issued pursuant to subsection (b) of this Code section.~~

~~(2) If the person is not convicted of violating and does not enter a plea of nolo contendere to a charge of violating Code Section 40-6-391, and the court is in possession of the driver's license, the court shall return the driver's license to the person unless the license is in suspension for any other offense, in which case the court shall forward the license to the department for disposition.~~

~~(e) As used in this Code section, the term 'traffic accident resulting in serious injuries or fatalities' means any motor vehicle accident in which a person was killed or in which one or more persons suffered a fractured bone, severe burns, disfigurement, dismemberment, partial or total loss of sight or hearing, or loss of consciousness~~ Reserved."

SECTION 2-29.

Said title is further amended by repealing Code Section 40-5-67.1, relating to chemical tests.

SECTION 2-30.

Said title is further amended by repealing Code Section 40-5-67.2, relating to terms and conditions for suspension of license under subsection (c) of Code Section 40-5-67.1.

SECTION 2-31.

Said title is further amended by striking Code Section 40-5-69, relating to circumstances not affecting suspensions by operation of law, and inserting in lieu thereof a new Code Section 40-5-69 to read as follows:

"40-5-69.

If a person's driver's license is suspended by operation of law as provided in former Code Section 40-5-67.1 or 40-5-67.2 or Code Section 40-5-63~~, 40-5-67.1~~, or ~~40-5-67.2~~ 40-5-208, the fact that the person's driver's license was not physically surrendered to the law enforcement officer at the time the person was charged with violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title or that the person's driver's license was not retained by the court and forwarded to the department as provided in former Code Section 40-5-67 or Code Section 40-5-206 or that the person's driver's license was not forwarded as provided in Code Section 40-5-72 shall not affect such suspension."

SECTION 2-32.

Said title is further amended by striking subsections (a) and (b) of Code Section 40-5-75, relating to suspension of licenses by operation of law, and inserting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) The drivers license of any person convicted of possession, distribution, manufacture, cultivation, sale, transfer of, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer a controlled substance or marijuana, or driving or being in actual physical control of any moving vehicle while under the influence of such a substance in violation of subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title; or the law of any other jurisdiction shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the Department of Driver Services a restoration fee of ~~$210~~ $210.00, or ~~$200~~ $200.00 when such reinstatement is processed by mail, unless such conviction was a recidivist conviction in which case the restoration fee shall be $510.00, or $500.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere by a person to a charge of any drug related offense listed in this subsection shall, except as provided in subsection (c) of this Code section, constitute a conviction;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the Department of Driver Services a restoration fee of ~~$210~~ $210.00, or ~~$200~~ $200.00 when such reinstatement is processed by mail, unless such conviction was a recidivist conviction in which case the restoration fee shall be $510.00, or $500.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five-year period of time shall constitute a conviction; and

(3) Upon the third conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender must pay a permit fee of $25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student; or

(iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner.

(b) Whenever a person is convicted of possession, distribution, manufacture, cultivation, sale, transfer of, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer a controlled substance or marijuana, or driving or being in actual physical control of any moving vehicle while under the influence of such substance in violation of subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of <u>former</u> Code Section 40-6-391 <u>or Part 2 of Article 15 of Chapter 6 of this title</u>; or the law of any other jurisdiction, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur."

SECTION 2-33.

Said title is further amended by striking Code Section 40-5-85, relating to reinstatement of licenses suspended for driving under influence of alcohol or drugs, and inserting in lieu thereof a new Code Section 40-5-85 to read as follows:

"40-5-85.

Notwithstanding any other provision of this chapter, any person convicted within five years of his or her first conviction as measured in paragraph (2) of subsection (c) of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title for a second time of the offense of driving under the influence of alcohol or drugs in violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title shall, upon compliance with all other requirements for reinstatement of his or her license as provided for in this chapter, be issued a driver's license which may bear a red stripe thereon. After seven years with no additional convictions for driving under the influence of alcohol or drugs any such person shall be issued a regular driver's license without such red stripe, provided that he or she is otherwise entitled to such license under the laws of this state."

SECTION 2-34.

Said title is further amended by striking paragraph (13.1) of Code Section 40-5-142, relating to definitions regarding commercial drivers´ licenses, and inserting in lieu thereof a new paragraph (13.1) to read as follows:

"(13.1) 'Driving a commercial vehicle while under the influence of alcohol' means committing any one or more of the following acts while a person is driving or in actual physical control of a moving commercial motor vehicle:

(A) Driving while the person's alcohol concentration is ~~0.04~~ 0.02 percent or more by weight of alcohol in his or her blood, breath, or urine;

(B) Driving under the influence of alcohol, as prescribed by former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title; or

(C) Refusal to submit to state-administered chemical testing when requested to do so by a law enforcement officer."

SECTION 2-35.

Said title is further amended by striking subsection (d) of Code Section 40-5-148.1, relating to restricted commercial licenses for persons in agricultural industry, and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) All holders of restricted commercial drivers´ licenses shall be subject to disqualifications and penalties under Code Sections 40-5-151 ~~through 40-5-153~~ and 40-5-152 and Article 9 of this chapter and shall be subject to all notices, verifications, and license checks otherwise required under this article."

SECTION 2-36.

Said title is further amended by striking subsections (a) and (c) of Code Section 40-5-151, relating to disqualification from driving, and inserting in lieu thereof new subsections (a) and (c) to read as follows:

"(a) Any person is disqualified from driving a commercial motor vehicle for a period of not less than one year:

(1) If convicted of a first violation of:

(A) Any offense specified in Code Section 40-5-54 that occurs while the person is driving or being in actual physical control of a moving commercial motor vehicle or a moving noncommercial vehicle;

(B) Driving or being in actual physical control of a moving commercial motor vehicle while there is ~~0.04~~ 0.02 percent or more by weight of alcohol in his or her blood, breath, or urine; or

(C) Driving or being in actual physical control of a moving noncommercial vehicle in violation of former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title; or

(2) For refusal to submit to a test as prescribed in former Code Section 40-5-55 or Article 9 of this chapter to determine the driver's alcohol concentration while driving a commercial motor vehicle or a noncommercial motor vehicle."

"(c) Any person is disqualified from driving a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection (a) of Code Section 40-5-54 or former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of this title, the refusal to submit to state administered chemical testing as prescribed by ~~Code Section 40-5-55~~ Article 9 of this chapter, or any combination of those offenses or refusals, arising from two or more separate incidents."

SECTION 2-37.

Said title is further amended by striking subsection (b) of Code Section 40-5-152, relating to operating a commercial vehicle while having measurable alcohol in system, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) A person who drives, operates, or is in physical control of a commercial motor vehicle while having any measurable alcohol in his or her system or who refuses to take a test prescribed by ~~Code Section 40-5-55~~ Article 9 of this chapter to determine his or her alcohol content must be placed out of service for 24 hours."

SECTION 2-38.

Said title is further amended by striking Code Section 40-5-153, relating to implied consent to chemical test regarding commercial vehicles, and inserting in lieu thereof a new Code Section 40-5-153 to read as follows:

"40-5-153.

~~(a) Any person who drives a commercial motor vehicle anywhere in the state shall be deemed to have given consent, subject to the provisions of Code Sections 40-5-55 and 40-6-392, to a test or tests of that person's blood, breath, or urine for the purpose of determining that person's alcohol concentration or the presence of other drugs.~~

~~(b) A test or tests may be administered at the direction of a law enforcement officer who, after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having any measurable alcohol in his or her system.~~

~~(c) A person requested to submit to a test as provided in subsection (a) of this Code section must be warned by the law enforcement officer requesting the test that a refusal~~

~~to submit to the test will result in that person's being disqualified from operating a commercial motor vehicle for one year under Code Section 40-5-151 and from operating a private motor vehicle as provided in Code Section 40-5-67.1.~~

~~(d) If the person refuses testing, the law enforcement officer must submit an affidavit to the department within ten days of such refusal certifying that the test was requested pursuant to subsection (a) of this Code section and that the person refused to submit to testing.~~

~~(e) Upon receipt of the affidavit submitted by a law enforcement officer under subsection (d) of this Code section, the department must disqualify the driver from driving a commercial motor vehicle for a period of one year as provided under Code Section 40-5-151 and, if the driver refused testing, from operating a private motor vehicle as provided under Code Section 40-5-67.1. If the driver is in possession of a driver's license, the officer shall take possession of the license and attach it to the affidavit~~ Reserved."

SECTION 2-39.

Said title is further amended by striking paragraph (3) of subsection (a) of Code Section 40-6-3, relating to application of chapter to operation of vehicles on highways and exceptions, and inserting in lieu thereof a new paragraph (3) to read as follows:

"(3) The provisions of this chapter relating to reckless driving, driving in violation of ~~Code Section 40-6-391~~ Part 2 of Article 15 of this chapter, and homicide by vehicle shall apply to vehicles operated upon highways and elsewhere throughout the state;".

SECTION 2-40.

Said title is further amended by striking Code Section 40-6-291, relating to traffic laws applicable to bicycles, and inserting in lieu thereof a new Code Section 40-6-291 to read as follows:

"40-6-291.

The provisions of this chapter that apply to vehicles, but not exclusively to motor vehicles, shall apply to bicycles, except that the penalties prescribed in subsection (b) of Code Section 40-6-390, ~~subsection (c) of Code Section 40-6-391, and~~ subsection (a) of Code Section 40-6-393, and Code Section 40-6-414 shall not apply to persons riding bicycles."

SECTION 2-41.

Said title is further amended by striking Code Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, and inserting in lieu thereof a new Code Section 40-6-391 to read as follows:

"40-6-391.

~~(a) A person shall not drive or be in actual physical control of any moving vehicle while:~~

~~(1) Under the influence of alcohol to the extent that it is less safe for the person to drive;~~

~~(2) Under the influence of any drug to the extent that it is less safe for the person to drive;~~

~~(3) Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to drive;~~

~~(4) Under the combined influence of any two or more of the substances specified in paragraphs (1) through (3) of this subsection to the extent that it is less safe for the person to drive;~~

~~(5) The person's alcohol concentration is 0.08 grams or more at any time within three hours after such driving or being in actual physical control from alcohol consumed before such driving or being in actual physical control ended; or~~

~~(6) Subject to the provisions of subsection (b) of this Code section, there is any amount of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person's breath or blood.~~

~~(b) The fact that any person charged with violating this Code section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this Code section; provided, however, that such person shall not be in violation of this Code section unless such person is rendered incapable of driving safely as a result of using a drug other than alcohol which such person is legally entitled to use.~~

~~(c) Every person convicted of violating this Code section shall, upon a first or second conviction thereof, be guilty of a misdemeanor and, upon a third or subsequent conviction thereof, be guilty of a high and aggravated misdemeanor and shall be punished as follows:~~

~~(1) First conviction with no conviction of and no plea of nolo contendere accepted to a charge of violating this Code section within the previous five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:~~

~~(A) A fine of not less than $300.00 nor more than $1,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation;~~

~~(B) A period of imprisonment of not less than ten days nor more than 12 months, which period of imprisonment may, at the sole discretion of the judge, be suspended, stayed, or probated, except that if the offender's alcohol concentration at the time of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all but 24 hours of any term of imprisonment imposed under this subparagraph;~~

~~(C) Not less than 40 hours of community service, except that for a conviction for violation of subsection (k) of this Code section where the person's alcohol concentration at the time of the offense was less than 0.08 grams, the period of community service shall be not less than 20 hours;~~

~~(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and~~

~~(E) If the defendant is sentenced to a period of imprisonment for less than 12 months, a period of probation of 12 months less any days during which the defendant is actually incarcerated;~~

~~(2) For the second conviction within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:~~

~~(A) A fine of not less than $600.00 nor more than $1,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation;~~

~~(B) A period of imprisonment of not less than 90 days nor more than 12 months. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, thereby subjecting the offender to the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge may impose; provided, however, that the offender shall be required to serve not less than 72 hours of actual incarceration;~~

~~(C) Not less than 30 days of community service;~~

~~(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and~~

~~(E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if indicated by such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and~~

~~(F) A period of probation of 12 months less any days during which the defendant is actually incarcerated; or~~

~~(3) For the third or subsequent conviction within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:~~

~~(A) A fine of not less than $1,000.00 and not more than $5,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation;~~

~~(B) A mandatory period of imprisonment of not less than 120 days nor more than 12 months. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, thereby subjecting the offender to the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge may impose; provided, however, that the offender shall be required to serve not less than 15 days of actual incarceration;~~

~~(C) Not less than 30 days of community service;~~

~~(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and~~

~~(E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if indicated by such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and~~

~~(F) A period of probation of 12 months less any days during which the defendant is actually incarcerated.~~

~~For the purpose of imposing a sentence under this subsection, a plea of nolo contendere or an adjudication of delinquency based on a violation of this Code section shall constitute a conviction.~~

~~(d)(1) Notwithstanding the limits set forth in any municipal charter, any municipal court of any municipality shall be authorized to impose the punishments provided for in this Code section upon a conviction of violating this Code section or upon conviction of violating any ordinance adopting the provisions of this Code section.~~

~~(2) Notwithstanding any provision of this Code section to the contrary, any court authorized to hear cases involving violations of this Code section shall be authorized to exercise the power to probate, suspend, or stay any sentence imposed. Such power shall, however, be limited to the conditions and limitations imposed by subsection (c) of this Code section.~~

~~(e) The foregoing limitations on punishment also shall apply when a defendant has been convicted of violating, by a single transaction, more than one of the four provisions of subsection (a) of this Code section.~~

~~(f) The provisions of Code Section 17-10-3, relating to general punishment for misdemeanors including traffic offenses, and the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, shall not apply to any person convicted of violating any provision of this Code section.~~

~~(g)(1) If the payment of the fine required under subsection (c) of this Code section will impose an economic hardship on the defendant, the judge, at his or her sole discretion, may order the defendant to pay such fine in installments and such order may be enforced through a contempt proceeding or a revocation of any probation otherwise authorized by this Code section.~~

~~(2) In the sole discretion of the judge, he or she may suspend up to one-half of the fine imposed under paragraph (2) or (3) of subsection (c) of this Code section for a second or subsequent conviction conditioned upon the defendant's undergoing treatment in a substance abuse treatment program as defined in Code Section 40-5-1.~~

~~(h) For purposes of determining under this chapter prior convictions of or pleas of nolo contendere to violating this Code section, in addition to the offense prohibited by this Code section, a conviction of or plea of nolo contendere to any of the following offenses shall be deemed to be a violation of this Code section:~~

~~(1) Any federal law substantially conforming to or parallel with the offense covered under this Code section;~~

~~(2) Any local ordinance adopted pursuant to Article 14 of this chapter, which ordinance adopts the provisions of this Code section; or~~

~~(3) Any previously or currently existing law of this or any other state, which law was or is substantially conforming to or parallel with this Code section.~~

~~(i) A person shall not drive or be in actual physical control of any moving commercial motor vehicle while there is 0.04 percent or more by weight of alcohol in such person's blood, breath, or urine. Every person convicted of violating this subsection shall be guilty of a misdemeanor and, in addition to any disqualification resulting under Article 7 of Chapter 5 of this title, the 'Uniform Commercial Driver's License Act,' shall be fined as provided in subsection (c) of this Code section.~~

~~(j)(1) The clerk of the court in which a person is convicted a second or subsequent time under subsection (c) of this Code section within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, shall cause to be published a notice of conviction for each such person convicted. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at the time of arrest, name and address of the convicted person, and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.~~

~~(2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed $25.00 for the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed pursuant to this Code section.~~

~~(3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith.~~

~~(k)(1) A person under the age of 21 shall not drive or be in actual physical control of any moving vehicle while the person's alcohol concentration is 0.02 grams or more at any time within three hours after such driving or being in physical control from alcohol consumed before such driving or being in actual physical control ended.~~

~~(2) Every person convicted of violating this subsection shall be guilty of a misdemeanor for the first and second convictions and upon a third or subsequent conviction thereof be guilty of a high and aggravated misdemeanor and shall be punished and fined as provided in subsection (c) of this Code section, provided that any term of imprisonment served shall be subject to the provisions of Code Section~~

~~17-10-3.1, and any period of community service imposed on such person shall be required to be completed within 60 days of the date of sentencing.~~

~~(3) No plea of nolo contendere shall be accepted for any person under the age of 21 charged with a violation of this Code section.~~

~~(l) A person who violates this Code section while transporting in a motor vehicle a child under the age of 14 years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or drugs. The offense of endangering a child by driving under the influence of alcohol or drugs shall not be merged with the offense of driving under the influence of alcohol or drugs for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child~~ Reserved."

SECTION 2-42.

Said title is further amended by repealing Code Section 40-6-391.1, relating to entry of plea of nolo contendere.

SECTION 2-43.

Said title is further amended by repealing Code Section 40-6-391.2, relating to seizure and forfeiture of a motor vehicle operated by a habitual violator.

SECTION 2-44.

Said title is further amended by repealing Code Section 40-6-391.3, relating to penalty for conviction for driving under the influence of alcohol or drugs while driving a school bus.

SECTION 2-45.

Said title is further amended by striking Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood, and inserting in lieu thereof a new Code Section 40-6-392 to read as follows:

"40-6-392.

~~(a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of Code Section 40-6-391, evidence of the amount of alcohol or drug in a person's blood, urine, breath, or other bodily substance at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath, or other bodily substance shall be admissible. Where such a chemical test is made, the following provisions shall apply:~~

~~(1)(A) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under this Code section, shall have been performed according to methods approved by the Division of Forensic Sciences of the Georgia Bureau of Investigation on a machine which was operated with all its electronic and operating components prescribed by its manufacturer properly attached and in good~~

~~working order and by an individual possessing a valid permit issued by the Division of Forensic Sciences for this purpose. The Division of Forensic Sciences of the Georgia Bureau of Investigation shall approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits, along with requirements for properly operating and maintaining any testing instruments, and to issue certificates certifying that instruments have met those requirements, which certificates and permits shall be subject to termination or revocation at the discretion of the Division of Forensic Sciences.~~

~~(B) In all cases where the arrest is made on or after January 1, 1995, and the state selects breath testing, two sequential breath samples shall be requested for the testing of alcohol concentration. For either or both of these sequential samples to be admissible in the state's or plaintiff's case-in-chief, the readings shall not differ from each other by an alcohol concentration of greater than 0.020 grams and the lower of the two results shall be determinative for accusation and indictment purposes and administrative license suspension purposes. No more than two sequential series of a total of two adequate breath samples each shall be requested by the state; provided, however, that after an initial test in which the instrument indicates an adequate breath sample was given for analysis, any subsequent refusal to give additional breath samples shall not be construed as a refusal for purposes of suspension of a driver's license under Code Sections 40-5-55 and 40-5-67.1. Notwithstanding the above, a refusal to give an adequate sample or samples on any subsequent breath, blood, urine, or other bodily substance test shall not affect the admissibility of the results of any prior samples. An adequate breath sample shall mean a breath sample sufficient to cause the breath-testing instrument to produce a printed alcohol concentration analysis.~~

~~(2) When a person shall undergo a chemical test at the request of a law enforcement officer, only a physician, registered nurse, laboratory technician, emergency medical technician, or other qualified person may withdraw blood for the purpose of determining the alcoholic content therein, provided that this limitation shall not apply to the taking of breath or urine specimens. No physician, registered nurse, or other qualified person or employer thereof shall incur any civil or criminal liability as a result of the medically proper obtaining of such blood specimens when requested in writing by a law enforcement officer;~~

~~(3) The person tested may have a physician or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The justifiable failure or inability to obtain an additional test shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer; and~~

~~(4) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney. The arresting officer at the time of arrest~~

~~shall advise the person arrested of his rights to a chemical test or tests according to this Code section.~~

~~(b) Except as provided in subsection (c) of this Code section, upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of Code Section 40-6-391, the amount of alcohol in the person's blood at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance, may give rise to inferences as follows:~~

~~(1) If there was at that time an alcohol concentration of 0.05 grams or less, the trier of fact in its discretion may infer therefrom that the person was not under the influence of alcohol, as prohibited by paragraphs (1) and (4) of subsection (a) of Code Section 40-6-391; or~~

~~(2) If there was at that time an alcohol concentration in excess of 0.05 grams but less than 0.08 grams, such fact shall not give rise to any inference that the person was or was not under the influence of alcohol, as prohibited by paragraphs (1) and (4) of subsection (a) of Code Section 40-6-391, but such fact may be considered by the trier of fact with other competent evidence in determining whether the person was under the influence of alcohol, as prohibited by paragraphs (1) and (4) of subsection (a) of Code Section 40-6-391.~~

~~(c)(1) In any civil or criminal action or proceeding arising out of acts alleged to have been committed in violation of paragraph (5) of subsection (a) of Code Section 40-6-391, if there was at that time or within three hours after driving or being in actual physical control of a moving vehicle from alcohol consumed before such driving or being in actual physical control ended an alcohol concentration of 0.08 or more grams in the person's blood, breath, or urine, the person shall be in violation of paragraph (5) of subsection (a) of Code Section 40-6-391.~~

~~(2) In any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of subsection (i) of Code Section 40-6-391, if there was at that time or within three hours after driving or being in actual physical control of a moving vehicle from alcohol consumed before such driving or being in actual physical control ended an alcohol concentration of 0.04 grams or more in the person's blood, breath, or urine, the person shall be in violation of subsection (i) of Code Section 40-6-391.~~

~~(3) In any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of subsection (k) of Code Section 40-6-391, if there was at that time or within three hours after driving or being in actual physical control of a moving vehicle from alcohol consumed before such driving or being in actual physical control ended an alcohol concentration of 0.02 grams or more in the person's blood, breath, or urine, the person shall be in violation of subsection (k) of Code Section 40-6-391.~~

~~(d) In any criminal trial, the refusal of the defendant to permit a chemical analysis to be made of his blood, breath, urine, or other bodily substance at the time of his arrest shall be admissible in evidence against him.~~

~~(e)(1) A certification by the office of the Secretary of State or by the Department of Human Resources that a person who drew blood was a licensed or certified physician, physician's assistant, registered nurse, practical nurse, medical technologist, medical laboratory technician, or phlebotomist at the time the blood was drawn;~~

~~(2) Testimony, under oath, of the blood drawer; or~~

~~(3) Testimony, under oath, of the blood drawer's supervisor or medical records custodian that the blood drawer was properly trained and authorized to draw blood as an employee of the medical facility or employer~~

~~shall be admissible into evidence for the purpose of establishing that such person was qualified to draw blood as required by this Code section.~~

~~(f) Each time an approved breath-testing instrument is inspected, the inspector shall prepare a certificate which shall be signed under oath by the inspector and which shall include the following language:~~

~~'This breath-testing instrument (serial no. _____) was thoroughly inspected, tested, and standardized by the undersigned on (date _____) and all of its electronic and operating components prescribed by its manufacturer are properly attached and are in good working order.'~~

~~When properly prepared and executed, as prescribed in this subsection, the certificate shall, notwithstanding any other provision of law, be self-authenticating, shall be admissible in any court of law, and shall satisfy the pertinent requirements of paragraph (1) of subsection (a) of this Code section and subparagraph (g)(2)(F) of Code Section 40-5-67.1~~ Reserved."

SECTION 2-46.

Said title is further amended by striking subsections (a) and (b) of Code Section 40-6-393, relating to homicide by vehicle, and inserting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) Any person who, without malice aforethought, causes the death of another person through the violation of subsection (a) of Code Section 40-6-163 or subsection (b) of Code Section 40-6-270 or Code Section 40-6-390 ~~or 40-6-391~~ or subsection (a) of Code Section 40-6-395 or Part 2 of Article 15 of this chapter commits the offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be punished by imprisonment for not less than three years nor more than 15 years.

(b) Any person who causes the death of another person, without an intention to do so, by violating any provision of this title other than subsection (a) of Code Section 40-6-163 or subsection (b) of Code Section 40-6-270 or Code Section 40-6-390 ~~or 40-6-391~~ or subsection (a) of Code Section 40-6-395 or Part 2 of Article 15 of this chapter commits the offense of homicide by vehicle in the second degree when such violation is the cause of said death and, upon conviction thereof, shall be punished as provided in Code Section 17-10-3."

SECTION 2-47.

Said title is further amended by striking Code Section 40-6-393.1, relating to feticide by

vehicle, and inserting in lieu thereof a new Code Section 40-6-393.1 to read as follows:

"40-6-393.1.

(a)(1) A person commits the offense of feticide by vehicle in the first degree if he or she causes the death of an unborn child so far developed as to be ordinarily called 'quick' by any injury to the mother of such child through the violation of Code Section 40-6-390 or ~~40-6-391~~ Part 2 of Article 15 of this chapter, which would be homicide by vehicle in the first degree as provided in subsection (a) or (c) of Code Section 40-6-393 if it resulted in the death of such mother.

(2) A person convicted of the offense of feticide by vehicle in the first degree shall be punished by imprisonment for not less than two years nor more than 15 years.

(b)(1) A person commits the offense of feticide by vehicle in the second degree if he or she causes the death of an unborn child so far developed as to be ordinarily called 'quick' by any injury to the mother of such child by violating any provision of this title other than Code Section 40-6-390 or ~~40-6-391~~ Part 2 of Article 15 of this chapter, which would be homicide by vehicle in the second degree as provided in subsection (b) of Code Section 40-6-393 if it resulted in the death of such mother.

(2) A person convicted of the offense of feticide by vehicle in the second degree shall be punished as provided in Code Section 17-10-3."

SECTION 2-48.

Said title is further amended by striking Code Section 40-6-394, relating to serious injury by vehicle, and inserting in lieu thereof a new Code Section 40-6-394 to read as follows:

"40-6-394.

Whoever, without malice, shall cause bodily harm to another by depriving him or her of a member of his or her body, by rendering a member of his or her body useless, by seriously disfiguring his or her body or a member thereof, or by causing organic brain damage which renders the body or any member thereof useless through the violation of Code Section 40-6-390 or ~~40-6-391~~ Part 2 of Article 15 of this chapter shall be guilty of the crime of serious injury by vehicle. A person convicted under this Code section shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than 15 years."

SECTION 2-49.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by striking paragraph (1) of subsection (b) of Code Section 42-4-7, relating to maintenance of inmate record by sheriff and earned time allowances, and inserting in lieu thereof a new paragraph (1) to read as follows:

"(b)(1) The sheriff, chief jailer, warden, or other officer designated by the county as custodian of inmates confined as county inmates for probation violations of felony offenses or as provided in subsection (a) of Code Section 17-10-3 may award earned time allowances to such inmates based on institutional behavior. Earned time allowances shall not be awarded which exceed one-half of the period of confinement imposed, except that the sheriff or other custodian may authorize the award of not

more than four days´ credit for each day on which an inmate does work on an authorized work detail; provided, however, that such increased credit for performance on a work detail shall not apply to an inmate who is incarcerated for:

(A) A second or subsequent offense of driving under the influence under former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of Title 40 within a five-year period of time, as measured from the date of any previous arrest for which a conviction was obtained or a plea of nolo contendere was accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted;

(B) A misdemeanor of a high and aggravated nature; or

(C) A crime committed against a family member as defined in Code Section 19-13-1."

SECTION 2-50.

Said title is further amended by striking paragraph (2) of subsection (d) of Code Section 42-8-34, relating to hearings and determinations regarding probation, and inserting in lieu thereof a new paragraph (2) to read as follows:

"(2) In addition to any other provision of law, any person convicted of a violation of ~~Code Section 40-6-391 or~~ subsection (b) of Code Section 16-13-2 or Part 2 of Article 15 of Chapter 6 of Title 40 who is sentenced to probation or a suspended sentence by a municipal, magistrate, probate, recorder's, mayor's, state, or superior court shall also be required by the court to pay a one-time fee of $25.00. The clerk of court, or if there is no clerk the person designated to collect fines, fees, and forfeitures for such court, shall collect such fee and remit the same not later than the last day of the month after such fee is collected to the Georgia Superior Court Clerks´ Cooperative Authority for deposit into the general fund of the state treasury."

SECTION 2-51.

Said title is further amended by striking subsection (a) of Code Section 42-8-111, relating to court ordered installation of ignition interlock devices, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) In addition to any other provision of probation, upon a second or subsequent conviction of a resident of this state for violating former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of Title 40 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, for which such person is granted probation, the court shall order as conditions of probation that:

(1) Such person shall have installed and shall maintain in each motor vehicle registered in such person's name throughout the applicable six-month period prescribed by subsection (b) of Code Section 42-8-112 a functioning, certified ignition interlock device, unless the court exempts the person from the requirements of this paragraph based upon the court's determination that such requirements would subject the person to undue financial hardship; and

(2) Such person shall have installed and shall maintain in any other motor vehicle to be driven by such person during the applicable six-month period prescribed by subsection (b) of Code Section 42-8-112 a functioning, certified ignition interlock device, and such person shall not during such six-month period drive any motor vehicle whatsoever that is not so equipped.

For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction; and a conviction of any offense under the law of another state or territory substantially conforming to any offense under former Code Section 40-6-391 or Part 2 of Article 15 of Chapter 6 of Title 40 shall be deemed a conviction of violating said ~~Code section~~ part."

SECTION 2-52.

Said title is further amended by striking paragraphs (2) and (3) of subsection (b) of Code Section 42-8-112, relating to proof of compliance required for reinstatement of certain drivers´ licenses and for obtaining probationary license, and inserting in lieu thereof new paragraphs (2) and (3) to read as follows:

"(2) If the person subject to court ordered use of an ignition interlock device as a condition of probation is authorized under Code Section 40-5-63 or former Code Section 40-5-67.2 or Article 9 of Chapter 5 of Title 40 to apply for reinstatement of his or her driver's license during the period of suspension, such person shall, prior to applying for reinstatement of the license, have an ignition interlock device installed and shall maintain such ignition interlock device in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period of six months running concurrently with that of an ignition interlock device limited driving permit, which permit shall not be issued until such person submits to the department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, proof of having undergone any clinical evaluation and of having enrolled in any substance abuse treatment program required by Code Section 40-5-63.1, and proof of installation of an ignition interlock device on a vehicle or vehicles to the extent required by subsection (a) of Code Section 42-8-111. Such a person may apply for and be issued an ignition interlock device limited driving permit at the end of 12 months after the suspension of the driver's license. At the expiration of such six-month ignition interlock device limited driving permit, the driver may, if otherwise qualified, apply for reinstatement of a regular driver's license upon payment of the fee provided in Code Section 40-5-25.

(3) If the person subject to court ordered use of an ignition interlock device as a condition of probation is authorized under Code Section 40-5-58 or under former Code Section 40-5-67.2 or under Article 9 of Chapter 5 of Title 40 to obtain a habitual violator's probationary license, such person shall, if such person is a habitual violator as a result of two or more convictions for driving under the influence of alcohol or drugs, have an ignition interlock device installed and maintained in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period of six months following issuance of the probationary license, and such person

shall not during such six-month period drive any motor vehicle that is not so equipped, all as conditions of such probationary license. Following expiration of such six-month period with no violation of the conditions of the probationary license, the person may apply for a habitual violator probationary license without such ignition interlock device condition."

PART III
SECTION 3-1.

(a) The passage of this Act shall not abate or affect any prosecution or administrative proceedings against any person for violations of the law as it existed immediately prior to the effective date of this Act. Such prosecutions and administrative proceedings shall continue to be governed by the provisions of law in effect immediately prior to the effective date of this Act.
(b) The passage of this Act shall not affect any suspensions, revocations, or other administrative sanctions regarding drivers´ licenses and the ability to operate a motor vehicle in this state that were in existence immediately prior to the effective date of this Act. Such suspensions, revocations, and other administrative sanctions shall remain in full force and effect.
(c) The passage of this Act shall not affect any sentence imposed by any court upon any person for violations of the law as it existed immediately prior to the effective date of this Act. Such sentences shall remain in full force and effect.
(d) Notwithstanding any other provision of law, any conviction of or plea of nolo contendere or adjudication of delinquency to a violation of former Code Section 40-6-391 or 40-6-391.3, or any local ordinance that incorporated the provisions of such former Code sections, shall be considered to be a conviction, plea of nolo contendere, or adjudication of delinquency under this Act for the purpose of sentencing or imposing any administrative sanctions authorized by this Act.

SECTION 3-2.
This Act shall become effective on July 1, 2006, and shall apply to all violations committed on and after such date.

SECTION 3-3.
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:

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

On the passage of the Bill, by substitute, the ayes were 76, nays 84.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Hatfield of the 177th moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 1222.

On the motion, the roll call was ordered and the vote was as follows:

E Abdul-Salaam
N Amerson
E Anderson
N Ashe
Y Barnard
N Barnes
N Crawford
Cummings
Y Davis
N Day
N Dean
N Dickson
N Hill, C.A
N Holmes
N Holt
Y Horne
N Houston
N Howard, E
Y Martin
Y Maxwell
May
N McCall
E McClinton
Y Meadows
N Sailor
Y Scheid
N Scott, A
Y Scott, M
N Setzler
Y Shaw

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

On the motion, the ayes were 66, nays 92.

The motion was lost.

HB 1195. By Representatives Willard of the 49th, Tumlin of the 38th, Wilkinson of the 52nd, Geisinger of the 48th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Civil Practice Act," so as to require complaints to be accompanied in filing with the civil case filing form; to require judgments to be accompanied in filing with the civil case disposition form; to change certain provisions relating to commencement of actions; to change certain provisions relating to entry of judgment; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Civil Practice Act," so as to require complaints to be accompanied in filing with the civil case filing form; to require judgments to be accompanied in filing with the civil case disposition form; to change certain provisions relating to commencement of actions; to provide for amended civil case filing forms; to change certain provisions relating to entry of judgment; to provide for confidential settlement agreements being excluded on civil case disposition forms; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Civil Practice Act," is amended by striking Code Section 9-11-3, relating to commencement of actions, and inserting in lieu thereof the following:

"9-11-3.

(a) A civil action is commenced by filing a complaint with the court.

(b) At the time of filing the complaint for a civil action in superior court or state court, ~~or as soon as practicable thereafter,~~ the plaintiff shall file the appropriate civil case filing form with the clerk of the court. The form shall contain complete information and shall be substantially in the form prescribed in Code Section 9-11-133. The filing of the complaint shall not be delayed for the filing of the case filing form. If, after a civil action has been filed, the court presiding over the civil action decides that the civil case filing form has not been filed or has been filed incorrectly, the court shall require the plaintiff to file the civil case filing form or an amended form. In no case shall the failure to accurately complete the civil case filing form required by this Code section provide a basis to dismiss a civil action."

SECTION 2.

Said chapter is further amended by striking subsection (b) of Code Section 9-11-58, relating to the entry of judgment and filing of the civil case disposition form, and inserting in lieu thereof the following:

"(b) *When judgment entered.* The filing with the clerk of a judgment, signed by the judge, with the fully completed civil case disposition form constitutes the entry of the judgment, and, unless the court otherwise directs, no judgment shall be effective for any purpose until the entry of the same, as provided in this subsection. As part ~~At the time~~ of the filing of the final judgment, a civil case disposition form shall be filed by the prevailing party or by the plaintiff if the case is settled, dismissed, or otherwise disposed of without a prevailing party; provided, however, that the amount of a sealed or otherwise confidential settlement agreement shall not be disclosed on the civil case disposition form. The form shall be substantially in the form prescribed in Code

Section 9-11-133. If any of the information required by the form is sealed by the court, the form shall state that fact and the information under seal shall not be provided. The entry of the judgment shall not be made by the clerk of the court until the civil case disposition form is filed. The entry of the judgment shall not be delayed for the taxing of costs ~~or the filing of the case disposition form~~."

SECTION 3.

This Act shall become on July 1, 2006, and shall apply to actions and judgments filed on or after July 1, 2006.

SECTION 4.

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

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

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

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

Y Cole	Y Heard, K	N Lunsford	Y Rice	Williams, E
N Coleman, B	Y Heckstall	Y Maddox	N Roberts	Y Williams, R
N Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	N Manning	N Royal	Y Yates
Y Cox	N Hill, C	Y Marin	N Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 111, nays 51.

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

Representative Williams of the 89th 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 1230. By Representatives Lindsey of the 54th, Jones of the 46th and Geisinger of the 48th:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to change certain provisions in the "Georgia Development Impact Fee Act"; to change definitions; to increase community participation in development impact fee advisory committees; to provide for the expenditure of impact fees; to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to change certain provisions in the "Georgia Development Impact Fee Act"; to change and provide for definitions; to increase community participation in development impact fee advisory committees; to provide for the expenditure of impact fees; to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking Chapter 71, relating to the "Georgia Development Impact Fee Act," and inserting in lieu thereof the following:

"36-71-1.
(a) This chapter shall be known and may be cited as the 'Georgia Development Impact Fee Act.'
(b) The General Assembly finds that an equitable program for planning and financing public facilities and public transportation needed to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety, and general welfare of the citizens of the State of Georgia. It is the intent of this chapter to:
(1) Ensure that adequate public facilities and public transportation are available to serve new growth and development;
(2) Promote orderly growth and development by establishing uniform standards by which municipalities and counties may require that new growth and development pay a proportionate share of the cost of new public facilities and public transportation needed to serve new growth and development;
(3) Establish minimum standards for the adoption of development impact fee ordinances by municipalities and counties; and
(4) Ensure that new growth and development is required to pay no more than its proportionate share of the cost of public facilities and public transportation needed to serve new growth and development and to prevent duplicate and ad hoc development exactions.

36-71-2.
As used in this chapter, the term:
(1) 'Capital improvement' means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility or public transportation.
(2) 'Capital improvements element' means a component of a comprehensive plan adopted pursuant to Chapter 70 of this title which sets out projected needs for system improvements during a planning horizon established in the comprehensive plan, a schedule of capital improvements that will meet the anticipated need for system improvements, and a description of anticipated funding sources for each required improvement.
(3) 'Comprehensive plan' has the same meaning as provided for in Chapter 70 of this title.
(4) 'Developer' means any person or legal entity undertaking development.
(5) 'Development' means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, any of which creates additional demand and need for public facilities or public transportation.
(6) 'Development approval' means any written authorization from a municipality or county which authorizes the commencement of construction.
(7) 'Development exaction' means a requirement attached to a development approval or other municipal or county action approving or authorizing a particular development

project, including but not limited to a rezoning, which requirement compels the payment, dedication, or contribution of goods, services, land, or money as a condition of approval.

(8) 'Development impact fee' means a payment of money imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.

(9) 'Encumber' means to legally obligate by contract or otherwise commit to use by appropriation or other official act of a municipality or county.

(10) 'Feepayor' means that person who pays a development impact fee or his successor in interest where the right or entitlement to any refund of previously paid development impact fees which is required by this chapter has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any refund of previously paid development impact fees, the right or entitlement shall be deemed 'not to run with the land.'

~~(10.1)~~(11) 'Governmental entity' means any water authority, water and sewer authority, or water or waste-water authority created by or pursuant to an Act of the General Assembly of Georgia.

~~(11)~~(12) 'Level of service' means a measure of the relationship between service capacity and service demand for public facilities or public transportation in terms of demand to capacity ratios, ~~or~~ the comfort and convenience of use or service of public facilities or public transportation, or both.

~~(12)~~(13) 'Present value' means the current value of past, present, or future payments, contributions or dedications of goods, services, materials, construction, or money.

~~(13)~~(14) 'Project' means a particular development on an identified parcel of land.

~~(14)~~(15) 'Project improvements' means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or system improvement and the physical location of the improvement on site or off site shall not be considered determinative of whether an improvement is a project improvement or a system improvement. If an improvement or facility provides or will provide more than incidental service or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement. No improvement or facility included in a plan for public facilities or public transportation approved by the governing body of the municipality or county shall be considered a project improvement.

~~(15)~~(16) 'Proportionate share' means that portion of the cost of system improvements which is reasonably related to the service demands and needs of the project within the defined service area.

~~(16)~~(17) 'Public facilities' means:

(A) Water supply production, treatment, and distribution facilities;

(B) Waste-water collection, treatment, and disposal facilities;

(C) ~~Roads, streets, and bridges, including rights of way, traffic signals, landscaping, and any local components of state or federal highways;~~

~~(D)~~ Storm-water collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;

~~(E)~~(D) Parks, open space, and recreation areas and related facilities;

~~(F)~~(E) Public safety facilities, including police, fire, emergency medical, and rescue facilities; and

~~(G)~~(F) Libraries and related facilities.

(18) 'Public transportation' means roads, streets, and bridges, including rights of way, traffic signals, landscaping, any local components of state or federal highways, streetcars, light rail projects, or other transportation rail projects, including preconstruction activities, when such projects are not part of a system that is presently owned by a regional transportation authority.

~~(17)~~(19) 'Service area' means a geographic area defined by a municipality, county, or intergovernmental agreement in which a defined set of public facilities or public transportation provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles or both.

~~(18)~~(20) 'System improvement costs' means costs incurred to provide additional public facilities or public transportation capacity needed to serve new growth and development for planning, design and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions, including but not limited to the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys´ fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvement element, and administrative costs, provided that such administrative costs shall not exceed 3 percent of the total amount of the costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the municipality or county to finance the capital improvements element but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

~~(19)~~(21) 'System improvements' means capital improvements that are public facilities or public transportation and are designed to provide service to the community at large, in contrast to 'project improvements.'

(22) 'Transportation impact fee' means those development impact fees specifically paid for public transportation improvement.

36-71-3.

(a) Municipalities and counties which have adopted a comprehensive plan containing a capital improvements element are authorized to impose by ordinance development impact fees as a condition of development approval on all development pursuant to and in accordance with the provisions of this chapter. After the transition period provided in this chapter, development exactions for other than project improvements shall be imposed by municipalities and counties only by way of development impact fees imposed pursuant to and in accordance with the provisions of this chapter.
(b) Notwithstanding any other provision of this chapter, that portion of a project for which a valid building permit has been issued prior to the effective date of a municipal or county development impact fee ordinance shall not be subject to development impact fees so long as the building permit remains valid and construction is commenced and is pursued according to the terms of the permit.
(c) Payment of a development impact fee shall be deemed to be in compliance with any municipal or county requirement for the provision of adequate public facilities ~~or services~~ or public transportation in regard to the system improvements for which the development impact fee was paid.

36-71-4.
(a) A development impact fee shall not exceed a proportionate share of the cost of system improvements, as defined in this chapter.
(b) Development impact fees shall be calculated and imposed on the basis of service areas.
(c) Development impact fees shall be calculated on the basis of levels of service for public facilities or public transportation that are adopted in the municipal or county comprehensive plan that are applicable to existing development as well as the new growth and development.
(d) A municipal or county development impact fee ordinance shall provide that development impact fees shall be collected not earlier in the development process than the issuance of a building permit authorizing construction of a building or structure; provided, however, that development impact fees for public transportation or public facilities described in subparagraph ~~(D)~~ (C) of paragraph ~~(16)~~(17) of Code Section 36-71-2 may be collected at the time of a development approval that authorizes site construction or improvement which requires public transportation or public facilities described in subparagraph ~~(D)~~ (C) of paragraph ~~(18)~~(17) of Code Section 36-71-2.
(e) A municipal or county development impact fee ordinance shall include a schedule of impact fees specifying the development impact fee for various land uses per unit of development on ~~a service~~ an area by ~~service~~ area basis. The ordinance shall provide that a developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs.
(f) A municipal or county development impact fee ordinance shall be adopted in accordance with the procedural requirements of Code Section 36-71-6.

(g) A municipal or county development impact fee ordinance shall include a provision permitting individual assessments of development impact fees at the option of applicants for development approval under guidelines established in the ordinance.
(h) A municipal or county development impact fee ordinance shall provide for a process whereby a developer may receive a certification of the development impact fee schedule or individual assessment for a particular project, which shall establish the development impact fee for a period of 180 days from the date of certification.
(i) A municipal or county development impact fee ordinance shall include a provision for credits in accordance with the requirements of Code Section 36-71-7.
(j) A municipal or county development impact fee ordinance shall include a provision prohibiting the expenditure of development impact fees except in accordance with the requirements of Code Section 36-71-8.
(k) A municipal or county development impact fee ordinance may provide for the imposition of a development impact fee for system improvement costs previously incurred by a municipality or county to the extent that new growth and development will be served by the previously constructed system improvements.
(l) A municipal or county development impact fee ordinance may exempt all or part of particular development projects from development impact fees if:

(1) Such projects are determined to create extraordinary economic development and employment growth or affordable housing;
(2) The public policy which supports the exemption is contained in the municipality's or county's comprehensive plan; and
(3) The exempt development's proportionate share of the system improvement is funded through a revenue source other than development impact fees.

(m) A municipal or county development impact fee ordinance shall provide that development impact fees shall only be spent for the category of system improvements for which the fees were collected and in the service area in which the project for which the fees were paid is located.
(n) A municipal or county development impact fee ordinance shall provide that, in the event a building permit is abandoned, credit shall be given for the present value of the development impact fee against future development impact fees for the same parcel of land.
(o) A municipal or county development impact fee ordinance shall provide for a refund of development impact fees in accordance with the requirements of Code Section 36-71-9.
(p) A municipal or county development impact fee ordinance shall provide for appeals from administrative determinations regarding development impact fees in accordance with the requirements of Code Section 36-71-10.
(q) Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.
(r) Development impact fees shall be calculated on a basis which is net of credits for the present value of revenues that will be generated by new growth and development based on historical funding patterns and that are anticipated to be available to pay for

system improvements, including taxes, assessments, user fees, and intergovernmental transfers.

36-71-5.
(a) Prior to the adoption of a development impact fee ordinance, a municipality or county adopting an impact fee program shall establish a Development Impact Fee Advisory Committee.
(b) Such committee shall be composed of not less than five nor more than ten members appointed by the governing authority of the municipality or county and at least ~~40~~ 50 percent of the membership shall be representatives from the development, building, or real estate ~~industries~~ industry. An existing planning commission or other existing committee that meets these requirements may serve as the Development Impact Fee Advisory Committee.
(c) The Development Impact Fee Advisory Committee shall serve in an advisory capacity to assist and advise the governing body of the municipality or county with regard to the adoption of a development impact fee ordinance. In that the committee is advisory, no action of the committee shall be considered a necessary prerequisite for municipal or county action in regard to adoption of an ordinance.

36-71-6.
Prior to the adoption of an ordinance imposing a development impact fee pursuant to this chapter, the governing body of a municipality or county shall cause two duly noticed public hearings to be held in regard to the proposed ordinance. The second hearing shall be held at least two weeks after the first hearing.

36-71-7.
(a) In the calculation of development impact fees for a particular project, credit shall be given for the present value of any construction of improvements or contribution or dedication of land or money required or accepted by a municipality or county from a developer or his or her predecessor in title or interest for system improvements of the category for which the development impact fee is being collected. Credits shall not be given for project improvements.
(b) In the event that a developer enters into an agreement with a county or municipality to construct, fund, or contribute system improvements such that the amount of the credit created by such construction, funding, or contribution is in excess of the development impact fees which would otherwise have been paid for the development project, the developer shall be reimbursed for such excess construction, funding, or contribution from development impact fees paid by other development located in the service area which is benefited by such improvements.

36-71-8.
(a) An ordinance imposing development impact fees shall provide that all development impact fee funds shall be maintained in one or more interest-bearing accounts.

Accounting records shall be maintained for each category of system improvements and the service area in which the fees are collected. Interest earned on development impact fees shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under the provisions of this chapter. The accounting records shall include the following information:

(1) The accounting records to be maintained shall specify the address of each property which paid development impact fees, the amount of fees paid in each category in which fees were collected, and the date that such fees were paid; and

(2) As to any exemptions granted, the accounting records to be maintained shall specify the address of each property for which exemptions were granted, the reason for which such exemption was granted, and the revenue source from which the exempt development's proportionate share of the system improvements is to be paid.

(b) Expenditures of development impact fees shall be made only for the category of system improvements and in the service area for which the development impact fee was imposed as shown by the capital ~~improvement~~ improvements element and as authorized by this chapter. Development impact fees shall not be used to pay for any purpose that does not involve system improvements that create additional service available to serve new growth and development.

(c)(1) Transportation impact fees shall be expended to fund, in whole or in part, system improvement projects:

(A) That have been identified in the capital improvements element of the municipality's or county's comprehensive development plan; and

(B) That are prioritized by proximity to areas which have generated transportation impact fees and which provide the largest improvement in level of service for public transportation.

(2) Where no proposed system improvement project meets the criteria set forth in paragraph (1) of this subsection, transportation impact fees may be expended to fund, in whole or in part, system improvement projects that are included in the capital improvements element of the municipality's or county's comprehensive development plan, provided that the county or municipality separately states in its annual report that transportation impact fees have been expended, or encumbered, under this subsection. Each municipality or county which funds a system improvement project under this subsection shall be required to document that no projects met the criteria set forth in paragraph (1) of this subsection and shall include documentation stating the planning or engineering principles that demonstrate that such project provided service to developments which paid transportation impact fees.

(3) Where the expenditure of development impact fees paid by a development is allocated to system improvements in the general area of such development, through an agreement between the municipality or county and the fee payor and such agreement is approved by the governing body, the analysis required by paragraphs (1) and (2) of this subsection shall not be applicable.

(d) As part of its annual audit process, a municipality or county shall prepare an annual report describing the amount of any development impact fees collected, encumbered, and used during the preceding year by category of public facility and service area.

36-71-9.
Any municipality or county which adopts a development impact fee ordinance shall provide for refunds in accordance with the following provisions:

(1) Upon the request of an owner of property on which a development impact fee has been paid, a municipality or county shall refund the development impact fee if capacity is available and service is denied or if the municipality or county, after collecting the fee when service is not available, has failed to encumber the development impact fee or commence construction within six years after the date that the fee was collected. In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis;

(2) When the right to a refund exists due to a failure to encumber development impact fees, the municipality or county shall provide written notice of entitlement to a refund to the feepayor who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given notice to the municipality or county of a transfer or assignment of the right or entitlement to a refund and who has provided a mailing address. Such notice shall also be published within 30 days after the expiration of the six-year period after the date that the development impact fees were collected and shall contain the heading 'Notice of Entitlement to Development Impact Fee Refund';

(3) An application for a refund shall be made within one year of the time such refund becomes payable under paragraph (1) or (2) of this Code section or within one year of publication of the notice of entitlement to a refund under this Code section, whichever is later;

(4) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess development impact fee collected;

(5) All refunds shall be made to the feepayor within 60 days after it is determined by a municipality or county that a sufficient proof of claim for a refund has been made; and

(6) The feepayor shall have standing to sue for a refund under the provisions of this chapter if there has been a timely application for a refund and the refund has been denied or has not been made within one year of submission of the application for refund to the collecting municipality or county.

36-71-10.
(a) A municipality or county which adopts a development impact fee ordinance shall provide for administrative appeals to the governing body or such other body as designated in the ordinance of a determination of the development impact fees for a particular project.

(b) A developer may pay a development impact fee under protest in order to obtain a development approval or building permit, as the case may be. A developer making such payment shall not be estopped from exercising the right of appeal provided by this chapter, nor shall such developer be estopped from receiving a refund of any amount deemed to have been illegally collected.
(c) A municipality or county development impact fee ordinance may provide for the resolution of disputes over the development impact fee by binding arbitration through the American Arbitration Association or otherwise.

36-71-11.
Municipalities and counties which are jointly affected by development are authorized to enter into intergovernmental agreements with each other, with authorities, or with the state for the purpose of developing joint plans for capital improvements or for the purpose of agreeing to collect and expend development impact fees for system improvements, or both, provided that such agreement complies with any applicable state laws.

36-71-12.
This chapter shall not repeal any existing laws authorizing a municipality or county to impose fees or require contributions or property dedications for capital improvements; provided, however, that all local ordinances or resolutions imposing development exactions for system improvements on April 4, 1990, shall be brought into conformance with this chapter no later than November 30, 1992.

36-71-13.
(a) Nothing in this chapter shall prevent a municipality or county from requiring a developer to construct reasonable project improvements in conjunction with a development project.
(b) Nothing in this chapter shall be construed to prevent or prohibit private agreements between property owners or developers and municipalities, counties, or other governmental entities in regard to the construction or installation of system improvements and providing for credits or reimbursements for system improvement costs incurred by a developer, including interproject transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one development project.
(c) Nothing in this chapter shall limit a municipality, county, or other governmental entity which provides water or sewer service from collecting a proportionate share of the capital cost of water or sewer facilities by way of hook-up or connection fees as a condition of water or sewer service to new or existing users, provided that the development impact fee ordinance of a municipality or county or other governmental entity that collects development impact fees pursuant to this chapter shall include a provision for credit for such hook-up or connection fees collected by the municipality or county to the extent that such hook-up or connection fee is collected to pay for

system improvements. Imposition of such hook-up or connection fees by any governmental entity to pay for system improvements either existing or new shall be consistent with the capital ~~improvement~~ improvements element of the comprehensive plan and shall be subject to the approval of each county, municipality, or combination thereof which appoints the governing body of such entity. The adoption, imposition, collection, and expenditure of such fees for system improvements by any governmental entity shall be subject to the same procedures applicable to the adoption, imposition, collection, and expenditure of development impact fees by a county.

(d) Nothing in this chapter shall apply to a water authority created by Act of the General Assembly, as long as such authority is not established as a political subdivision of the State of Georgia but instead acts subject to the approval of a county governing authority."

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 following amendment was read:

Representative Graves of the 12th et al. move to *amend the Committee substitute to HB 1230 by striking lines 5 through 9 of page 4 and inserting in lieu thereof the following:*

(18) 'Public transportation' means roads, streets, and bridges, including rights of way, traffic signals, landscaping, and any local components of state or federal highways.

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

E Abdul-Salaam	N Crawford	N Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	N Holmes	N Maxwell	N Scheid
E Anderson	Y Davis	Y Holt	Y May	N Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
N Barnard	N Dean	Y Houston	E McClinton	Y Setzler
N Barnes	N Dickson	N Howard, E	Y Meadows	Y Shaw
Y Bearden	N Dodson	N Hudson	E Millar	N Sheldon
E Beasley-Teague	N Dollar	N Hugley	Y Mills	N Sims, C
N Benfield	Drenner	N Jackson	N Mitchell	N Sims, F
N Benton	N Dukes	N Jacobs	Morgan	N Sinkfield
N Black	Y Ehrhart	N James	N Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	N Smith, L
N Borders	N Epps	N Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	Y Jennings	N Mumford	Y Smith, R
N Brooks	Y Fleming	N Johnson	N Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
N Bruce	E Floyd, J	N Jones, S	Y Neal	N Smyre

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

On the adoption of the amendment, the ayes were 59, nays 107.

The amendment was lost.

The following amendment was read:

Representatives Lindsey of the 54th, Jones of the 46th, and Scott of the 153rd move to *amend the Committee substitute to HB 1230 by striking lines 5 through 9 of page 4 and inserting in lieu thereof the following:*

(18) 'Public transportation' means roads, streets, and bridges, including rights of way, traffic signals, landscaping, and any local components of state or federal highways. This term may also include streetcars, light rail projects, or other transportation rail projects, including preconstruction activities, upon authorization from a municipality or county government, when such projects are not part of a system that is owned by a regional transportation authority.

The following amendment was read and adopted:

Representatives Davis of the 109th and Byrd of the 20th move to amend the Lindsey amendment to HB 1230 as follows:

Amend Amendment AM 29 0495 by inserting "or state" at the end of line 8.

The following amendment was read:

Representative Byrd of the 20th moves to amend the Lindsey amendment to HB 1230 as follows:

Line 6 strike words "may also" insert words "shall not"

Line 7 insert "." after the word activities.

Strike line 7 beginning with comma through end of line 9.

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

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

On the adoption of the amendment, the ayes were 51, nays 113.

The amendment was lost.

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

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

On the adoption of the amendment, as amended, the ayes were 91, nays 76.

The amendment, as amended, was adopted.

The Committee substitute, as amended, was adopted.

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

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

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

On the passage of the Bill, by substitute, as amended, the ayes were 69, nays 97.

The Bill, having failed to receive the requisite constitutional majority, was lost.

HB 1249. By Representatives Reece of the 27th, Stephens of the 164th, Channell of the 116th, Rogers of the 26th, Mills of the 25th and others:

A BILL to be entitled an Act to amend Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to the ad valorem taxation of motor vehicles and mobile homes, so as to provide that watercraft held in

inventory for resale shall be exempt from taxation; to provide for definitions; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to the ad valorem taxation of motor vehicles and mobile homes, so as to provide that watercraft held in inventory for resale shall be exempt from taxation for a limited period of time; to provide for definitions; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to the ad valorem taxation of motor vehicles and mobile homes, is amended by adding at the end thereof a new Part 7 to read as follows:

"Part 7

48-5-504.40.

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

(1) 'Dealer' means any person who is engaged in the business of selling watercraft at retail.

(2) 'Watercraft' means any vehicle which is self-propelled or which is capable of self-propelled water transportation, or both.

(b) Watercraft which is owned by a dealer and held in inventory for sale or resale shall constitute a separate classification of tangible property for ad valorem taxation purposes. The procedures prescribed in this chapter for returning watercraft for ad valorem taxation, determining the application rates for taxation, and collecting the ad valorem taxes imposed on watercraft do not apply to watercraft which is owned by a dealer and held in inventory for sale or resale. For the period commencing January 1, 2007, and concluding December 31, 2008, such watercraft which is owned by a dealer and held in inventory for sale or resale shall not be returned for ad valorem taxation, shall not be taxed, and no taxes shall be collected on such watercraft until it is transferred and then otherwise, if at all, becomes subject to taxation as provided in this chapter."

SECTION 2.

This Act shall become effective on January 1, 2007.

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:

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
N Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
N Burns
Y Butler
N Byrd
Y Carter
Y 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
Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
N Floyd, H
E Floyd, J
N Fludd
Y Forster
Y Franklin
Y Freeman
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
Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Hugley
Y Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
N Manning
Y Marin
N Martin
N Maxwell
N 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
N Orrock
Y Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
N Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
N Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
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
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
N Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 146, nays 13.

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

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

HB 304. By Representatives Burmeister of the 119th, Yates of the 73rd, Shaw of the 176th, Cummings of the 16th and Rice of the 51st:

A BILL to be entitled an Act to amend Article 1 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions concerning specific, business, and occupation taxes, so as to change the provisions relating to the imposition and determination of the amount of certain regulatory fees by local governments; 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 Article 1 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions concerning specific, business, and occupation taxes, so as to change the provisions relating to the imposition and determination of the amount of certain regulatory fees by local governments; to provide for the timing of payment of certain regulatory fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions concerning specific, business, and occupation taxes, is amended by adding a new subsection (e) to Code Section 48-13-9, relating to limitation on authority of local government to impose regulatory fee, to read as follows:

"(e) For each business, profession, or occupation, local governments are authorized to determine the amount of a regulatory fee imposed in accordance with this article only by one of the following methods:

(1) A flat fee for each business or practitioner of a profession or occupation doing business in the jurisdiction as authorized by Code Section 48-13-8;

(2) A flat fee for each type of permit or inspection requested;

(3) An hourly rate determined by the hourly wage or salary, including employee benefits, of the person or persons assigned to investigate or inspect multiplied by the number of hours estimated for the investigation or inspection to be performed;

(4) An hourly rate as determined by paragraph (3) of this subsection with the addition of other expenses reasonably related to such regulatory activity, such as

administrative and travel expenses, multiplied by the number of hours estimated for the investigation or inspection to be performed;

(5) For construction projects that are classified as new construction, the number of square feet of construction or the number of square feet of construction to be served by the system to be installed, in conjunction with and limited by the building valuation data, as established from time to time by the International Code Council or by similar data, and in conjunction with and limited by the hourly rate described in paragraph (3) or (4) of this subsection; or

(6) For construction projects that are classified as renovation and all other construction projects other than those classified as new construction, the cost of the project in conjunction with and limited by the building valuation data that conforms with the principles and methods established from time to time by the International Code Council or by similar data, and in conjunction with and limited by the hourly rate described in paragraph (3) or (4) of this subsection."

SECTION 2.

Said article is further amended by striking subsections (b) and (c) of Code Section 48-13-20, relating to time for payment of fees and taxes, and inserting in lieu thereof new subsections (b) and (c) to read as follows:

"(b) Regulatory fees authorized by this chapter shall be paid before commencing business or the practice of a profession <u>or occupation</u> as a condition precedent for transacting business, or practicing a profession <u>or occupation</u>.

(c) Regulatory fees may be paid after commencing business or the practice of a profession <u>or occupation</u> when:

(1) The work done or services provided are necessary for the health<u>, comfort,</u> or safety of one or more individuals <u>or protection of property. This paragraph shall apply to, but not be limited to, the repair, service, or installation of heating, ventilation, and air conditioning equipment or systems</u>;

(2) The work done or services provided have no adverse effect on any other person; ~~and~~

(3) Regulatory fees are tendered to the local government within two business days after commencing business or the practice of a profession <u>or occupation and any and all required inspections are made in order to ensure compliance with applicable codes; and</u>

<u>(4) The request for repair, service, or installation is received by the practitioner of a profession or occupation outside of the regular office hours of the local government's permitting office</u>."

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:

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y 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
Dollar
Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
N Floyd, H
E 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 Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y 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
E Lane, R
Y Lewis
Y 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
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
N Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Sheldon
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
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 2.

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.

Representative Reese of the 98th stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

HB 1473. By Representatives Brown of the 69th, Channell of the 116th, Stephens of the 164th, Shaw of the 176th and Ehrhart of the 36th:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require prior legislative approval for the submission of certain waivers pursuant to Section 1115 of the federal Social Security Act; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Stephenson of the 92nd et al. move to *amend HB 1473 by inserting after* "Act;" *on line 3 of page 1 the following:*

to provide for substantial and unreasonable hardship waivers when the estate of the Medicaid recipient is valued at $100,000.00 or less; to provide for submission of an amendment to the state plan;

By inserting between lines 19 and 20 of page 1 the following:

SECTION 2.

Said article is further amended by striking Code Section 49-4-147.1, relating to claims by the department against the estate of Medicaid recipients, and inserting in lieu thereof the following:

"49-4-147.1.

(a) In accordance with applicable federal law and regulations, including those under Title XIX of the federal Social Security Act, the department may make claim against the estate of a Medicaid recipient for the amount of any medical assistance payments made on such person's behalf by the department. The commissioner shall waive such claim if he or she determines enforcement of the claim would result in substantial and unreasonable hardship to dependents of the individual against whose estate the claim exists.

(b) A substantial and unreasonable hardship shall include, but not be limited to, estates of Medicaid recipients that are valued at $100,000.00 or less. The value of the estate shall not include year's support, funeral expenses not to exceed $5,000.00, necessary expenses of administration, or reasonable expenses of the recipient's last illness. No later than July 1, 2006, the department shall submit an amendment to the state plan with the United States Department of Health and Human Services Centers for Medicare and

Medicaid Services reflecting the provisions of this subsection. In the event that such amended state plan is not approved, this subsection shall stand repealed in its entirety."

By redesignating Sections 2 and 3 as Sections 3 and 4, respectively.

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

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

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Y Dodson
Y Dollar
Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
E Floyd, J
Y 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 Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y 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
E Lane, R
Y Lewis
Y 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
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
Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
N Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, as amended, the ayes were 164, nays 1.

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

Representative Stephenson of the 92nd 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 1342. By Representatives Geisinger of the 48th, Oliver of the 83rd, Lindsey of the 54th, Barnard of the 166th and Epps of the 128th:

A BILL to be entitled an Act to amend Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to gambling and related offenses, so as to provide that certain nonprofit organizations may give away certain noncash prizes to advance the purposes of such nonprofit organization; to provide conditions for the giving of such prizes; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representatives Geisinger of the 48th and Fleming of the 117th move to *amend HB 1342 by striking line 4 of page 2 and inserting in lieu thereof the following:*

(ii) No person to be eligible to receive such prize shall be required to:

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

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

E Abdul-Salaam	N Crawford	Y Hill, C.A	N Martin	N Sailor
N Amerson	N Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	N Davis	Y Holt	N May	Y Scott, A
Ashe	N Day	N Horne	N McCall	Y Scott, M
N Barnard	N Dean	N Houston	E McClinton	Setzler
N Barnes	N Dickson	N Howard, E	Y Meadows	N Shaw
N Bearden	Y Dodson	N Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	N Hugley	Mills	N Sims, C
Y Benfield	N Drenner	N Jackson	N Mitchell	N Sims, F
Y Benton	N Dukes	Y Jacobs	N Morgan	N Sinkfield
N Black	Y Ehrhart	N James	Y Morris	Y Smith, B
Y Bordeaux	N England	N Jamieson	Mosby	N Smith, L
N Borders	Y Epps	N Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	N Jennings	Y Mumford	N Smith, R
N Brooks	Y Fleming	N Johnson	N Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Y Jones, J	N Murphy, Q	N Smith, V

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

On the passage of the Bill, as amended, the ayes were 54, nays 103.

The Bill, having failed to receive the requisite constitutional majority, was lost.

HB 1044. By Representatives Cheokas of the 134th, Barnard of the 166th, Lane of the 158th, Lunsford of the 110th, Forster of the 3rd and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide that part-time municipal and city court judges shall be treated as full-time judges for purposes of being exempt from certain state weapons requirements so that part-time judges shall be exempt in the same manner as full-time judges; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following amendments were read and adopted:

Representative Cole of the 125th et al. move to *amend HB 1044 by inserting following* "judges;" *on line 5 of page 1 the following:*

to change certain provisions relating to carrying deadly weapons to or at public gatherings; to provide for constables to carry pistols in publicly owned or operated buildings; to exempt constables from the prohibition of carrying weapons within school safety zones, at school functions, or on school property while in the performance of their official duties;

By redesignating Sections 2 and 3 as Sections 3 and 4, respectively.

By inserting between lines 16 and 17 of page 1 the following:

SECTION 2.

Said part is further amended by striking subsection (c) of Code Section 16-11-127, relating to carrying deadly weapons at public gatherings, and inserting in lieu thereof the following:

″(c)(1) This Code section shall not apply to competitors participating in organized sport shooting events.

(2) Law enforcement officers, peace officers retired from state or federal law enforcement agencies, judges, magistrates, constables, solicitors-general, and district attorneys may carry pistols in publicly owned or operated buildings.″

SECTION 3.

Said part is further amended in paragraph (5) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on school property, by striking "and" at the end of subparagraph (E) and inserting "and" after the ";" in subparagraph (F) and adding a new subparagraph (G) to read as follows:

″(G) Constables of any county of this state.″

Representative Cheokas of the 134th moves to *amend HB 1044 by striking line 14 of page 1 and inserting in lieu thereof the following:*

″(12) State and federal trial and appellate judges, full-time and permanent part-time judges of municipal and city.

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

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

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

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

On the passage of the Bill, as amended, the ayes were 148, nays 15.

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

HB 338. By Representatives Warren of the 122nd, Jenkins of the 8th, Burns of the 157th, Williams of the 165th, Mosley of the 178th and others:

A BILL to be entitled an Act to amend Code Section 27-3-4 of the Official Code of Georgia Annotated, relating to legal weapons for hunting wildlife generally, so as to change certain provisions relating to primitive weapons; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to specify a date certain for rules and regulations of the Board of Natural Resources used to establish game and fish criminal violations; to change certain provisions relating to legal weapons for hunting wildlife generally; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by striking Code Section 27-1-39, relating to rules and regulations of the Board of Natural Resources used to establish game and fish criminal violations, and inserting in lieu thereof the following:

"27-1-39.

Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources as provided in this title, the terms 'rules and regulations' shall mean those rules and regulations of the Board of Natural Resources in force and effect on ~~October 1, 2003~~ January 1, 2006."

SECTION 2.

Said title is further amended in Code Section 27-3-4 of the Official Code of Georgia Annotated, relating to legal weapons for hunting wildlife generally, by striking paragraph (2) and inserting in lieu thereof the following:

"(2) During primitive weapon hunts or primitive weapons seasons, longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of .44 caliber or larger ~~with iron sights only and without telescopic sights~~, and muzzleloading shotguns of 20 gauge or larger loaded with single shot may be used;"

SECTION 3.

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

The following amendment was read and ruled not germane:

Representative Sims of the 169th moves to amend the Committee substitute to HB 338 as follows:

On page 2 line 1 under Section 3:

State on line 2

(1) The use of crossbows, longbows and recurve bows, and compound bows will be allowed within 35 yards of artificial feeders for the taking of white tail deer and feral hogs. This will allowed the entire season for whitetail deer and year round for feral hogs.

Rename Section 3 to Section 4

add Section five

This Act will become effective July 1, 2006 until June 30, 2008.

The Committee substitute was adopted.

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

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

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Y Benfield
N Benton
Y Black
Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
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
E Floyd, J
Y Fludd
Y Forster
Y 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
Henson
N Hill, C
Y Hill, C.A
Y Holmes
N Holt
Y Horne
Y Houston
Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James
N 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
E 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
N Meadows
E Millar
Y Mills
Y Mitchell
Y Morgan
Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Randall
Y Ray
Y Reece, B
Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
N Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 154, nays 6.

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

HB 1300. By Representatives Henson of the 87th, Watson of the 91st, Willard of the 49th, Wilkinson of the 52nd, Stephenson of the 92nd and others:

A BILL to be entitled an Act to amend Code Section 36-75-7 of the Official Code of Georgia Annotated, relating to the power and authority of public safety and judicial facilities authorities, so as to raise the aggregate amount of bonds that may be issued; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL

To amend Chapter 75 of Title 36 of the Official Code of Georgia Annotated, relating to the war on terrorism local assistance, so as to change certain provisions regarding the activation of public safety and judicial facilities authorities; to change certain provisions regarding the maximum aggregate amount of bonds that may be issued; 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 75 of Title 36 of the Official Code of Georgia Annotated, relating to the war on terrorism local assistance, is amended by striking subsection (a) of Code Section 36-75-4, relating to creation of public safety and judicial facility authorities, and inserting in its place a new subsection (a) to read as follows:

"(a) There is created in and for each county and municipal corporation in this state a public body corporate and politic, to be known as the 'public safety and judicial facilities authority' of such county. No authority shall transact any business or exercise any powers under this chapter until the governing body of the county or municipal corporation, as the case may be, by proper ordinance or resolution, declares that there is a need for an authority to function in the county or municipal corporation and declares that such jurisdiction is at the time of such ordinance or resolution imposing a sales tax levied for the purposes of a metropolitan area system of public transportation <u>and imposing a homestead option sales and use tax under Article 2A of Chapter 8 of Title 48</u>."

SECTION 2.

Said chapter is further amended by striking paragraph (13) of Code Section 36-75-7, relating to the power and authority of public safety and judicial facilities authorities, and inserting in its place a new paragraph (13) to read as follows:

"(13) To borrow money and issue its revenue bonds and bond anticipation notes from time to time and to use the proceeds thereof for the purpose of paying all or part of the cost of any project, including the cost of extending, adding to, or improving such project, or for the purpose of refunding any such bonds of the authority theretofore issued; and to otherwise carry out the purposes of this chapter and to pay all other

costs of the authority incident to, or necessary and appropriate to, such purposes, including the providing of funds to be paid into any fund or funds to secure such bonds and notes, provided that all such bonds and notes shall be issued in accordance with the procedures and subject to the limitations set forth in Code Section 36-63-9; provided, however, that the maximum aggregate amount of bonds issued shall be ~~$50~~ $80 million; and"

SECTION 3.

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

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

A BILL

To amend Chapter 75 of Title 36 of the Official Code of Georgia Annotated, relating to war on terrorism local assistance, so as to change certain provisions regarding creation of public safety and judicial facilities authorities; to change certain provisions regarding the maximum aggregate amount of bonds that may be issued; 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 75 of Title 36 of the Official Code of Georgia Annotated, relating to war on terrorism local assistance, is amended by striking subsection (a) of Code Section 36-75-4, relating to creation of public safety and judicial facilities authorities, and inserting in its place a new subsection (a) to read as follows:

"(a) There is created in and for each county and municipal corporation in this state a public body corporate and politic, to be known as the 'public safety and judicial facilities authority' of such county or municipality. No authority shall transact any business or exercise any powers under this chapter until the governing body of the county or municipal corporation, as the case may be, by proper ordinance or resolution, declares that there is a need for an authority to function in the county or municipal corporation and declares that such jurisdiction is at the time of such ordinance or resolution imposing a sales tax levied for the purposes of a metropolitan area system of public transportation."

SECTION 2.

Said chapter is further amended in Code Section 36-75-7, relating to the power and authority of public safety and judicial facilities authorities, by striking paragraph (13) and inserting in its place a new paragraph (13) to read as follows:

"(13) To borrow money and issue its revenue bonds and bond anticipation notes from time to time and to use the proceeds thereof for the purpose of paying all or part of the

cost of any project, including the cost of extending, adding to, or improving such project, or for the purpose of refunding any such bonds of the authority theretofore issued; and to otherwise carry out the purposes of this chapter and to pay all other costs of the authority incident to, or necessary and appropriate to, such purposes, including the providing of funds to be paid into any fund or funds to secure such bonds and notes, provided that all such bonds and notes shall be issued in accordance with the procedures and subject to the limitations set forth in Code Section 36-63-9; provided, however, that with respect to any authority activated by a county pursuant to this chapter on or after January 1, 2006, the maximum aggregate amount of bonds issued shall be $50 million; with respect to any authority activated by a county pursuant to this chapter prior to January 1, 2006, the maximum aggregate amount of bonds issued shall be $80 million; with respect to any authority activated pursuant to this chapter by a municipality which levies a water and sewer projects and costs sales and use tax, the maximum aggregate amount of bonds shall be $80 million; and with respect to any authority activated by any other municipality pursuant to this chapter, the maximum aggregate amount of bonds shall be $50 million; and"

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, by substitute.

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

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

N Burns
Butler
N Byrd
N Carter
N Casas
Chambers
Channell
N Cheokas
Coan
N Cole
Coleman, B
Y Coleman, T
N Cooper
Y Cox
Geisinger
N Golick
N Graves, D
N Graves, T
Y Greene
Y Hanner
Harbin
N Hatfield
N Heard, J
Y Heard, K
Y Heckstall
N Hembree
Y Henson
N Hill, C
N Knox
N Lakly
N Lane, B
E Lane, R
N Lewis
N Lindsey
Y Lord
N Loudermilk
Y Lucas
Y Lunsford
N Maddox
Y Mangham
Y Manning
Y Marin
Y Parsons
N Porter
Y Powell
N Ralston
Randall
N Ray
N Reece, B
N Reece, S
N Reese
N Rice
N Roberts
Y Rogers
Y Royal
N Rynders
Y Thomas, A.M
Y Thomas, B
N Tumlin
N Walker
E Warren
Y Watson
N Wilkinson
Willard
Y Williams, A
Y Williams, E
N Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 72, nays 77.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Henson of the 87th moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 1300.

On the motion, the roll call was ordered and the vote was as follows:

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

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

On the motion, the ayes were 74, nays 77.

The motion was lost.

HR 1299. By Representatives Stephens of the 164th, Burmeister of the 119th, Graves of the 137th, Channell of the 116th, Carter of the 159th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly may by general law provide a trust fund for the purpose of paying hospitals for unreimbursed trauma care to victims of severe injury or trauma and make all provisions relating to such fund; to provide that the General Assembly may provide for a source of funding specifically designated for such fund, and that such fund shall not be subject to the lapsing provisions of the Constitution; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

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

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

E 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	E May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y 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
Y 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	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre

Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Fludd
Y Forster
Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
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 Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Loudermilk
Y Lucas
Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Oliver
Y O'Neal
Y Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the adoption of the Resolution, the ayes were 159, nays 0.

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

HR 30. By Representatives Brooks of the 63rd, Cummings of the 16th, Talton of the 145th, O`Neal of the 146th and Williams of the 89th:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly shall be authorized to enact legislation and appropriate funds necessary to provide for retirement credit for retired members of the Peace Officers´ Annuity and Benefit Fund for service rendered prior to January 1, 1976; to provide that such legislation may provide for membership in such fund for peace officers who rendered service as a peace officer prior to January 1, 1976, but who are not members of the fund on July 1, 2007; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

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

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

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Martin
Y Maxwell
E May
Y McCall
E McClinton
Sailor
Y Scheid
Y Scott, A
Scott, M
Y Setzler

Y Barnes
Bearden
E Beasley-Teague
Y Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Burns
Y Butler
Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
Y Dickson
Y Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
E Floyd, J
Y Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
E Graves, T
Y Greene
Y Hanner
Y Harbin
Hatfield
Y Heard, J
Y Heard, K
Y Heckstall
Y Hembree
Henson
Y Hill, C
Y Howard, E
Y Hudson
Y Hugley
Y 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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Loudermilk
Y Lucas
E Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Meadows
E Millar
Y Mills
Y Mitchell
Y Morgan
Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Shaw
Sheldon
Y 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
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the adoption of the Resolution, the ayes were 155, nays 0.

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

HR 1094. By Representatives Scheid of the 22nd, Smith of the 113th, Cummings of the 16th, Rogers of the 26th, Harbin of the 118th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that funds derived from sales and use and motor fuel taxes with respect to aviation fuel may be appropriated for and grant made for all activities incident to providing and maintaining an adequate system of public-use airports in this state; to authorize the General Assembly to allocate and specify and direct the use of such funds by general law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

The following amendment was read and adopted:

Representative Graves of the 12th moves to *amend HR 1094 by inserting on line 18 of page 1, between the word* "grants" *and the period, the following:*

; provided, however, that after July 1, 2007, no such money shall be used for the payroll or administrative costs of any state agency

By inserting on line 13 of page 2, between the word "state" *and the period, the following:*

; provided, however, that after July 1, 2007, no such money shall be used for the payroll or administrative costs of any state agency.

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

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

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
N Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y 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
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
E Floyd, J
Y Fludd
Y Forster
Y Franklin
Y Freeman
Gardner
Y Geisinger
Y Golick
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
Y Hudson
Y Hugley
Y Jackson
N 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
E 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
Y Mitchell
N Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
N Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Randall
Y Ray
Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y Sims, C
Y Sims, F
N Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson,
Speaker

On the adoption of the Resolution, as amended, the ayes were 155, nays 6.

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

HB 1403. By Representative Martin of the 47th:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the joint county and municipal sales and use tax, so as to change certain provisions regarding procedures for certifying additional qualified municipalities; 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 48-8-89.1 of the Official Code of Georgia Annotated, relating to distribution of local option sales tax proceeds after certification of additional qualified municipalities, so as to change provisions relating to new qualified municipalities chartered by local Act; to make provisions for newly expanded qualified municipalities which have expanded through annexation under certain circumstances; to define terms; to provide for distribution certificates and distribution formulas; to provide for other 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.

Code Section 48-8-89.1 of the Official Code of Georgia Annotated, relating to distribution of local option sales tax proceeds after certification of additional qualified municipalities, is amended by striking subsection (f) and inserting in its place a new subsection to read as follows:

"(f)(1) ~~This~~ As used in this subsection ~~shall apply only when:~~, the term:

(A) ~~A~~ 'New qualified municipality' means a municipal corporation ~~is~~ which has been chartered by local Act since the date of filing with the commissioner of the most recently filed certificate under Code Section 48-8-89 within a county which has a special district for the provision of local government services consisting of the unincorporated area of the county~~; and (B) The~~ where the population of the unincorporated area of the county ~~will~~, after removal of the population of the new municipality from the unincorporated area, ~~constitute~~ constitutes less than 20 percent of the population of the county according to the most recent decennial census.

(B) 'Newly expanded qualified municipality' means a municipal corporation which since the date of filing with the commissioner of the most recently filed certificate under Code Section 48-8-89 has increased its population by more than 15 percent through one or more annexations and is located in the same county as a new qualified municipality.

(2) Notwithstanding any other provision of this Code section, if there exists within any special district in which the tax authorized by this article is imposed a new qualified municipality ~~described in paragraph (1) of this subsection which was not a qualified municipality on the date of filing with the commissioner of the most recently filed certificate under Code Section 48-8-89~~ or a newly expanded qualified municipality or both, such qualified municipality or municipalities may request the commissioner to give notice of the qualified municipality's or municipalities´ existence and status as a new qualified municipality or newly expanded qualified municipality as provided in this subsection. Upon receipt of such a request, the commissioner shall, unless he or she determines that the requesting entity is not a new qualified municipality or newly expanded qualified municipality, within 30 days give written notice of the qualified municipality's existence and status to the county which is conterminous with the special district in which the qualified municipality is located and to each other qualified municipality within the special district. Such written notice shall include the name of the new qualified municipality or newly expanded qualified municipality, the effective date of the notice, and a statement of the provisions of this subsection.

(3) Within 60 days after the effective date of the notice referred to in paragraph (2) of this subsection, a new distribution certificate shall be filed with the commissioner for the special district. This distribution certificate shall address only the proceeds of the tax available for distribution from the percentage allocated to the county in the current distribution certificate and shall specify as a percentage of the total proceeds of the tax what portion of the proceeds shall be received by the county in which the special district is located and by the new qualified municipality and newly expanded qualified municipality, if any.

(4) Except as otherwise provided in this paragraph, a distribution certificate required by this subsection must be executed by the governing authorities of the county within which the special district is located ~~and~~, each new qualified municipality located wholly or partially within the special district, and each newly expanded qualified municipality, if any. If a new certificate is not filed within 60 days as required by paragraph (3) of this subsection, the commissioner shall distribute the proceeds of the tax available for distribution from the percentage allocated to the county in the current distribution certificate such that ~~the~~:

(A) The new qualified municipality receives an allocation equal on a per capita basis to the average per capita allocation to the other qualified municipalities in the county (according to population), to be expended as provided in paragraph (2) of subsection (a) of Code Section 48-8-89; and

(B) Any newly expanded qualified municipality receives a total allocation of tax proceeds (including any amount previously allocated) equal on a per capita basis to the average per capita allocation to the other qualified municipalities in the county (according to population), to be expended as provided in paragraph (2) of subsection (a) of Code Section 48-8-89.

Every other qualified municipality shall continue to receive the share provided by the existing distribution certificate or otherwise provided by law. The county shall receive the remaining proceeds of the tax, to be expended as provided in paragraph (2) of subsection (a) of Code Section 48-8-89. For the purpose of determining the population of ~~new~~ qualified municipalities, only that portion of the population of each such municipality which is located within the special district shall be computed. For the purpose of determining population under this Code section, all calculations of population shall be according to the most recent decennial census, including the census data from such census applicable to any annexed territory.

(5) The commissioner shall begin to distribute the proceeds as specified in the newly filed certificate ~~applicable to the county and the new qualified municipality~~ or, if such a certificate is not filed, as specified in paragraph (4) of this subsection on the first day of the first month which begins more than 60 days after the effective date of the notice referred to in paragraph (2) of this subsection. The commissioner shall continue to distribute the proceeds of the tax according to the existing certificate and the certificate applicable to the county and the new qualified municipality or, if such a certificate is not filed, as specified in paragraph (4) of this subsection until a subsequent certificate is filed and becomes effective as provided in Code Section 48-8-89."

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:

E 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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw

Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
N Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y 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
E Floyd, J
N Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
N 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 Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James
Y Jamieson
Y Jenkins
Y Jennings
Johnson
Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
Y Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
N Mangham
Y Manning
Y Marin
E Millar
Y Mills
Y Mitchell
Morgan
Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
N Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Sheldon
Y 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
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 5.

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

HB 1323. By Representatives O`Neal of the 146th, Keen of the 179th, Royal of the 171st and Porter of the 143rd:

A BILL to be entitled an Act to amend Title 36 of the O.C.G.A., relating to local government, so as to provide for a comprehensive program for the creation of infrastructure development districts; to provide for a short title; to provide for definitions; to provide for the powers, duties, and authority of infrastructure development districts; to provide for a board to administer infrastructure development districts; to provide for appointment or election of members of an infrastructure development district board; to provide for levying taxes, fees, and assessments; to provide for the debt of infrastructure development districts; to provide for general obligation bonds, revenue bonds, notes, and other obligations of infrastructure development districts; to

provide for the form of bonds; to provide for consolidation, termination, or dissolution of infrastructure development districts; to provide for related matters; to provide a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide for a comprehensive program for the creation of infrastructure development districts; to provide for a short title; to provide for definitions; to provide for the powers, duties, and authority of infrastructure development districts; to provide for a board to administer infrastructure development districts; to provide for appointment or election of members of an infrastructure development district board; to provide for levying taxes, fees, and assessments; to provide for the debt of infrastructure development districts; to provide for bonds, notes, and other obligations of infrastructure development districts; to provide for the form of bonds; to provide for consolidation, termination, or dissolution of infrastructure development districts; to provide for notice of the creation of the district; to amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, so as to change certain provisions regarding permits for discharging pollutants into waters; to change certain provisions regarding permits for surface water withdrawal, diversion, or impoundment; to change certain provisions regarding permits for withdrawing, obtaining, or using ground water; to provide for related matters; to provide a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new chapter at the end thereof, to be designated as Chapter 93, to read as follows:

"CHAPTER 93

36-93-1.

This chapter shall be known and may be cited as the 'Georgia Smart Infrastructure Growth Act of 2006.'

36-93-2.

As used in this chapter, the term:

(1) 'Additional projects' means district projects beyond those generally identified in the petition for creation of the district.

(2) 'Appropriate local government' means:

(A) The county governing authority, if the district is located wholly in the unincorporated part of the county;

(B) The municipal governing authority, if the district is located wholly within a municipality; or

(C) The county governing authority and each municipal governing authority, if the district is located partially in the unincorporated area of a county and partially within one or more municipalities

that created the district. For the purposes of this chapter, the term 'appropriate local government' may be read as the singular or plural.

(3) 'Assessable improvements' means, without limitation, any and all public improvements, infrastructure, and community facilities that a district is empowered to provide in accordance with this chapter.

(4) 'Board' means the governing board of a district or, if the board has been abolished, the board, body, or commission succeeding to the principal functions of the board.

(5) 'Bond' means any bonds of a district which are authorized to be issued under the Constitution and laws of this state, but shall not include notes or other obligations of the district.

(6) 'Cost,' when used with reference to any project, includes, but is not limited to:

(A) The expense of determining the feasibility or practicability of acquisition, construction, or reconstruction;

(B) The cost of surveys, estimates, plans, and specifications;

(C) The cost of improvements and of insuring such improvements;

(D) Engineering, fiscal assessment, and legal expenses and charges;

(E) The cost of all labor, materials, machinery, and equipment;

(F) The cost of all lands, properties, rights, easements, and franchises acquired;

(G) Financing charges;

(H) The creation of operation and maintenance reserve funds, debt service reserve funds, repair and replacement reserve funds, and debt service funds;

(I) Working capital;

(J) Interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the board may determine;

(K) The cost of issuance of bonds pursuant to this chapter, including advertisements, printing, and credit enhancement and related interest rate swaps, hedges, or similar items, whether incurred in connection with the issuance of or after the issuance of bonds;

(L) The cost of any election held pursuant to this chapter;

(M) The discount, if any, on the sale or exchange of bonds;

(N) Administrative expenses;

(O) Such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project or to the financing of any project, or to the development of any lands within a district; and

(P) Payments, contributions, and dedications required as a condition to receive any government approval or permit necessary to accomplish any district purpose or the exercise of any district power.

(7) 'Deed restrictions' means those covenants, conditions, and restrictions contained in any applicable deeds, agreements, or declarations of covenants and restrictions that govern the use and operation of real property within the district and, for such covenants, conditions, and restrictions, there is no homeowners´ association or property owners´ association having respective enforcement powers.

(8) 'District' means an infrastructure development district.

(9) 'District roads' means highways, streets, roads, alleys, sidewalks, bridges, and thoroughfares of all kinds and descriptions within a district, including any landscaping and storm drains associated therewith.

(10) 'Elector' means a landowner.

(11) 'Government member' means a member of the board named by a local government.

(12) 'Infrastructure development district' means a geographic area of development created pursuant to this chapter and limited to the performance of those specialized functions authorized by this chapter; the governing body of which is a board created and authorized to function specifically as prescribed in this chapter for the delivery of projects and the formation, powers, operation, duration, accountability, requirements for disclosure, and termination of which are as required by this chapter.

(13) 'Initial costs' means costs related to district projects generally identified in the petition for creation of the district.

(14) 'Landowner' means any entity or person shown as a taxpayer for one or more parcels of real estate in a district as reflected on the most recent ad valorem tax records in the county or counties that have jurisdiction over the property included in the district as certified by the tax commissioner of the county or counties.

(15) 'Petitioner member' means a member of the board named by the petitioner.

(16) 'Petitioner' means an entity, person, or group of persons who intends to create a district.

(17) 'Project' means any development, improvement, property, utility, facility, works, enterprise, or service existing on January 1, 2007, or thereafter undertaken or established under this chapter.

(18) 'Qualified electors for additional projects of the district,' as used in Code Section 36-93-13, means landowners within the district who, at the time the district was created, were not shown as a taxpayer for one or more parcels of real estate within the district on the ad valorem tax records of the county or counties that have jurisdiction over the property included in the district.

(19) 'Revenues' means the proceeds of taxes, assessments, rates, fees, rentals, or other charges prescribed, fixed, established, and collected by the board for the projects furnished by the district.

(20) 'Sewer system' means any plant, system, facility, or property serving a district, and any additions, extensions, and improvements constructed or acquired as part of the system, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage, including, without limitation, industrial wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resource. Without limiting the generality of the foregoing, the term 'sewer system' includes treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer mains, laterals, and other devices for the reception and collection of sewage from premises connected to the devices; and all real and personal property and any interest in all real and personal property, rights, easements, and franchises of any nature relating to any such system and necessary or convenient for the operation of the system.

(21) 'Short-term borrowing' means a debt obligation of the district in the form of loan, note, warrant, or other evidence with a maturity not to exceed five years.

(22) 'Water management and control facilities' means any lakes, canals, ditches, reservoirs, dams, levees, sluiceways, floodways, pumping stations, or any other works, structures, or facilities for the conservation, control, development, utilization, and disposal of water, and any purposes appurtenant, necessary, or incidental to the facility serving a district. The term 'water management and control facilities' includes all real and personal property and any interest in the property, rights, easements, and franchises of any nature relating to any such water management and control facilities necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance of the water management and control facilities.

(23) 'Water system' means a system for the provision of piped water for human consumption within a district. Such term includes but is not limited to any collection, treatment, storage, and distribution facilities under the control of the operator of a water system and used primarily in connection with a water system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with a water system. The term 'water system' includes all real and personal property and any interest in the property, rights, easements, and franchises of any nature relating to any such water system necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance of the water system.

36-93-3.

(a) An appropriate local government may exercise its authority under this chapter after holding a public hearing on this chapter and approving a resolution or ordinance that

authorizes the local government to create and regulate districts as provided under this chapter.

(b) A petitioner who proposes to create a district within the jurisdiction of an appropriate local government that has authorized the creation and regulation of districts under this chapter shall file with the appropriate local government a petition requesting creation. The petition shall be signed by all holders of title of the taxable land within the proposed district, as determined by the most recent approved county ad valorem tax digest or documentation demonstrating that the petitioner has control, including but not limited to by deed, trust agreement, or contract, of the taxable land.

(c) The petition shall:

(1) Describe the boundaries of the proposed district by metes and bounds or by lot and block number if there is a recorded map or plat and survey of the area;

(2) Generally identify the proposed projects to be undertaken according to the petitioner's master plan for the district, the necessity for the projects, and the cost of the projects as then estimated by the petitioner;

(3) Include a name of the proposed district which shall be generally descriptive of the locale of the proposed district followed by the words 'Infrastructure Development District,' or if a district is located within one county, it may be designated '____ County Infrastructure Development District No. _____'; provided, however, that the proposed district shall not have the same name as any other district in the same county;

(4) Include a designation of four persons to be the initial petitioner members of the board who shall serve in that office until replaced by elected members as provided in this chapter;

(5) Include a map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls, if any;

(6) Based upon available data, include the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services; these estimates shall be submitted in good faith but shall not be binding and may be subject to change; and

(7) Include a designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district as shown on the county land use plan, if one has been adopted.

36-93-4.

(a) The petitioner shall submit a copy of the petition to the governing authority of the appropriate local government, the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the proposed district.

(b) A public hearing on the petition shall be conducted by the governing authority of the appropriate local government which has jurisdiction over the land to be included in the proposed district. The hearing shall include oral and written comments on the petition pertinent to the proposed district, including the factors specified in subsection (c) of this Code section. The hearing shall be held at an accessible location in the

county or counties in which the district is to be located. The petitioner shall cause a notice of the hearing to be published in the legal organ of the county or municipality wherein the district's land lies at least once a week for the four successive weeks immediately prior to the hearing. The notice shall give the time and place for the hearing, a description of the area to be included in the district, and any other relevant information which the governing authority of the appropriate local government may require. All affected local governments and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

(c) The appropriate local government which has jurisdiction over the land to be included in the district shall consider the entire record of the applicable hearing, the transcript of the hearing, and applicable factors and shall make a determination to grant or deny the petition for the establishment of a district. Such applicable factors shall include but are not limited to:

(1) Whether the statements contained within the petition have been found to be true and correct;

(2) Whether the area of land within the proposed district is of sufficient size, sufficiently compact, and sufficiently contiguous to be developed as one functional interrelated community;

(3) Whether creation of the district is a reasonable alternative for delivering community infrastructure and facilities to the area that will be served by the district;

(4) Whether the community infrastructure and facilities of the district will be compatible with the capacity and uses of existing local and regional community services and facilities;

(5) Whether the proposed district projects are consistent with any applicable element or portion of the county comprehensive plan;

(6) Whether the district is compatible with the appropriate local government in general and will supplement rather than be a detriment to the general population; and

(7) Whether the district will result in an increase in taxes paid by existing taxpayers in the county or municipality residing outside the district.

(d) The governing authority of the appropriate local government which has jurisdiction over the land to be included in the district shall not adopt any resolution or ordinance which would expand, modify, or delete any provision of this chapter. A resolution or ordinance establishing a district shall:

(1) Describe the external boundaries of the district and any real property within the boundaries of the district which is to be excluded;

(2) Name the persons designated to be the initial members of the board as described in Code Section 36-93-5;

(3) Name the district; and

(4) Include other information required or authorized by this chapter.

(e)(1) The creation of a district pursuant to this chapter and the exercise of powers by or through a district as authorized by this chapter shall not be subject to Article 2 of Chapter 70 of this title.

(2) A district created pursuant to this chapter is not a general purpose local government and specifically shall not be included in the term 'local government' as that term is defined in paragraph (5.2) of Code Section 36-70-2.

(3) The powers granted to a district pursuant to this chapter may be exercised by the board upon execution of an agreement between the board and the appropriate local government. Such agreements shall describe the services and facilities to be provided within the district and the source of funding for such services and facilities and may be amended at any time by mutual consent of the parties to the agreement.

36-93-5.

(a) The powers granted to a district pursuant to this chapter shall be exercised by the board. Except as provided in this Code section, the board shall consist of at least five members, and each member shall hold office for a term of four years and until a successor is appointed or elected and qualified. All members of the board must be at least 18 years old, a resident of this state, and a citizen of the United States. It shall not be a conflict of interest under the Constitution or any laws of this state or its political subdivisions for board members, employees, or officers of the district to be a landowner or a stockholder, officer, director, partner, member, or employee of a landowner in the district. As provided in this Code section, board members may also be required to be residents of the district.

(b) Unless expanded pursuant to this Code section, the initial board named under the resolution or ordinance establishing the district pursuant to Code Section 36-93-4 shall be comprised of four members named by the petitioner and one member chosen by each appropriate local government that issues a resolution or ordinance creating the district. In the event a district is created by a resolution or ordinance by more than one local government, each appropriate local government may appoint one member to the board and the petitioner may appoint one additional petitioner member per additional government member.

(c)(1) Members of the board shall stand for election by electors pursuant to the following schedule:

(A) All government members shall stand for election within six months of the sale to the general public of land representing 20 percent of the geographic area within the boundaries of the district. If any residents reside within the district at the time of the election, only a resident of the district may qualify for election to this seat;

(B) The first petitioner member shall stand for election within six months of the sale to the general public of land representing 50 percent of the geographic area within the boundaries of the district. If any residents reside within the district at the time of the election, only a resident of the district may qualify for election to this seat;

(C) The second petitioner member shall stand for election within six months of the sale to the general public of land representing 80 percent of the geographic area within the boundaries of the district. If any residents reside within the district at the

time of the election, only a resident of the district may qualify for election to this seat;

(D) The third petitioner member shall stand for election within six months of the sale to the general public of land representing 90 percent of the geographic area within the boundaries of the district. If any residents reside within the district at the time of the election, only a resident of the district may qualify for election to this seat; and

(E) All remaining petitioner members shall stand for election within six months of the sale to the general public of land representing 95 percent of the geographic area within the boundaries of the district or within ten years after the effective date of the resolution or ordinance establishing the district, whichever is sooner. If any residents reside within the district at the time of the election, only a resident of the district may qualify for election to this seat.

(2) The board shall organize district elections which shall be held at a meeting of the electors of the district. Notice of the meeting and the election of board members shall be published once a week for two consecutive weeks in the legal organ of the county or municipality wherein the district's land lies, and the last day of such publication shall be not fewer than 14 days nor more than 28 days before the meeting. The chairperson of the board shall conduct the meeting. If the chairperson is an elector or proxy holder for an elector, he or she may nominate candidates and make and second motions.

(3) At a district election, each elector shall be entitled to cast one vote per acre of land owned by him or her and located within the district for each member to be elected. An elector may vote in person or by a properly executed written proxy. Each proxy must be signed by one of the landowners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as one acre, entitling the elector to one vote with respect thereto. Nominees for the board are elected by a majority of votes cast in accordance with this paragraph.

(4) On or before June 1 of each year, the board shall determine the amount of land sold within the district to the general public and the proportion of that land sold relative to the overall amount of land within the district boundary for purposes of determining whether any seats of the board shall be contested by election pursuant to this Code section. Such determination shall be made at a meeting of the board and shall become part of the official minutes of the district. Such calculation shall not consider land currently used or identified for future use of district facilities, infrastructure, or other district-specific purposes.

(5) Elections of board members shall be nonpartisan. Board members shall assume their office immediately upon their election.

(d)(1) Members of the board shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the board shall fill the vacancy by an appointment for the remainder of the unexpired term.

(2) Notwithstanding paragraph (1) of this subsection, a board may not appoint a person to fill a vacancy on the board if the person:

(A) Resigned from the board:

(i) In the two years preceding the vacancy date; or

(ii) On or after the vacancy date but before the vacancy is filled; or

(B) Was defeated in a board election held by the district in the two years preceding the vacancy date.

(e) A majority of the members of the board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the district shall be upon a vote of a majority of the members present unless general law or a rule of the district requires a greater number.

(f) As soon as practicable after each election or appointment, the board shall organize by electing one of its members as chairperson and by electing a secretary, who need not be a member of the board, and such other officers as the board may deem necessary.

(g) The board shall keep a permanent record book entitled 'Record of Proceedings of (name of district) Infrastructure Development District,' in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and any and all corporate acts. The record book shall be open to inspection at a reasonable time and place. The record book shall be kept at the district office.

(h) All meetings of the board shall be open to the public and governed by the provisions of Code Section 50-14-1. The board shall hold at least one annual meeting on the same date every year, such date to be published as part of the resolution or ordinance creating the district. The meeting shall address issues related to the district, including but not limited to current projects, district finances, and potential future projects. In addition, the board shall also make available to any person on an annual basis upon request a report of the names and contact information of the board members, their employers, and their relationships to other members of the board and to any officer or employee of the developer. The requirements for such report shall terminate upon the election of the majority of the board by the qualified electors of the district.

(i) The district and the board shall enjoy the same rights and responsibilities of sovereign immunity as the state and its departments and agencies.

36-93-6.

(a) The board shall designate a resident of this state as treasurer of the district who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the board. The board may give the treasurer additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure

the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant at least once a year. The results of such audit shall be recorded in the district's record book and made available to the public pursuant to subsection (g) of Code Section 36-93-5.
(b) The board is authorized to select as a depository for its funds any commercial bank or trust company, mutual savings bank, savings and loan association, or building and loan association existing under the laws of this state or of the United States upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.
(c) The treasurer shall not be a current member of the board.

36-93-7.
(a) A district board shall set its fiscal year.
(b) At least 60 days prior to the adoption of the annual budget for the district, the treasurer shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income of the district from the taxes and assessments provided in this chapter. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the treasurer or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution that shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in the legal organ of the county in which the district is located once a week for two consecutive weeks immediately preceding the date of the hearing. The notice shall further contain a designation of the date, time, and place of the public hearing. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget hearing, the board shall, by resolution, adopt the budget as finally approved by the board. The budget for the next fiscal year shall be adopted no less than three months before end of the district's fiscal year.
(c) At least 60 days prior to adoption of the annual budget for the district, the board shall submit to the appropriate local government, for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year and any proposed long-term financial plan or program of the district for future operations. The appropriate local government may review the proposed annual budget and any long-term financial plan or program and may submit written comments to the board for its assistance and information in adopting its annual budget and long-term financial plan or program.

36-93-8.
The district shall have, and the board may exercise, the following general powers:
(1) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; and to acquire, by purchase, devise, or

otherwise, and to dispose of real and personal property or any estate therein; however, pursuant to the provisions of Code Section 36-93-9, the district shall not acquire property through eminent domain;

(2) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers. All public works contracts shall be made in accordance with the provisions of Chapter 91 of this title. All contracts let by the board for any goods, supplies, or materials to be purchased exceeding $100,000.00 shall require a notice of bids be advertised twice in the legal organ of the county allowing a reasonable amount of time for responsive bids to be submitted and shall be subject to this Code section. The bid of the lowest responsive and responsible bidder for contracts for purchase of any goods, supplies, or materials shall be accepted unless all bids are rejected because the bids are too high or the board determines it is in the best interests of the district to reject all bids. The board may require such bidders to furnish bond with a responsible surety to be approved by the board. Contracts for the operation, maintenance, and management of district projects shall contain the following provisions:

(A) The contract shall terminate absolutely and without further obligation on the part of the district at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed as provided in this Code section; and

(B) The contract may provide for automatic renewal unless positive action is taken by the district to terminate such contract, and the nature of such action shall be determined by the district and specified in the contract;

(3) To borrow money and issue bonds, bond anticipation notes, certificates, warrants, notes, or other evidence of indebtedness to fund any project or portion thereof or cost incident thereto as provided in this chapter; to levy such tax and special assessments as may be authorized in conformity with the requirements of Code Sections 48-5-32 and 48-5-32.1; to charge, collect, and enforce fees and other user charges; to apply for and use grants or loans of money or other property from the United States, this state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto. The district may incur debt without regard to the requirements of Article IX, Section V of the Constitution or any other provision of law prohibiting or restricting the borrowing of money or the creation of debt by political subdivisions of this state, which debt may be backed by the full faith, credit, and taxing power of the district but shall not be an obligation of this state, the local government or governments that approved the district, or any other unit of government of this state;

(4) To adopt resolutions and orders prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; and the maintenance of records of the district. The board may also adopt resolutions with respect to any of the projects of the district and define the area to be included therein.

The board may also adopt resolutions which may be necessary for the conduct of district business;

(5) To maintain an office at such place or places as it may designate within the district;

(6) To hold, control, and acquire by donation or purchase, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any other easements, dedications, or reservations for those purposes authorized by this chapter and to make use of such easements, dedications, or reservations for any of the purposes authorized by this chapter;

(7) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this chapter;

(8) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of district activities and upkeep of district facilities and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(A) The board is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, and to revise the same from time to time, for the projects furnished by the district, including, but not limited to, recreational facilities, water management and control facilities, and water and sewer systems; to recover the costs of making connection with any district facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.

(B) A copy of the schedule or schedules of such rates, fees, rentals, or charges shall be kept on file in the district office. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing. Such rates may only be raised by the board.

(C) Rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class and when appropriate may be based or computed either upon the amount of service furnished, upon the number of average number of persons residing or working in or otherwise occupying the premises served, upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors as may be determined by the board on an equitable basis.

(D) The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues, or funds available or pledged for such purpose, at least sufficient to provide for following:

(i) All expenses of, including reserves for, the operation and maintenance of projects;

(ii) Payment when due of all bonds and interest thereon and costs related thereto for the payment of which revenues are, or shall have been, pledged or encumbered, including reserves for such purpose; and

(iii) Any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this chapter.

(E) The board shall have the power to enter into contracts for the use of the projects of the district and with respect to the services and facilities furnished or to be furnished by the district;

(9) To cooperate with, or contract with, governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this chapter;

(10) To assess and impose upon lands in the district ad valorem taxes and assessments as provided by this chapter;

(11) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(A) Water management and control facilities for the lands within the district and to connect some or any of such facilities with roads and bridges;

(B) Water supply, sewer, and waste-water management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways; and to dispose of any effluent, residue, or other byproducts of such system or sewer system. Such sewer or sewer system shall have the same rights, duties, and obligations as publicly owned treatment works that discharge treated waste water; provided, however, that such water supply, sewer, and waste-water management, reclamation, and resuse systems shall be built to the specifications approved by this state for the local government in which such projects are located;

(C) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments; and to construct any and all of such works and improvements across, through, or over any public right of way, highway, grade, fill, or cut;

(D)(i) District roads equal to or exceeding the specifications of the county in which such district roads are located;

(ii) Street lights; and

(iii) Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage;

(E) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority, unless the expenditure of investigation and remediation costs benefit any person who is a landowner within the district and who caused or contributed to the contamination;

(F) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property, including green spaces and common areas;

(G) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies, except that the district may not exercise any police power, but may contract with the appropriate local government agencies for an increased level of such services within the district boundaries;

(H) Indoor and outdoor recreational, cultural, and educational uses; and

(I) Any other project within or outside the boundaries of a district consistent with the local government comprehensive plan of the appropriate local government;

(12) To finance, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, and maintain additional facilities for:

(A) Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment when authorized by the appropriate local government;

(B) School buildings and related structures, which may be leased, sold, or donated for use in the public educational system when authorized by the local school board;

(C) Control and elimination of pests of public health importance; and

(D) Waste collection and disposal;

(13) To adopt and enforce appropriate resolutions in connection with the provision of one or more services through its projects;

(14)(A) To impose and enforce certain deed restrictions pertaining to the use and operation of real property within the district. The district may impose all or certain portions of the deed restrictions that:

(i) Relate to limitations or prohibitions that apply only to external structures and are deemed by the district to be generally beneficial for the district's landowners and for which enforcement by the district is appropriate, as determined by the district's board; or

(ii) Are consistent with the requirements of a development order or regulatory agency permit.

(B) The board may vote to adopt deed restrictions only when all of the following conditions exist:

(i) The district's geographic area contains no homeowners´ associations;

(ii) The majority of the board has been elected by electors pursuant to this chapter; and

(iii) The declarant or other party establishing such deed restrictions has provided the board with a written agreement that such deed restrictions may be adopted by the district. A memorandum of the agreement shall be recorded in the public records.

(C) Within 60 days after such deed restrictions take effect, the district shall cause to be recorded in the property records in the county in which the district is located the deed restrictions, stating generally what deed restrictions were adopted and where a copy of the deed restrictions may be obtained. Districts may impose fines for violations of such deed restrictions and enforce such deed restrictions and fines through injunctive relief; and

(15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this chapter, including any power granted by the laws of this state to public or private corporations which is not in conflict with the purposes of the district.

36-93-9.
A district formed under this chapter shall not have the power of eminent domain and nothing in this chapter shall be construed to give a district such power.

36-93-10.
A district may adopt and enforce reasonable rules and regulations to:
(1) Secure and maintain safe, sanitary, and adequate plumbing installations, connections, and appurtenances as subsidiary parts of its sanitary sewer system;
(2) Preserve the sanitary condition of all water controlled by the district;
(3) Prevent waste or the unauthorized use of water controlled by the district;
(4) Provide and regulate a safe and adequate freshwater distribution system; and
(5) Regulate activities on any land or any easement owned or controlled by the district; provided, however, the appropriate local government shall retain all zoning powers and land use control rights under this Code section.

36-93-11.
(a) In addition to the other powers provided for in this chapter, and not in limitation thereof, the district shall have the power to issue from time to time notes in anticipation of bonds and to renew from time to time any such notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The district may issue such bond anticipation notes only to provide funds which otherwise would be provided by the issuance of the bonds. Bond anticipation notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the district may sell notes at public or private sale. Any resolution or resolutions authorizing notes of the district or any issue thereof may contain any provisions which the district is authorized to include in any resolution or resolutions authorizing bonds of the district or any issue thereof and which the district is authorized to include in any bonds. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which they are to be issued.
(b) The district may, at any time, obtain loans for other short-term borrowing, in such amounts and on such terms and conditions as the board may approve for the purpose of paying any of the expenses of the district or any cost incurred or that may be incurred in connection with any of the projects of the district and related operation and maintenance costs of the projects of the district. Such loans shall bear interest as the board may determine and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine.

36-93-12.

(a) Bonds, notes, or other obligations issued by the district shall be paid from revenues and other property pledged to pay such bonds, notes, or other obligations. In the event the district defaults on its obligations, landowners within the district shall only be responsible for such obligations that are associated with their property and not the obligations of the district as a whole or the obligations of any other landowner. Landowners of the district shall have the right to satisfy or make arrangements to satisfy the proportionate share of obligations related to the district and any related reasonable interest as determined by the calculation provided in subsection (i) of Code Section 36-93-15 on their property.

(b) All bonds, notes, and other obligations of the district shall be authorized by resolution of its board. The board may incur debt for initial costs upon creation of the district by the appropriate local government and adoption of a resolution by the board. Debt for additional projects may be incurred after the board has complied with the requirements of Code Section 36-93-13.

(c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, may be subject to interest rate hedge arrangements, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The resolution authorizing the issuance of the bonds may delegate to such officers charged with the responsibility of issuing such bonds the authority to set the final terms, conditions, and details thereof, including the interest rate or rates and maturity, within reasonable parameters established and set forth in such resolution.

(d) The board shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured. The board 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 be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.

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

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

(g) Bonds shall bear a certificate of validation. In the case where property within the district is within multiple jurisdictions, validation shall occur in the jurisdiction within which the majority of the property lies. The signature of the clerk of the superior court 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 in any court of this state.

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

(i) The terms 'cost' and 'project,' when used in the phrases 'cost of the project' and 'cost of any project' in bond resolutions of the board, in bonds, notes, or other obligations of the district, or in notices of proceedings to validate such bonds, notes, or other obligations of the district, shall have the same meanings as provided in paragraphs (6) and (17) of Code Section 36-93-2.

(j) Pursuant to this chapter, all bonds, notes, and other obligations issued under this chapter and interest paid and all fees, charges, and other revenues derived by the district from the projects provided by this chapter are exempt from all taxes of the state or of any political subdivision, agency, or instrumentality thereof.

(k) All bonds issued under this chapter shall be validated pursuant to the procedures set forth in this title.

36-93-13.

(a)(1) When any district desires to undertake any additional project, an election shall be called and held in accordance with this Code section to approve such project and any debt to be incurred.

(2) Notwithstanding paragraph (1) of this subsection, the district shall be authorized to make reasonable expenditures related to studying the feasibility, costs, and maintenance of such additional projects and the hearing and election required by this Code section.

(b) A public hearing on the proposed additional project shall be conducted by the board. The board shall present information related to the proposed additional project, including but not limited to the estimated costs to construct, operate, and maintain the additional project; planned financing mechanisms to be used by the district to pay for the additional project; and the estimated cost per parcel for the additional project. The hearing shall be open to the public and provide opportunity for oral and written

comments on the additional project by the landowners of the district and the appropriate local government. The hearing shall be held at an accessible location in the county in which the district is located. The board shall cause a notice of the hearing to be published in the legal organ of each county or municipality having jurisdiction over the district at least once a week for the four successive weeks immediately prior to the hearing. The notice shall give the time and place for the hearing and a description of the additional project, including but not limited to the estimated costs to construct, operate, and maintain the additional project; planned financing mechanisms to be used by the district to pay for the additional project; and the maximum cost per parcel for the additional project.

(c) During the public hearing required in subsection (b) of this Code section, the board shall establish a date to hold an election on the issue of the additional project by the qualified electors of the district, such date to be no more than six weeks following the public hearing. The board shall give notice for not less than 21 days immediately preceding the day of the election in the legal organ of each county or municipality having jurisdiction over the district, notifying the qualified electors of the district that on the day named an election will be held to determine the question of whether to undertake the additional project. The notice shall describe the additional project, including but not limited to the estimated costs to construct, operate, and maintain the additional project; the planned financing mechanisms to be used by the district to pay for the additional project; and the maximum cost per parcel for the additional project.

(d) The election provided for in this Code section shall be conducted by the board. Qualified electors of the district may vote in the same manner as elections for board members pursuant to Code Section 36-93-5. If a majority of those qualified electors of the district voting at the election approve the additional project, then the board shall be authorized to construct the additional project and to incur debt to finance the additional project. If the additional project has been approved, the board shall amend the public disclosures required in Code Sections 36-93-25 and 36-93-26 to reflect the new maximum amount of fees and assessments related to initial costs and additional projects using the same calculation for determining initial costs per parcel.

(e) No violation of this Code section shall affect the validity of any bonds issued under this Code section.

36-93-14.

Any issue of bonds may be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or outside the state. The resolution authorizing the issuance of the bonds or trust agreement may provide for the pledge of the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of the district in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates,

fees, and charges; and the custody, safeguarding, and application of all moneys and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company within or outside the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. The resolution authorizing the issuance of the bonds or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof and may provide for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of the project to which such trust agreement pertains.

36-93-15.

(a) The board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to construct and maintain projects; to pay the principal of, and interest on, any bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. The ad valorem tax provided for by this chapter shall be in addition to all other ad valorem taxes provided for by law.

(b) The board may levy a maintenance special assessment to construct, reconstruct, acquire, maintain, operate, or preserve the facilities and projects of the district; to pay the principal of, and interest on, any bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. Maintenance special assessments shall not include costs associated with fee-for-services arrangements, such as payments for utility or water service. This assessment may be evidenced to and certified to the appropriate tax authority of the local government by the board not later than June 15 of each year and shall be entered by the appropriate tax authority of the local government on the county tax rolls and shall be collected and enforced, and the proceeds therefrom shall be paid to the district, as provided for in this Code section. Maintenance special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the maintenance special assessment for the exercise of the district's powers under this chapter shall be determined and assessed by the board upon such lands, which may be all of the lands within the district benefited by the maintenance thereof, apportioned between the benefited lands in proportion to the benefits received by each tract of land.

(c) Any tax, fee, or assessment levied pursuant to this Code section for maintenance special assessments shall not exceed five mills on each dollar of the assessed value of all such real property. Except for specially designated property as provided for in Code Section 36-93-26, the taxes, fees, and assessments levied by the board upon the properties shall be equitably apportioned among the properties according to the need for infrastructure created by the degree of density of development within the district and

not for the purpose of providing infrastructure that would primarily benefit the county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by the county in which the property is located using the methods and procedures as designated by the county commission. Delinquent taxes, fees, and assessments shall bear the same interest and penalties as ad valorem taxes of the county in which the property is located and may be enforced and collected in the same manner. The county in which the property is located may retain a fee to reimburse the actual increased costs, if any, of preparing and mailing notices to collect such taxes, fees, and assessments for the board. The remaining proceeds shall be transmitted by the county to the board and shall be expended by the board only for the purposes authorized in this chapter.

(d) The board shall levy the taxes and assessments provided for in this Code section between January 1 and June 1 of each calendar year and shall notify in writing the appropriate tax authority of the county in which the property is located by June 15 each year so the county may include the levy on the county's regular ad valorem tax bills. The board shall base the taxes and assessments on the tax digest approved by the appropriate local government.

(e) If a parcel of real property is removed from the district or otherwise becomes nontaxable, it shall continue to bear its tax millage then extant upon such event for bonded indebtedness of the district then outstanding until any bonded indebtedness then outstanding is paid or refunded.

(f) Each property for which there is paid taxes, fees, or assessments levied by the board for any project shall receive a credit equal to the present value of all such taxes, fees, and assessments toward any impact fee as may be levied by the county against said property for system improvements which are in the same category as said public facility in accordance with Chapter 71 of this title, the 'Georgia Development Impact Fee Act.'

(g) All bonds, notes, and other obligations issued according to this chapter and interest paid and all fees, charges, and other revenues derived by the district from the projects provided by this chapter are exempt from all taxes of the state or of any political subdivision, agency, or instrumentality thereof.

(h) With the exception of maintenance special assessments, district assessments may be made payable in no more than 40 yearly installments.

(i) Before selling any property to the general public, the board shall determine the projected initial costs to be repaid by landowners through taxes and assessments. These initial costs shall be apportioned among the parcels to be sold to the general public, and the amount of such apportionment shall be disclosed as required by this chapter.

36-93-16.

All taxes and assessments of the district provided for in this chapter, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity, notwithstanding the provisions of Code Section 48-2-56, with the liens for municipal taxes and other taxes

of equal dignity with municipal taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state, county, or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. Nothing in this Code section shall affect the rights of lien holders for municipal taxes.

36-93-17.

(a) The district has the right to:

(1) Pay any delinquent state, county, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the district; and

(2) Redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

(b) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity, notwithstanding the provisions of Code Section 48-2-56, with the liens of municipal taxes and other taxes of equal dignity with municipal taxes upon all the real property against which the taxes were levied.

(c) In any sale of land, the district may certify to the clerk of the superior court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold; and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this chapter and other laws of the state.

36-93-18.

To the full extent permitted by law, the district may require all lands, buildings, premises, persons, firms, and corporations within the district to use the water management and control facilities and water and sewer facilities of the district or any other facility or service of the district when the district relies on the collection of any rates, fees, or charges to provide said facility or service or to pay principal and interest on debt obligations secured by a pledge of revenues generated by the collection of such rates, fees, and charges.

36-93-19.

In the event that any rates, fees, rentals, charges, or delinquent penalties are not paid when due and are in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney's fees and costs, may be recovered by the district in a civil action.

36-93-20.

In the event the fees, rentals, or other charges for water and sewer services, or either of them, are not paid when due, the board shall have the power, under such reasonable

rules and regulations as the board may adopt, to discontinue and shut off both water and sewer services until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such water and sewer services or both, are fully paid; and, for such purposes, the board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the district limits. Delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of services and facilities and reasonable attorney's fees and other expenses, may be recovered by the district, which may also enforce payment of delinquent fees, rentals, or other charges by any other lawful method of enforcement.

36-93-21.
The board or any aggrieved person may have recourse to such remedies in law and at equity as may be necessary to ensure compliance with the provisions of this chapter, including injunctive relief to enjoin or restrain any person from violating the provisions of this chapter or any bylaws, resolutions, regulations, rules, codes, or orders adopted under this chapter. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this chapter or of any code, order, resolution, or other regulation made by the board under authority conferred by this chapter or under law, the board, any landowner, or any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or prevent such violation; to prevent the occupancy of such building, structure, land, or water; and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

36-93-22.
Any suit or action brought or maintained against the district for damages arising out of tort, including, without limitation, any claim arising from an act causing an injury or loss of property, personal injury, or death, shall be subject to the limitations provided in Code Section 50-21-29.

36-93-23.
Property, real or personal, that belongs to or is owned by the district, or in which the district has an interest, shall be exempt from levy and sale by virtue of an execution; and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues; however, nothing contained herein shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.

36-93-24.

(a) The board may petition to contract or expand the boundaries of a district in the following manner:

(1) The petition to contract or expand the boundaries of a district shall contain the same information required for a petition for creation pursuant to Code Section 36-93-3. In addition, if the petitioner seeks to expand the district, the petition shall describe the proposed timetable for construction of any district projects in the area, the estimated cost of constructing the proposed projects, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land use plan element of the local government comprehensive plan currently in force. If the petitioner seeks to contract the district, the petition shall describe what projects are currently provided by the district to the area being removed, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land element of the adopted local government comprehensive plan; and

(2) A public hearing shall be held in the same manner and with the same public notice as required for creation of a new district pursuant to this chapter. The appropriate local government shall consider the record of the public hearing and the factors set forth in Code Section 36-93-3 in making its determination to grant or deny the petition.

(b) The district shall remain in existence unless:

(1) The district is merged with another district as provided by subsection (c) of this Code section;

(2) All of the specific community development systems, facilities, and services that it is authorized to perform have been transferred to the appropriate local government; or

(3) The district is dissolved as provided by subsection (e) of this Code section.

(c) The district may merge with other districts upon filing a petition, which shall contain the same information required for a petition for creation pursuant to Code Section 36-93-3. The new district formed by a merger involving existing districts shall assume all indebtedness of, and receive title to, all property owned by the preexisting districts. Prior to filing a petition for merger, the districts desiring to merge shall enter into a merger agreement and shall provide for the proper allocation of the indebtedness so assumed and the manner in which the assumed debt shall be retired. The approval of the merger agreement by the board of each district shall constitute consent of the landowners within the district.

(d) Upon the request of the board of the district, the appropriate local government within which the district lies may adopt a resolution or ordinance providing for a plan for the transfer of a specific district service or infrastructure from a district to the appropriate local government. The plan must provide for the assumption and guarantee of the district debt that is related to the service or infrastructure by the appropriate local government.

(e)(1) Dissolution of the district may be allowed under the following circumstances:

(A) Upon the transfer of all of the community development services of the district to the appropriate local government, the district shall be dissolved in accordance

with a plan of dissolution adopted by the board and filed with the clerk of the superior court;

(B) If, within five years after the effective date of the resolution or ordinance establishing the district, a landowner has not received a building permit authorizing construction of a building or structure within the district, then the district shall be automatically dissolved; or

(C) If a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon the petition of the district, the district may be dissolved by a resolution or ordinance of the appropriate local government.

(2) Prior to any dissolution, debts and other obligations of the district must be fully paid or payment otherwise provided for.

36-93-25.

(a) The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. The required information shall be made available to all existing residents, and to all prospective residents, of the district. The district shall furnish each developer of a development within the district with sufficient copies of that information to provide a copy to each prospective initial purchaser of property in that development; and any developer of a development within the district, when required by law to provide a public offering statement, shall include a copy of information relating to the public financing and maintenance of improvements in the public offering statement.

(b) Subsequent to the establishment of a district under this chapter, each contract for the initial sale of a parcel of real property, each contract for the initial sale of a residential unit, and each lease agreement for the rental of a residential unit within the district shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldface and conspicuous type which is larger than the type in the remaining text of the contract: 'THE PROPERTY YOU ARE ABOUT TO PURCHASE OR LEASE IS WITHIN THE (Name of District) INFRASTRUCTURE DEVELOPMENT DISTRICT. THE (Name of District) INFRASTRUCTURE DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. CERTAIN OF THESE TAXES AND ASSESSMENTS PAY THE INITIAL COSTS OF THE DISTRICT AND THE COSTS OF ADDITIONAL PROJECTS. ALTHOUGH SUBJECT TO SOME FLUCTUATION, THESE TAXES AND ASSESSMENTS FOR INITIAL COSTS AND ADDITIONAL PROJECTS SHALL NOT EXCEED $_____ PER YEAR. ADDITIONAL TAXES AND ASSESSMENTS MAY PAY THE OPERATION AND MAINTENANCE OF DISTRICT PROJECTS, AND SUCH COSTS ARE CAPPED BY LAW. DISTRICT TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.'

(c) The limit on taxes and assessments for initial costs and additional projects costs shall be determined as provided for in subsection (i) of Code Section 36-93-15.
(d) Within 30 days after the effective date of a resolution or ordinance establishing a district under this chapter, the district shall cause to be recorded in the property records in the county in which it is located a 'Notice of Establishment of the _____ Infrastructure Development District.' The notice shall, at a minimum, include the legal description of the district and a copy of the disclosure statement specified in subsection (b) of this Code section.

36-93-26.
(a) A district that is composed of at least 1,500 acres may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that designated area or property and do not generally and directly benefit the district as a whole.
(b) The board shall state in its designation the physical and economic reasons, the particular diverse local needs, or the comparative potential benefits of the defined areas or designated property in the district that make it necessary or equitable to levy all or part of the tax on a defined area or designated property of the district.
(c)(1) The board shall adopt a proposed plan that defines the particular area to be taxed by metes and bounds or designates the property to be served, affected, and taxed.
(2) The board shall adopt a proposed plan for improvements in the defined area or to serve the designated property.
(3) The board shall adopt a proposed plan of taxation to apply to the defined area or designated property that may or may not be in addition to other taxes imposed by the district on the same area or property.
(d) After adoption of the plans as provided for in this Code section, the district, under the limitations of this Code section, may apply separately, differently, equitably, and specifically its taxing and assessment powers and lien authority to the defined area or designated property to provide funds to construct, administer, maintain, and operate improvements and facilities that primarily benefit the defined area or designated property.
(e) After adoption of the plans as provided for in this Code section, the district may issue its bonds to provide the specific projects included in the plans adopted for the defined area or to serve the designated property, and shall provide the improvements and facilities.
(f) The district may issue bonds that pledge only the faith and credit based on the property values in the defined area and may not pledge the full faith and credit of the district.
(g) In lieu of the general notice required under Code Section 36-93-25, a person who sells or conveys real property located within the defined area or designated property of the district shall provide the following prescribed notice, which shall be disclosed in the same manner as notice required under Code Section 36-93-25: 'THE PROPERTY

YOU ARE ABOUT TO PURCHASE OR LEASE IS WITHIN THE (Name of District) INFRASTRUCTURE DEVELOPMENT DISTRICT. THE (Name of District) INFRASTRUCTURE DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. CERTAIN OF THESE TAXES AND ASSESSMENTS PAY THE INITIAL COSTS OF THE DISTRICT AND THE COSTS OF ADDITIONAL PROJECTS. ALTHOUGH SUBJECT TO SOME FLUCTUATION, THESE TAXES AND ASSESSMENTS FOR INITIAL COSTS AND ADDITIONAL PROJECTS SHALL NOT EXCEED $_____ PER YEAR. ADDITIONAL TAXES AND ASSESSMENTS PAY THE OPERATION AND MAINTENANCE COSTS OF DISTRICT PROJECTS, AND SUCH COSTS ARE CAPPED BY LAW. DISTRICT TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.

'FURTHERMORE, THE PROPERTY YOU ARE ABOUT TO PURCHASE OR LEASE IS WITHIN A DESIGNATED AREA OF THE (Name of District) INFRASTRUCTURE DEVELOPMENT DISTRICT AND YOUR LAND WILL BE SUBJECT TO HIGHER TAXES THAN OTHER LAND WITHIN THE DISTRICT. YOUR RATE OF TAXES WILL BE HIGHER BY $_____ ON EACH $1,000.00 OF ASSESSED VALUATION THAN LAND NOT WITHIN THE DESIGNATED AREA.'

(h) The limit on taxes and assessments for initial costs and costs for additional projects shall be determined as provided for in subsection (i) of Code Section 36-93-15.

36-93-27.

(a) Article 2 of Chapter 70 of this title shall not apply to districts established under this chapter; provided, however, that a local government or local government authority that is the designated provider of a service for the area in which a district is to be located pursuant to an agreement governed by Article 2 of Chapter 70 of this title or Article IX, Section III, Paragraph I of the Constitution shall receive a copy of the petition filed with the appropriate local government within five days of submission by the petitioner to the appropriate local government and shall have the right of first refusal to provide the service to the district. Such right of first refusal shall be exercised within 30 days of receipt of the petition and such decision shall be communicated to the appropriate local government no fewer than ten days before its public hearing on the petition. If the local government or local government authority exercises its right to serve the district, it shall enter a contract with the district, such contract to include the requirement that the local government or local government authority provide its service within the district in conformity with the timetable of construction that the petitioner provided to the appropriate local government under Code Section 36-93-3. A local government's or local government authority's requirement that the district pay the costs of infrastructure necessary to connect the local government's or local government authority's existing

infrastructure to district infrastructure as well as any requirements that the infrastructure meet the existing standards of the service provider used within the jurisdiction shall not constitute refusal by the local government or local government authority to provide the service.

(b) Water or sewer fees charged to customers located outside the geographic boundaries of a service provider and within the boundaries of a district shall not be higher than the fees charged to similarly situated customers receiving such service which are located within the geographic boundaries of the service provider.

(c) If a district board disputes the reasonableness of water and sewer rate differentials imposed within the district by the designated service provider, the district board may hold a public hearing for the purpose of reviewing the rate differential. Following the preparation of a rate study by a qualified engineer, the district board may challenge the arbitrary rate differentials on behalf of its residents in a court of competent jurisdiction. Prior to such challenge, the dispute shall be submitted to some form of alternative dispute resolution.

36-93-28.

(a) The Department of Community Affairs shall have the authority to study and review all districts created pursuant to this chapter and shall report its findings to the General Assembly, the Senate Committee on Economic Development, and the House Committee on Economic Development and Tourism by January 31 of each year.

(b) This Code section shall stand repealed on January 31, 2011."

SECTION 2.

Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, is amended by striking subsection (a) of Code Section 12-5-30, relating to permits for construction, modification, or operation of facilities which discharge pollutants into waters, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Any person who owns or operates a facility of any type or who desires to erect, modify, alter, or commence operation of a facility of any type which results or will result in the discharge of pollutants from a point source into the waters of the state shall obtain from the director a permit to make such discharge. Any person desiring to erect, modify, alter, or commence operation of a facility which will result in such discharge but which is not discharging such pollutants as of July 1, 1974, must obtain such permit prior to the discharge of same. Any person who is operating a facility which results in such discharge as of July 1, 1974, may continue to make such discharge pending final action by the director on the application for such discharge permit, provided that such application has been filed with the director by September 29, 1974; and provided, further, that such discharge does not present an immediate health hazard to the public. The director, under the conditions he <u>or she</u> prescribes, may require the submission of such plans, specifications, and other information as he <u>or she</u> deems relevant in connection with the issuance of such permits. The director may, after public notice and

opportunity for public hearing, issue a permit which authorizes the person to make such discharge, upon condition that such discharge meets or will meet, pursuant to any schedule of compliance included in such permit, all water quality standards, effluent limitations, and all other requirements established pursuant to this article. The director shall give preference to existing permits or modification of existing permits in conformity with existing service delivery strategy agreements required in Chapter 70 of Title 36."

SECTION 3.

Said chapter is further amended by striking subsection (f) of Code Section 12-5-31, relating to permits for withdrawal, diversion, or impoundment of surface waters, and inserting in lieu thereof a new subsection (f) to read as follows:

"(f) In the event two or more competing applicants or users qualify equally under subsection (e) of this Code section, the director is authorized to grant permits to applicants or modify the existing permits of users for use of specified quantities of surface waters on a prorated or other reasonable basis in those situations where such action is feasible; provided, however, the director shall give preference to an existing use over an initial application, including preference to existing permits or modification of existing permits in conformity with existing service delivery strategy agreements required in Chapter 70 of Title 36."

SECTION 4.

Said chapter is further amended by striking subsection (b) of Code Section 12-5-96, relating to permits to withdraw, obtain, or use ground water, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) When sufficient evidence is provided by the applicant that the water withdrawn or used from the ground is not consumptively used, a permit therefor shall be issued by the division without a hearing and without the conditions provided in subsection (c) of this Code section. Applications for such permits shall set forth such facts as the division shall deem necessary to enable it to establish and maintain adequate records of all water uses. The director shall give preference to existing permits or modification of existing permits in conformity with existing service delivery strategy agreements required in Chapter 70 of Title 36."

SECTION 5.

This Act shall become effective on January 1, 2007; provided, however, that this Act shall only become effective on January 1, 2007, upon the ratification of a resolution at the November 2006 state-wide general election that amends the Constitution so as to authorize the General Assembly to provide by general law for the creation and comprehensive regulation of infrastructure development districts. If such resolution is not so ratified, this Act shall not become effective and shall stand repealed in its entirety on January 1, 2007.

SECTION 6.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 121, nays 37.

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

Representative Sheldon of the 105th 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.

HR 1339. By Representatives O`Neal of the 146th, Royal of the 171st and Porter of the 143rd:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by general law for the creation and comprehensive regulation of infrastructure development districts; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Proposing an amendment to the Constitution so as to authorize the General Assembly to provide by general law for the creation and comprehensive regulation of infrastructure development districts; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article IX of the Constitution is amended by adding a new section at the end thereof, to be designated Section VIII, to read as follows:

"SECTION VIII.
INFRASTRUCTURE DEVELOPMENT DISTRICTS

Paragraph I. ***Creation.*** The General Assembly may by general law provide for the creation of and comprehensive regulation of infrastructure development districts.

Paragraph II. ***Purposes.*** The purpose of an infrastructure development district shall be the creation, provision, and expansion of such infrastructure services and facilities as may be provided for by general law.

Paragraph III. ***Administration.*** (a) Any general law providing for the creation of infrastructure development districts shall provide for the establishment of an administrative or governing body for the infrastructure development district and the appointment or election, terms, and qualifications of the members of such body.

(b) The administrative or governing body of each infrastructure development district may be authorized to levy, impose, and collect such taxes, fees, and assessments within

the district, or portion or portions of such district, under such conditions as shall be specified by general law.

Paragraph IV. ***Debt.*** The administrative or governing body of an infrastructure development district may incur debt, as authorized by general law, without regard to any of the provisions of Section V of this article, which debt may be backed by the full faith, credit, and taxing power of the infrastructure development district but shall not be an obligation of the State of Georgia or any other unit of government of the State of Georgia.

Paragraph V. ***Cooperation with local governments.*** The provisions of this section shall in no way limit the authority of any county or municipality to provide services or facilities within any infrastructure development district; and any county or municipality shall retain full and complete authority and control over any of its facilities located within an infrastructure development district. Said control shall include but not be limited to the modification of, access to, and degree and type of services provided through or by facilities of the municipality or county. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to any infrastructure development district or the services or facilities provided therein. No administrative or governing body of an infrastructure development district shall have or exercise the power of eminent domain, nor shall the state or any local government delegate such power to or exercise such power through any administrative or governing body of an infrastructure development district.

Paragraph VI. ***Regulation by general law.*** The General Assembly by general law shall provide for the powers, duties, and authority of infrastructure development districts and may regulate, restrict, and limit the creation of infrastructure development districts and the exercise of the powers of administrative or governing bodies of infrastructure development districts."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"( ) YES Shall the Constitution of Georgia be amended so as to authorize the General Assembly to provide by general law for the creation and
( ) NO comprehensive regulation of infrastructure development districts for the purpose of building community projects consistent with local government comprehensive plans?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

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:

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

On the adoption of the Resolution, by substitute, the ayes were 136, nays 16.

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

Representative Smyre of the 132nd 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 1423. By Representative Cox of the 102nd:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to the terms of court for the superior courts, so as to change the terms of the superior court in Gwinnett County; 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.

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

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y 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
E Floyd, J
Y Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Y Golick
Y Graves, D
Y Graves, T
Y Greene
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
Y Hudson
Y Hugley
Y 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
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
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
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
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Sheldon
Y Sims, C
Y Sims, F
Y Sinkfield
Y Smith, B
Y Smith, L
Y Smith, P
Y Smith, R
Y Smith, T
Smith, V
Y Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 162, nays 0.

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

Representative Sheldon of the 105th 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 1497. By Representatives Knight of the 126th, Chambers of the 81st, Burkhalter of the 50th and Benfield of the 85th:

A BILL to be entitled an Act to amend Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, so as to provide for requirements for persons who own vicious dogs; to provide for a short title; to provide for definitions; to provide for requirements for possessing a vicious dog; to provide for restrictions on permitting vicious dogs to be outside of proper enclosures; to provide for confiscation of vicious dogs under certain circumstances; to provide for penalties; to provide that the article is supplementary to other laws; to provide for liability for damages; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, so as to provide for requirements for persons who own vicious dogs; to provide for a short title; to provide for definitions; to provide for requirements for possessing a vicious dog; to provide for restrictions on permitting vicious dogs to be outside of proper enclosures; to provide for confiscation of vicious dogs under certain circumstances; to provide for penalties; to provide that the article is supplementary to other laws; to provide for liability for damages; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, is amended by adding a new article to the end of the chapter to read as follows:

"ARTICLE 3

4-8-40.

This article shall be known and may be cited as the 'Mercedes´ Law.'

4-8-41.

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

(1) 'Dog control officer' means an individual selected by a local government pursuant to the provisions of subsection (c) of Code Section 4-8-22 to aid in the administration and enforcement of the provisions of Article 2 of this title.

(2) 'Local government' means any county or municipality of this state.

(3) 'Owner' means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a vicious dog within this state.

(4) 'Proper enclosure' means an enclosure for keeping a vicious dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

(5) 'Severe injury' means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

(6) 'Vicious dog' means any dog that:

(A) On a previous occasion, which is known to the owner, attacked or injured any human being or domestic animal without provocation; or

(B) Is owned, possessed, kept, harbored, trained, or maintained for the purpose of fighting.

Such term shall not include a dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties. A dog shall not be a vicious dog if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

4-8-42.

(a) The owner of a vicious dog shall notify the dog control officer of the jurisdiction in which the owner lives within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the dog control officer with the name, address, and telephone number of the new owner of the dog.

(b) The owner of a vicious dog shall notify the dog control officer of the jurisdiction in which the owner lives, if the owner is moving from the dog control officer's jurisdiction.

4-8-43.
(a) It is unlawful for an owner of a vicious dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a leash and is under the physical restraint of a responsible person.
(b) A vicious dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:
(1) Vicious dog is not maintained in a proper enclosure; or
(2) Vicious dog is outside a proper enclosure in violation of subsection (a) of this Code section.
(c) Any dog that has been confiscated under the provisions of subsection (b) of this Code section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within 40 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

4-8-44.
(a) The owner of a vicious dog who violates Code Section 4-8-42 or 4-8-43 shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than $300.00 shall be imposed and for a third or subsequent conviction a fine of not less than $500.00 shall be imposed.
(b) If an owner who has a previous conviction for a violation of this article knowingly and willfully fails to comply with the provisions of this article, such owner shall be guilty of a misdemeanor of high and aggravated nature if the owner's vicious dog attacks, bites, causes severe injury, or causes the death of a human being under circumstances constituting another violation of this article.
(c) In addition to the penalties for violations under subsection (b) of this Code section, the vicious dog involved shall be immediately confiscated by the dog control officer or by a law enforcement officer or another person authorized by the dog control officer and placed in quarantine for the proper length of time as determined by the county board of health, and thereafter, the vicious dog shall be destroyed in an expeditious and humane manner.

4-8-45.
(a) The provisions of this article are in addition to and supplementary of any previously existing laws of this state and shall not be construed to repeal or supersede such previously existing laws.

(b) It is the intention of this article to establish as state law minimum standards and requirements for the control of vicious dogs and to provide for certain state crimes for violations of such minimum standards and requirements. However, this article shall not supersede or invalidate existing ordinances or resolutions of local governments or prohibit local governments from adopting and enforcing ordinances or resolutions which provide for more restrictive control of dogs, including a more restrictive definition of a vicious dog, than the minimum standards and requirements provided for in this article.

4-8-46.
It is the intent of the General Assembly that the owner of a vicious dog shall be solely liable for any injury to or death of a person caused by such dog. Under no circumstances shall a local government or any employee or official of a local government which enforces or fails to enforce the provisions of this article be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as a vicious dog or by a dog that has been reported to the proper authorities as being a vicious dog or by a dog which has been identified as a vicious dog but has not been kept or restrained in the manner described in subsection (a) of Code Section 4-8-43."

SECTION 2.

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

The following amendments were read and adopted:

Representatives Bordeaux of the 162nd and Knight of the 126th move to amend the Committee substitute to HB 1497 as follows:

On page 2, line 9 insert a comma immediately after "bones" and delete "or"

On page 2, line 10 insert a comma immediately after "surgery".

Representatives Knight of the 126th and Benfield of the 85th move to *amend the Committee substitute to HB 1497 by striking lines 13 through 14 of page 2 and inserting in lieu thereof the following:*

(A) Inflicts a severe injury on a human being without provocation after the owner has notice that the dog has previously bitten or attacked or endangered the safety of a human being; or

By striking lines 25 through 32 of page 2.

By striking line 11 of page 3 and inserting in lieu thereof the following:

4-8-43.

By striking "or 4-8-43" *from line 12 of page 3.*

By striking line 27 of page 3 and inserting in lieu thereof the following:

4-8-44.

By striking lines 3 through 5 of page 4 and inserting in lieu thereof the following:

4-8-45.
Under no circumstances

By striking "Code Section 4-8-43" *from line 11 of page 4 and inserting in lieu thereof the following:*

Code Section 4-8-42.

The Committee substitute, as amended, was adopted.

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

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

E Abdul-Salaam	N 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	N May	Y Scott, A
Y Ashe	Y Day	Y Horne	N McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y 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
Y 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	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	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	N Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	E Warren
Y Chambers	Hanner	Y Lindsey	N Ray	Y Watson
Y Channell	Y Harbin	Y Lord	N Reece, B	Y Wilkinson
Cheokas	N Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	N Maddox	N Roberts	Y 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, by substitute, as amended, the ayes were 155, nays 10.

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

Representative Maddox of the 172nd stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Jenkins of the 8th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 1294. By Representatives Smith of the 113th, Floyd of the 147th and Royal of the 171st:

A BILL to be entitled an Act to amend an Act amending Chapter 16 of Title 50 of the O.C.G.A., relating to public property, and amending Part 2 of Article 2 of Chapter 3 of Title 20 of the O.C.G.A., relating to the university system, approved May 29, 2003 (Ga. L. 2003, p. 313), so as to delay the repeal of a certain provision of said Act until June 30, 2008; to eliminate the June 30, 2006, repeal of a certain provision of said Act; to amend Title 20 of the O.C.G.A., relating to education, so as to change certain provisions relating to nonlapsing revenue of institutions in the university system; to provide for certain nonlapsing revenue of institutions under the Department of Technical and Adult Education; to provide for automatic repeals of certain provisions; 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:

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y 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
Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
E Floyd, J
Y 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
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y 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
E 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
McCall
E McClinton
Y Meadows
E Millar
Y Mills
Y Mitchell
Y Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Oliver
Y O'Neal
Y Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Y Stephens
Y Stephenson
Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 162, nays 0.

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

HB 907. By Representative Reece of the 27th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to enact the "Wholesale Licensure and Prescription Medication Integrity Act"; to provide for a short title; to provide for definitions; to provide for license requirements and procedures for wholesale distributors of prescription drugs;

to provide for restrictions on transactions involving prescription drugs; to provide for pedigrees for prescription drugs; to provide for enforcement; to provide for prohibited acts; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to enact the "Prescription Medication Integrity Act"; to provide for a short title; to provide for definitions; to provide for pedigrees for prescription drugs; to provide for contingent effectiveness; to provide for enforcement; to provide for prohibited acts; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by inserting a new article at the end of such chapter to read as follows:

"ARTICLE 11

26-4-190.

This article shall be known and may be cited as the 'Prescription Medication Integrity Act.'

26-4-191.

As used in this article, the term:

(1) 'Board' means the State Board of Pharmacy.

(2) 'Chain pharmacy warehouse' means a physical location for prescription drugs, devices, or both that acts as a central warehouse and performs intracompany sales or transfers of the prescription drugs, devices, or both to a group of chain pharmacies that have the same common ownership and control.

(3) 'Facility' means a facility of a wholesale distributor where prescription drugs are stored, handled, repackaged, or offered for sale.

(4) 'Normal distribution channel' means a chain of custody for a prescription drug that goes from a manufacturer to a wholesale distributor to a pharmacy including but not limited to:

(A) From a manufacturer to a wholesale drug distributor, to a chain drug warehouse, to a pharmacy affiliated with the chain drug warehouse;

(B) From a manufacturer to a chain drug warehouse, to a pharmacy affiliated with the chain drug warehouse;

(C) From a manufacturer to a third-party logistics provider, to a wholesale drug distributor, to a pharmacy;

(D) From a manufacturer to a third-party logistics provider, to a wholesale drug distributor, to a chain drug warehouse, to a pharmacy affiliated with the chain drug warehouse; or

(E) As prescribed by rules adopted by the board.

(5) 'Pedigree' means a document or electronic file containing information that records each transaction of a prescription drug from sale by a pharmaceutical manufacturer, to acquisition and sale by any wholesale distributor or repackager, to final sale to a pharmacy or other person dispensing or administering the prescription drug.

(6) 'Prescription drug' means a drug which, under federal law, is required, prior to being dispensed or delivered, to be labeled with either of the following statements: 'Caution: federal law prohibits dispensing without prescription' or 'Caution: federal law restricts this drug to use by, or on the order of, a licensed veterinarian'; or a drug which is required by any applicable federal or state law or rule to be dispensed pursuant only to a prescription drug order or is restricted to use by practitioners only; or a controlled substance as defined in paragraph (6) of Code Section 26-4-5 or a dangerous drug as defined in paragraph (7) of Code Section 26-4-5.

(7) 'Repackage' means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug; provided, however, that this shall not apply to pharmacists in the dispensing of prescription drugs to the patient.

(8) 'Repackager' means a person who repackages.

(9) 'Third-party logistics provider' means an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer but does not take title to a drug or have general responsibility to direct the sale or other disposition of the drug.

(10) 'Wholesale distributor' means any person engaged in wholesale distribution of drugs, including but not limited to repackagers; own label distributors; private label distributors; jobbers; brokers; warehouses, including manufacturers´ and distributors´ warehouses and wholesale drug warehouses; independent wholesale drug traders; and retail and hospital pharmacies and chain pharmacy warehouses that conduct wholesale distributions. This term shall not include manufacturers.

(11) 'Wholesale distribution' shall not include:

(A) Intracompany sales of prescription drugs by a chain pharmacy warehouse, meaning any transaction or transfer between any division, subsidiary, parent, or affiliated or related company under common ownership and control of a corporate entity;

(B) The sale, purchase, distribution, trade, or transfer of a prescription drug or offer to sell, purchase, distribute, trade, or transfer a prescription drug for emergency medical reasons including transfers of a prescription drug from retail pharmacy to retail pharmacy;

(C) The distribution of prescription drug samples by manufacturers´ representatives;

(D) Prescription drug returns when conducted by a hospital, health care entity, retail pharmacy, or charitable institution in accordance with 21 C.F.R. Section 203.23;

(E) The sale of minimal quantities of prescription drugs by retail pharmacies to licensed practitioners for office use;

(F) Retail pharmacies´ delivery of prescription drugs to a patient or patient's agent pursuant to the lawful order of a licensed practitioner; or

(G) The distribution of prescription drugs by third-party logistics providers working under contract of a prescription drug manufacturer.

26-4-192.

(a)(1) Each person who is engaged in wholesale distribution of prescription drugs shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of the prescription drugs. These records shall include pedigrees for all prescription drugs which are not distributed through the normal distribution channel in accordance with rules and regulations adopted by the board.

(2) A retail pharmacy or chain pharmacy warehouse shall comply with the requirements of this Code section only if the retail pharmacy or chain pharmacy warehouse engages in wholesale distribution of prescription drugs.

(3) The board shall conduct a study to be completed no later than January 1, 2007, which shall include consultation with manufacturers, distributors, and pharmacies responsible for the sale and distribution of prescription drug products in this state. Based on the results of the study, the board shall establish a mandated implementation date for electronic pedigrees which shall be no sooner than December 31, 2007; provided, however, that no provision of this article shall be effective until such time as the General Assembly appropriates reasonable funds for administration of this article.

(b) Each person in possession of a pedigree for a prescription drug who is engaged in the wholesale distribution of a prescription drug, including repackagers but excluding the original manufacturer of the finished form of the prescription drug, and who attempts to further distribute that prescription drug shall affirmatively verify before any distribution of a prescription drug occurs that each transaction listed on the pedigree has occurred.

(c) The pedigree shall include all necessary identifying information concerning each sale in the chain of distribution of the product from the manufacturer, to acquisition and sale by any wholesale distributor or repackager, and to final sale to a pharmacy or other person dispensing or administering the prescription drug. At a minimum, the pedigree shall include:

(1) The name, address, telephone number, and, if available, e-mail address of each owner of the prescription drug and each wholesale distributor of the prescription drug;

(2) The name and address of each location from which the prescription drug was shipped, if different from the owner's;
(3) Transaction dates;
(4) Certification that each recipient has authenticated the pedigree;
(5) The name of the prescription drug;
(6) Dosage form and strength of the prescription drug;
(7) Size of the container;
(8) Number of containers;
(9) Lot number of the prescription drug; and
(10) The name of the manufacturer of the finished dosage form.
(d) Each pedigree shall be:
(1) Maintained by the wholesale distributor for three years from the date of sale or transfer; and
(2) Available for inspection or use upon a request by the board.
(e) The board shall adopt rules and regulations, including a standard form, relating to the requirements of this article no later than 90 days after the effective date of this article.

26-4-193.
(a) If the board finds that there is a reasonable probability that:
(1) A wholesale distributor has:
(A) Violated a provision of this article; or
(B) Falsified a pedigree, or sold, distributed, transferred, manufactured, repackaged, handled, or held a counterfeit prescription drug intended for human use;
(2) The prescription drug at issue in subparagraph (B) of paragraph (1) of this subsection could cause serious, adverse health consequences or death; and
(3) Other procedures would result in unreasonable delay,
the board shall issue an order requiring the appropriate person, including the manufacturers, distributors, or retailers of the prescription drug, to immediately cease distribution of the prescription drug in or to this state.
(b) An order under subsection (a) of this Code section shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than ten days after the date of the issuance of the order, on the actions required by the order. If, after such a hearing, the board determines that inadequate grounds exist to support the actions required by the order, the board shall vacate the order.

26-4-194.
It shall be unlawful for a person to perform or cause the performance of or aid and abet any of the following acts in this state:
(1) Selling, distributing, or transferring a prescription drug to a person that is not authorized to receive the prescription drug under the law of the jurisdiction in which the person receives the prescription drug;
(2) Failing to maintain or provide pedigrees as required by the board;

(3) Failing to obtain, transfer, or authenticate a pedigree as required by the board;
(4) Providing the board or any of its representatives or any federal official with false or fraudulent records or making false or fraudulent statements regarding any matter within the provisions of this article;
(5) Obtaining or attempting to obtain a prescription drug by fraud, deceit, or misrepresentation or engaging in misrepresentation or fraud in the distribution of a prescription drug; and
(6) Except for the wholesale distribution by manufacturers of a prescription drug that has been delivered into commerce pursuant to an application approved under federal law by the Food and Drug Administration, the manufacturing, repacking, selling, transferring, delivering, holding, or offering for sale of any prescription drug that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or has otherwise been rendered unfit for distribution.

26-4-195.
(a) Notwithstanding Code Section 26-4-115, any person who engages in the wholesale distribution of prescription drugs in violation of this article shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than 15 years, by fine not to exceed $50,000.00, or both.
(b) Notwithstanding Code Section 26-4-115, any person who knowingly engages in wholesale distribution of prescription drugs in violation of this article shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than 25 years, by fine not to exceed $500,000.00, or both."

SECTION 2.
All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Reece of the 27th et al. move to *amend the Committee substitute to HB 907 by inserting between lines 28 and 29 of page 4 the following:*

(f) Pharmacies licensed pursuant to this chapter shall not be required to possess or maintain any pedigree issued pursuant to this Code section.

The Committee substitute, as amended, was adopted.

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

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

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
N Byrd
Y Carter
Y 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
E Floyd, J
Y 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
Y Henson
Y Hill, C
Y Hill, C.A
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
Y James
N Jamieson
Y Jenkins
Y Jennings
Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
N Knox
Y Lakly
Y Lane, B
E 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
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
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 163, nays 3.

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

The Speaker Pro Tem assumed the Chair.

HR 1109. By Representative Jamieson of the 28th:

A RESOLUTION honoring the life and lifetime achievements of the late Governor Samuel Ernest Vandiver, Jr., and dedicating the Samuel Ernest Vandiver, Jr., Interchange; and for other purposes.

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

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.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; to provide for related matters; and for other purposes.

PART I

WHEREAS, Herschel Stokes was born on June 13, 1934; and

WHEREAS, he was educated in the Charlton County School System and graduated from Georgia Military College and the University of Georgia with a bachelor's degree in business administration; and

WHEREAS, he married Jean Prescott on June 10, 1956, and they had two children, a son, Noah, and a daughter, Stacey, and six wonderful grandchildren; and

WHEREAS, he was drafted into the United States Army in December, 1956; and

WHEREAS, Herschel was active in many arenas: he started the BEL-MED Recreation Association in Orange Park, Florida; he was an avid fisherman and a Georgia Bulldog fan; he was associated with the Toledo Manufacturing Timber Company in Charlton County; he served two terms on the Folkston City Council; and he was instrumental in bringing the D. Ray James Correctional Facility to Folkston; and

WHEREAS, he was the key person in pushing for the construction of the overpass on SR 23/121 because he felt it was not safe for emergency vehicles to have to wait on trains to pass through town before they could get to the scene of an emergency or return to a hospital; and

WHEREAS, he was a determined person and once he committed to a project he did not stop until it was completed; his goal was not recognition but making Charlton County a better place to live; and

WHEREAS, the state lost a distinguished citizen when Herschel was killed in an automobile wreck on October 25, 2003; and

WHEREAS, it is only fitting that the overpass he worked so hard for to improve emergency services in Folkston and Charlton County should be named in his memory.

PART II

WHEREAS, the Okefenokee is a vast bog inside a huge, saucer shaped depression that was once part of the ocean floor. Peat deposits, up to 15 feet thick, cover much of the swamp floor. These deposits are so unstable in spots that one can cause trees and surrounding bushes to tremble by stomping the surface. In fact, Okefenokee is a European rendition of the Indian words meaning "land of the trembling earth"; and

WHEREAS, the slow-moving waters of the Okefenokee are tea-colored from the tannic acid released by decaying vegetation. The principal outlet of the swamp, the Suwannee River, originates in the heart of the Okefenokee and drains southwest into the Gulf of Mexico. The swamp's southeastern drainage to the Atlantic Ocean is the St. Mary's River, which forms the boundary between Georgia and Florida; and

WHEREAS, the swamp contains numerous islands and lakes, along with vast areas of nonforested terrain. Prairies cover about 60,000 acres of the swamp. Once forested, these expanses of marsh were created during periods of severe drought when fires burned out vegetation and the top layers of peat. The prairies harbor a variety of wading birds: herons, egrets, ibises, cranes, and bitterns; and

WHEREAS, the swamp remains one of the oldest and most well-preserved fresh-water areas in America. In all, the swamp covers an area of 38 miles north to south and 25 miles east to west; and

WHEREAS, the swamp is a vital part of the cultural heritage of this state and an important part of the local economy in that it attracts tourists from all over the world.

PART III

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the overpass bridge on SR 23/SR 121 located near their junction with US 1/US 23, in the City of Folkston, in Charlton County, is dedicated as the Herschel Stokes Memorial Overpass.

BE IT FURTHER RESOLVED that the Okefenokee Trail is dedicated as follows:

(1) That portion of State Route 38/U.S. Highway 84 from Valdosta to Waycross;

(2) State Route 4/U.S. Highway 1/23 from Waycross to its juncture with State Route 23/U.S. Highway 301;

(3) State Route 23/U.S. Highway 301 from the junction with State Route 4/U.S. Highway 23 to Folkston;

(4) State Route 177 from its junction with State Route 4/U.S. Highway 23 to Okefenokee;
(5) State Route 40 from Folkston to Kingsland;
(6) State Route 121 from Folkston to the Florida border;
(7) State Route 89/U.S. Highway 441 from Homerville to Edith;
(8) State Route 94 from Edith to the Florida border; and
(9) State Route 177 from Fargo to the Stephen C. Foster State Park.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to remove signs designating the Okefenokee Parkway and to place and maintain appropriate markers designating the Okefenokee Trail.

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, the family of Herschel Stokes, and the Folkston City Council.

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

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

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

E 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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	N Drenner	Y 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
Y 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	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre

Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	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	E Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	E Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	E Warren
Y Chambers	Hanner	Y Lindsey	Y 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	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y 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 adoption of the Resolutions, the ayes were 160, nays 1.

The Resolutions, having received the requisite constitutional majority, were adopted.

HB 1335. By Representatives Day of the 163rd, Crawford of the 127th, Amerson of the 9th, Horne of the 71st, Hanner of the 148th and others:

A BILL to be entitled an Act to amend Code Section 35-3-34.1 of the O.C.G.A., relating to the circumstances when an exonerated first offender's criminal record may be disclosed, so as to permit state or local law enforcement units to review first offender record information when hiring a law enforcement officer; to amend Code Section 42-8-63.1 of the O.C.G.A., relating to first offender probation discharges that disqualify individuals from employment, so as to permit consideration of such a discharge when employing a law enforcement officer; to change certain provisions relating to the disqualification of individuals from employment based on first offender probation discharge information and the disclosure of exonerated first offender records; 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.

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

E 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 Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
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
E Floyd, J
Y 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
Y Henson
Y Hill, C
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y 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
E Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y May
Y McCall
E McClinton
Y Meadows
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
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Williams, E
Y Williams, R
Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 161, nays 0.

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

HB 1542. By Representative Ralston of the 7th:

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 extend the date by which the licensing requirements imposed by the chapter become effective; to extend the date by which persons must meet and apply to be licensed without examination; to change provisions relating to licensure involving a reciprocal agreement; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Ralston of the 7th moves to *amend HB 1542 by striking* "2006" *from line 16 of page 1 and inserting in lieu thereof the following:*

2007

By striking line 23 of page 1 and inserting in lieu thereof the following:

consequences relating thereto shall not become effective and enforceable until ~~July 1, 2007~~ January 1,

By striking "18" *from line 11 of page 2 and inserting in lieu thereof the following:*

12

By striking lines 15 and 16 of page 2 and inserting in lieu thereof the following:

such exemption starting ~~July 1, 2006~~ January 1, 2007, and continuing thereafter.
(b) As a matter of public policy, any contract entered into on or after ~~July 1, 2007~~ January 1, 2008,

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

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

E 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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens

Y Buckner, G
Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
Y Coleman, T
Y Cooper
Y Cox
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
Y Henson
Y Hill, C
Y Keown
Y Kidd
Y Knight
Y Knox
E Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Orrock
Parham
Y Parrish
Y Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, as amended, the ayes were 161, nays 0.

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

HB 1239. By Representatives Setzler of the 35th, Keen of the 179th, Thomas of the 55th, Maxwell of the 17th, May of the 111th and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum for elementary and secondary students under the "Quality Basic Education Act," so as to require annual instruction in certain grades in criminal law in Georgia as it relates to school-aged children; to provide for legislative findings; to provide for a minimum course of study established by the State Board of Education; to provide for a manual; to provide for rules and regulations; to provide for time frames; to provide for construction; 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 Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum for elementary and secondary students under the "Quality Basic Education Act," so as to provide for a minimum course of study in criminal law in Georgia established by the State Board of Education; to provide legislative findings; to provide for a manual; to provide for rules and regulations;

to provide for time frames for implementation; to provide for construction; to provide for an election by a parent or guardian not to participate; to provide for immunity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum for elementary and secondary students under the "Quality Basic Education Act," is amended by adding at the end thereof a new Code section to read as follows:

"20-2-148.

(a) The General Assembly finds that our youth are the future of our state and that it is in the best interests of the youth and of society as a whole to discourage, to the greatest extent possible, criminal behavior of youth. The General Assembly further finds that it would be beneficial to educate the youth of this state on the repercussions of engaging in behavior that can be deemed criminal and the devastating impact it can have on the life of the individual, on the individual's family, and on society as a whole.

(b) The State Board of Education shall prescribe a minimum course of study which shall include the criminal code in Georgia as it affects minors with an emphasis on sexual offenses, crimes for which a minor can be tried as an adult, crimes included in paragraph (2) of subsection (b) of Code Section 15-11-28, and potential criminal penalties for committing crimes. The State Board of Education shall ensure that any minimum course of study shall be age appropriate for each prescribed grade. The minimum course of study shall be included as a portion of an appropriate course, as determined by the State Board of Education at a minimum, in grades eight and nine, and the instruction shall be delivered in a classroom setting. The minimum course of study shall include an assessment on the material at the conclusion of the instruction and the results of the assessment shall be included as a part of the student's grade in the course. The state board shall establish minimum time requirements for the course of study. Any changes made by the General Assembly to the criminal code as it affects minors shall be included in a revised course of study for the following school year.

(c) A manual setting out the details of such course of study shall be prepared by or approved by the State Board of Education in cooperation with the Attorney General, and such expert advisers as they may choose and shall be made available to parents upon request.

(d) The State Board of Education shall be authorized to promulgate rules and regulations to implement the requirements of this Code section.

(e) The minimum course of study to be prescribed by the State Board of Education pursuant to subsection (c) of this Code section shall be ready for implementation not later than July 1, 2007. Each local board shall implement either such minimum course of study or its equivalent not later than December 31, 2007. Any local board of education which fails to comply with this subsection shall not be eligible to receive any

state funding under this article until such minimum course of study or its equivalent has been implemented.

(f) Any parent or legal guardian of a child to whom the course of study set forth in this Code section is to be taught shall have the right to elect, in writing, that such child not receive such course of study.

(g) No teacher, administrator, or local board of education member shall be held civilly or criminally liable for instruction provided pursuant to this Code section if such instruction is provided in accordance with this Code section and with State Board of Education and local board of education guidelines."

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:

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

Y Cole	Y Heard, K	N Lunsford	N Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	N Roberts	N Williams, R
N Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	N Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	N Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 116, nays 41.

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

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

Representative Hudson of the 124th stated that she inadvertently voted "aye" on the preceding roll call. She wished to be recorded as voting "nay" thereon.

HB 731. By Representatives Borders of the 175th and Black of the 174th:

A BILL to be entitled an Act to amend Article 3 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Georgia Judicial Retirement System, so as to provide that any person who was serving as a juvenile court judge on July 1, 2006, and who was not a member of any state or local retirement system or pension fund may become a member of the Georgia Judicial Retirement System; to provide that any such person may obtain up to five years of creditable service upon payment of the employer's and employee's contribution with interest; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 3 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Georgia Judicial Retirement System, so as to provide that any person who was serving as a juvenile court judge on July 1, 2006, and who was not a member of any state or local retirement system or pension fund may become a member of the Georgia Judicial Retirement System; to provide that any such person may obtain up to five years of creditable service upon payment of the full actuarial cost; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Georgia Judicial Retirement System, is amended by inserting at the end thereof the following:

"47-23-51.

(a) Any person who on July 1, 2006, was serving as a juvenile court judge and who was not a member of any state or local retirement system or pension fund may make an irrevocable election to become a member of this system. Such election must be made in writing to the board of trustees not later than December 31, 2006.

(b) Any member who becomes a member under the provisions of subsection (a) of this Code section may obtain up to five years of creditable service for prior service as a juvenile court judge by paying to the board of trustees such amount as determined by the actuary as necessary to grant such creditable service without creating any actuarial accrued liability as to the retirement system. No service may be used for purposes of this subsection which may also be used for credit in any other public retirement system or pension fund."

SECTION 2.

This Act shall become effective on July 1, 2006, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2006, as required by subsection (a) of Code Section 47-20-50.

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:

E 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	N May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	N Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield

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

On the passage of the Bill, by substitute, the ayes were 145, nays 6.

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

The Speaker assumed the Chair.

HB 1424. By Representatives Smith of the 168th, Williams of the 165th, Hatfield of the 177th, Sims of the 169th, Roberts of the 154th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to wildlife generally, so as to change certain provisions relating to hunting with dogs generally; to change certain provisions relating to killing of dogs running deer; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia

Annotated, relating to general provisions relative to hunting, so as to change certain provisions relating to hunting deer with dogs, seasons, and permit requirements; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to hunting, is amended by striking Code Section 27-3-17, relating to hunting deer with dogs, seasons, and permit requirements, and inserting in lieu thereof the following:

"27-3-17.

(a) It shall be unlawful to hunt deer with dogs except during such special open seasons for the hunting of deer with dogs as may be designated by the board on a state-wide, regional, or local basis.

(b) In accordance with subsection (a) of this Code section, the board is authorized to promulgate rules and regulations establishing an open season for the hunting of deer with dogs as may be appropriate based on sound wildlife management principles.

(c) It shall be unlawful for any person to hunt deer with dogs on any tract of real property unless a permit for hunting deer with dogs has been issued by the department for such tract to the owner or owners of such tract or the lessee of deer hunting rights for such tract. A permit for hunting deer with dogs shall not be issued to a lessee of deer hunting rights for any tract of real property that is less than 1,000 contiguous acres or to the property owner or owners for any tract of real property that is less than 250 contiguous acres. Any application for a permit for hunting deer with dogs shall be on such form as prescribed by the department; shall be accompanied by the required application fee; and shall include a written description of the tract boundaries and a map showing key features such as public roads or streams on or bordering the tract and occupied dwellings on adjacent properties. The application must be signed by all persons owning any portion of the tract of real property or an authorized agent thereof. The application fee for such <u>tract</u> permit shall be $100.00 for an annual permit or $25.00 for a two-day permit.

(d) The owner of any dog that is used for hunting deer must <u>apply to the department for a deer hunting permit for such dog and</u> cause such dog to be identified at all times during the hunt with the permit number for the tract being hunted. <u>The application fee for such dog permit shall be $100.00 for an annual permit or $25.00 for a two-day permit. No person shall use a dog for hunting deer unless the owner of such dog holds a valid permit issued under this subsection.</u>

(e) Any person operating a motor vehicle used in conducting a deer hunt with dogs shall during such hunt clearly display in the lower corner of the driver's side of the front or rear windshield of such motor vehicle a decal or card showing the tract permit number in numerals not less than two inches high.

(f)(1) The department shall thoroughly investigate for validity any complaints from adjacent property owners regarding hunting deer with dogs in violation of this title or rules and regulations issued pursuant to this title. The commissioner may take action against a tract permit holder or a dog permit holder as provided by Code Section 27-2-25 for violations of the provisions of this title or rules and regulations issued pursuant to this title ~~occurring on the tract of real property for which the permit was issued~~.

(2) The roaming or escape of or pursuit or trailing of game by any dog used for deer hunting from a tract of real property for which the hunter or organization of which he or she is a member or guest has been issued a tract permit under this Code section onto a tract of real property for which the hunter or organization of which he or she is a member or guest does not hold a tract permit under this Code section shall constitute cause for action against the holder of the dog permit or the holder of the permit for the tract from which the dog escaped or roamed as follows:

(A) For the first two cumulative violations under this paragraph within any deer hunting season by a dog permit holder, a warning citation shall be issued to such dog permit holder;

(B) For a third cumulative violation under this paragraph within any deer hunting season by a dog permit holder, the permit of the dog permit holder shall be revoked for a period of one year from the date of the third violation; and

(C) For a second cumulative violation under this paragraph within any deer hunting season by any members or guests of a tract permit holder occurring after any member or guest thereof has had his or her dog permit revoked under subparagraph (B) of this paragraph, the tract permit shall be revoked for such tract for a period of one year from the date of such second violation."

SECTION 2.

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

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

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

E 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	N 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	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	E Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y 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	N Jamieson	Y Mosby	Y Smith, L

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

On the passage of the Bill, by substitute, the ayes were 154, nays 7.

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

Representative Knox of the 24th 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 1216. By Representatives Freeman of the 140th, Rice of the 51st, Porter of the 143rd, Talton of the 145th, Byrd of the 20th and others:

A BILL to be entitled an Act to amend Part 5 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment of law enforcement and emergency vehicles, so as to allow the use of properly equipped all-terrain vehicles by law enforcement agencies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Y Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
Y Chambers
Y Channell
Y Cheokas
Y Coan
Y Cole
Y Coleman, B
N Coleman, T
Y Cooper
Y Cox
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Dodson
Y Dollar
N Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
E Floyd, J
Y Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Golick
Y Graves, D
Y Graves, T
Greene
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
Hudson
Y Hugley
Y Jackson
Y Jacobs
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
E Lakly
Y Lane, B
E 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
Y Mitchell
Morgan
Y Morris
Y Mosby
Y Mosley
Y Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Oliver
Y O'Neal
Y Orrock
Parham
Y Parrish
E Parsons
Y Porter
Y Powell
Y Ralston
Y Randall
Y Ray
Y Reece, B
Y Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Y Stephens
Y Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, the ayes were 155, nays 2.

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

HB 1279. By Representatives Butler of the 18th, Smith of the 131st, Sheldon of the 105th, Smith of the 168th and Willard of the 49th:

A BILL to be entitled an Act to amend Code Section 45-18-5 of the Official Code of Georgia Annotated, relating to county officers and employees´ participation in the state health benefit plan, so as to provide sheriffs, tax commissioners, clerks of superior court, and judges of the probate court with the option of participating in the state health benefit plan for themselves and their dependents; to provide for the coverage of their dependents; to provide

for the manner of exercising such option; 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 45-18-5 of the Official Code of Georgia Annotated, relating to county officers and employees´ participation in the state health benefit plan, so as to provide sheriffs, tax commissioners, clerks of superior court, and judges of the probate court with the option of participating in the state health benefit plan for themselves and their dependents; to provide for the coverage of their dependents; to provide for the manner of exercising such option; 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 45-18-5 of the Official Code of Georgia Annotated, relating to county officers and employees´ participation in the state health benefit plan, is amended by striking subsections (b) and (c) and inserting in lieu thereof new subsections (b) and (c) to read as follows:

"(b)(1) Any sheriff, tax commissioner, clerk of superior court, or judge of the probate court in office on July 1, 2006, may elect to be included in any health plan or plans established under this article. Such election shall be made no later than August 1, 2006. In addition, any person newly elected to the office of sheriff, tax commissioner, clerk of superior court, or judge of probate court on or after January 1, 2007, may elect to be included in any health plan or plans established under this article. Such election shall be made within 31 days after taking office. If such officials elect not to be included in a health plan or plans established under this article, such officials shall not thereafter be eligible for participating in a health plan or plans established under this article. All such officials who leave office on or after December 31, 2006, who have served at least eight years in one or more of the following capacities: probate judge, sheriff, tax commissioner or tax collector, or clerk of the superior court and who elected to participate in a health plan or plans established under this article may continue such participation after leaving office for themselves and their spouses and dependents. The governing authority of a county may elect by majority vote to provide for payment in a uniform manner of any portion, all, or none of the employer contributions for or required premiums or payments due from such county officials or former county officials who under this paragraph are eligible for inclusion in the health plan or plans established under this article. The board may contract with the County Officers Association of Georgia on behalf of the various counties of this state for the collection of the health insurance premiums of such officials who elect to be

covered under this paragraph and their respective spouses and dependents. The County Officers Association of Georgia is authorized to contract with the board as provided in this Code section. Upon entering into such contract, it shall be the duty of the County Officers Association of Georgia to collect from the various counties of this state with which it has contracted under this subsection and remit to the board such payment as may be required under any health plan for inclusion in the health fund. The County Officers Association of Georgia may add a reasonable fee to the premiums required under the plan to cover necessary administrative costs. In addition, it shall be the duty of the County Officers Association of Georgia to maintain and remit to the board accurate records of official, dependent, and other information required by the board to administer this Code section. To the extent employer contributions are not fully made by a county, it shall be the duty of the covered officials and former officials to make such employer contributions required on their behalf for the operation of such plan or plans.

(2) County officials may elect to be included in a health insurance plan, health maintenance organization, or other health benefits plan offered or provided by a county for its county officials or any health plan or plans established under this article. The governing authority of a county may elect by majority vote to provide for payment in a uniform manner of any portion, all, or none of the employer contributions for or required premiums or payments due from the county officials or former county officials who under this Code section are eligible for inclusion in the health plan or plans established under this article. The board is authorized to contract with the County Officers Association of Georgia on behalf of the various counties of this state for the inclusion in any health insurance plan or plans established under this article of officials, spouses, and dependents of officials serving in one or more of the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk of the superior court, full-time or part-time state court judge, solicitor, state court clerk, or solicitor-general, chief magistrate, juvenile court judge, or members of the county governing authority and officials, spouses, and dependents of officials leaving office on or after December 31, 1996, who have served at least 12 years in one or more of the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk of the superior court, full-time or part-time state court judge, solicitor, state court clerk, or solicitor-general, chief magistrate, juvenile court judge, or members of the county governing authority. The County Officers Association of Georgia is authorized to contract with the board as provided in this Code section. In the event that such a contract is entered into, it shall be the duty of the County Officers Association of Georgia to collect from the various counties of this state with which it has contracted under this subsection and remit to the board such payment as may be required under any health insurance plan for inclusion in the health insurance fund. The County Officers Association of Georgia may add a reasonable fee to the premiums required under the plan to cover necessary administrative costs. In addition, it shall be the duty of the County Officers Association of Georgia to maintain and remit to the board accurate records of official, dependent, and other

information required by the board to administer this Code section. The Office of Planning and Budget shall calculate the actual cost of the State Health Benefit Plan and report to the Department of Community Health for pricing for nonstate employees who are allowed to participate in the plan according to this Code section."

SECTION 2.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 81, nays 74.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Harbin of the 118th moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 1279.

On the motion, the roll call was ordered and the vote was as follows:

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

On the motion, the ayes were 117, nays 30.

The motion prevailed.

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

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

On the passage of the Bill, by substitute, the ayes were 139, nays 14.

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

HB 1501. By Representatives Lindsey of the 54th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to change provisions relating to the maximum fines which may be imposed for violations of

county ordinances and which may be imposed by municipal courts; to change provisions relating to the maximum fines which may be specified by municipalities exercising home rule powers; to specifically authorize counties and municipalities to adopt ordinances relating to alcoholic beverages specifying fines up to a certain maximum amount; to provide for such provisions to control over conflicting provisions of local laws; 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 Article 1 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to regulation of alcoholic beverages in general, so as to provide certain limits for fines imposed for violations of local alcoholic beverage ordinances; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to regulation of alcoholic beverages in general, is amended by adding new Code Section 3-3-2.2 to read as follows:

"3-3-2.2.

Notwithstanding the limitations imposed by subparagraph (a)(2)(C) of Code Section 36-35-6 or any other provision of general law, the maximum fine for violations of local alcoholic beverage licensing ordinances referenced in Code Section 3-3-2 shall be $2,500.00."

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:

E Abdul-Salaam	N Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	N Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	N May	Y Scott, A

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

On the passage of the Bill, by substitute, the ayes were 96, nays 56.

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

HB 1160. By Representatives Knight of the 126th, Tumlin of the 38th, Mosby of the 90th and O`Neal of the 146th:

A BILL to be entitled an Act to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income, so as to provide for additional adjustments with respect to certain Subchapter "S" corporations, partnerships, or limited liability companies; to provide for procedures, conditions, and limitations; to provide for a definition; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income, so as to provide for additional adjustments with respect to certain Subchapter "S" corporations, partnerships, or limited liability companies; to provide for procedures, conditions, and limitations; to provide for a definition; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income, is amended by striking paragraph (1) of subsection (d) and inserting in its place a new paragraph (1) to read as follows:

"(d)(1)(A) As used in this paragraph, the term 'individual' shall mean the same as is defined in Code Section 48-1-2.

(B) Georgia resident shareholders of Subchapter 'S' corporations may make an adjustment to federal adjusted gross income for Subchapter 'S' corporation income where another state does not recognize a Subchapter 'S' corporation.

(C) A Georgia individual resident who is a partner in a partnership, who is a member of a limited liability company taxed as a partnership, or who is a single member of a limited liability company which is disregarded for federal income tax purposes may make an adjustment to federal adjusted gross income for the entity's income taxed in another state which imposes on the entity a tax on or measured by income.

(D) Adjustments pursuant to this paragraph shall only be allowed for the portion of the income on which such tax was actually paid by such Subchapter "S" corporation, partnership, or limited liability company. In multitiered situations, the adjustment for such individual shall be determined by allocating such income between the shareholders, partners, or members at each tier based upon their profit/loss percentage."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 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:

E Abdul-Salaam
Y Amerson
E Anderson
Y Ashe
Y Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
Y Black
Y Bordeaux
Y Borders
Y Bridges
Y Brooks
Y Brown
Bruce
Y Bryant
Y Buckner, D
Y Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
Y Byrd
Y Carter
Y Casas
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
Dodson
Y Dollar
Y Drenner
Y Dukes
Y Ehrhart
Y England
Y Epps
Y Everson
Y Fleming
Y Floyd, H
E Floyd, J
Y Fludd
Y Forster
Y Franklin
Y Freeman
Y Gardner
Y Geisinger
Golick
Y Graves, D
Y Graves, T
Greene
Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Heckstall
Y Hembree
Henson
Y Hill, C
Y Hill, C.A
N Holmes
Y Holt
Y Horne
Y Houston
Y Howard, E
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
James
Y Jamieson
Y Jenkins
Jennings
Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Keen
Y Keown
Y Kidd
Y Knight
Y Knox
E Lakly
Y Lane, B
E 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
Y Mitchell
Morgan
Y Morris
Y Mosby
Y Mosley
Mumford
Y Murphy, J
Y Murphy, Q
Y Neal
Y Oliver
Y O'Neal
Y Orrock
Parham
Y Parrish
E Parsons
Y Porter
Y Powell
Ralston
Y Randall
Y Ray
Y Reece, B
Reece, S
Y Reese
Y Rice
Y Roberts
Y Rogers
Y Royal
Y Rynders
Y Sailor
Y Scheid
Y Scott, A
Y Scott, M
Y Setzler
Y Shaw
Y Sheldon
Y 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
Y Stephens
Stephenson
Y Talton
Y Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R
Y Wix
Y Yates
Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 149, nays 1.

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

HB 910. By Representatives Rogers of the 26th and Graves of the 137th:

A BILL to be entitled an Act to amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, so as to change certain definitions; to delete certain duties of the Secretary of State with regard to cemeteries and funeral services; to amend provisions relating to the sale of preneed burial services; to delete certain fees; to make numerous other changes to the laws relating to cemeteries and funeral services; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Chapter 14 of Title 10 of the Official Code of Georgia Annotated, relating to cemetery and funeral services, and Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for definitions; to provide for certain requirements for preneed dealers relating to escrow accounts; to provide for powers under Chapter 14 of Title 10; to provide for certain license requirements prior to selling burial rights or merchandise; to provide for certain fees; to regulate the profession of cemeterians; 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 14 of Title 10 of the Official Code of Georgia Annotated, relating to cemetery and funeral services, is amended by striking paragraphs (2), (3), (27), and (35) of Code Section 10-14-3, relating to definitions, and inserting in their place new paragraphs (2), (3), (27), and (35) to read as follows:

"(2) 'Board' means the State Board of ~~Funeral Service~~ Cemeterians as described and authorized in Chapter ~~18~~ 8B of Title 43.

(3) 'Burial merchandise,' 'funeral merchandise,' or 'merchandise' means any personal property offered or sold by any person for use in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains, including without limitation a mausoleum, cremation urn, cremation bench, cremation marker, or cremorial."

"(27) 'Outer burial container' or 'vault' means an enclosure into which a casket is placed and includes, but is not limited to, containers made of concrete, steel, fiberglass, copper or other metals, polypropolene or other materials, sectional concrete enclosures, crypts, and wooden enclosures."

(35) 'Secretary of State' means the Secretary of State of the State of Georgia, acting by and through the board."

SECTION 2.

Said chapter is further amended in said Code Section 10-14-3, relating to definitions, by inserting a new paragraph to be designated paragraph (32.1) to read as follows:

"(32.1) 'Principal' means a sum set aside or escrowed exclusive of income or interest or other return thereon."

SECTION 3.

Said chapter is further amended by striking paragraph (1) of subsection (d) of Code Section 10-14-7, relating to preneed escrow accounts, and inserting a new paragraph (1) and a new subsection to be designated subsection (e.1) to read as follows:

"(d)(1) Funds may be released from the escrow account when the burial or funeral merchandise is delivered at the time of need or to the purchaser at the purchaser's request or, in the case of a monument, attached to realty, or at such times as described in the rules and regulations promulgated by the Secretary of State, not exceeding the lesser of 30 days from receipt of application for release or the time within which a preneed dealer is required by law to provide a refund to a purchaser. A preneed dealer is prohibited from requiring preneed delivery to the consumer as a condition of the sale. ~~Outer burial containers may not be delivered prior to need.~~ Deposits made from funds received in payment of preneed services shall remain in the escrow account until such services are performed, at which time said funds may be released to the preneed dealer. The trustee may require certification by the preneed dealer of delivery of merchandise or performance of services before release of funds."

"(e.1) In the case of release of escrowed funds to a purchaser at the purchaser's request pursuant to paragraph (1) of subsection (d) of this Code section, a sum not less than the lesser of 10 percent of the escrowed amount or one-half of the interest earned upon such funds as of the date of release, as provided by the Secretary of State by rule or regulation, may be retained by the preneed dealer as administrative costs."

SECTION 4.

Said chapter is further amended by striking subsection (a) of Code Section 10-14-14, relating to administration of chapter and rules and regulations, and inserting in its place a new subsection (a) to read as follows:

"(a) The administration of the provisions of this chapter shall be vested in the Secretary of State~~, who may delegate such of his or her powers and duties under this chapter to a subordinate of the office as he or she shall deem appropriate~~."

SECTION 5.

Said chapter is further amended by adding a new subsection (j) and by striking paragraph (7) of subsection (a), paragraph (2) of subsection (c), paragraph (2) of subsection (d), and subsection (h) of Code Section 10-14-17, relating to enumeration of prohibited acts, and inserting in their respective places the following:

"(7) To sell, offer to sell, solicit offers to buy, or otherwise engage in the sale of funeral services if such person is not a licensed funeral director; ~~or~~

(7.1) To sell, offer to sell, solicit offers to buy, or otherwise engage in the sale of burial rights or burial merchandise if such person is not registered pursuant to the provisions of this chapter; or"

"(2) Charge a fee for the installation of merchandise purchased or obtained from and to be installed by a person or firm other than the cemetery company or its agents, provided that the cemetery owner may charge a fee not to exceed ~~$50.00~~ $150.00 to reimburse the cemetery owner for its ~~actual~~ reasonable costs incurred in handling a casket purchased from any person or firm other than the cemetery company, assisting in the siting of a monument on the lot on which it is to be installed, supervision and inspection of the installation to ensure compliance with the rules and regulations of the cemetery, and any administrative functions associated with the installation; provided, further, any such fee is properly disclosed and published as required by this chapter and charged regardless of whether the installer is or is not the cemetery owner or affiliated therewith;"

"(2) Charges paid for transferring burial rights or burial or funeral merchandise from one purchaser to another; however, no such fee may exceed ~~$50.00~~ $75.00 and such fee must have been disclosed in writing to the owner at the time of the initial purchase of the burial right from the cemetery;"

"(h) The contract rights of any purchaser of preneed merchandise shall be freely transferable without fee except as provided in this chapter."

"(j) The fees set forth in this Code section shall be annually adjusted to the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. The Secretary of State shall adopt such adjustments to the amount of said fees by rule."

SECTION 6.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding a new chapter to be designated Chapter 8B to read as follows:

"CHAPTER 8B

43-8B-1.

This chapter shall be known and may be cited as the 'Georgia Cemeterians Board Act.'

43-8B-2.

As used in this chapter, the term:

(1) 'Board' means the State Board of Cemeterians established by this chapter.

(2) 'Cemeterian' means a person registered as a cemetery owner pursuant to Chapter 14 of Title 10.

(3) 'Cemetery' means a cemetery as defined in Chapter 14 of Title 10.

43-8B-3.
The practice of the profession of a cemeterian, as defined in this chapter, is declared to be a business or profession affecting the public interest and involving the health and safety of the public.

43-8B-4.
There shall be established in the Office of the Secretary of State the State Board of Cemeterians to be constituted as provided in this chapter with the powers, duties, and authority vested in such board by this chapter.

43-8B-5.
(a) The board shall consist of six members who shall be practicing cemeterians with a minimum of five years of registration as such in this state immediately preceding their appointment and one member who shall have no connection whatsoever with the cemetery profession but who shall have a recognized interest in consumer affairs and in consumer protection concerns. No member of the board shall be a person licensed pursuant to the provisions of Chapter 18 of this title.
(b) The members of the board shall be appointed by the Governor for terms of office of six years and all vacancies occurring on the board shall be filled by the Governor. When an appointment is made to fill a vacancy caused by death or resignation of a member, such appointment shall be for the remainder of the unexpired term of the member whose death or resignation caused the vacancy so filled.
(c) A majority of the members of the board may remove any member who misses three or more consecutive regular meetings of the board without a medical reason and may declare that position on the board to be vacant. A member so removed shall not be eligible for reappointment until the expiration of the term of office for which such person was serving. The Governor shall have the power to remove from office any member of the board for willful neglect of duty or for conviction of a crime involving moral turpitude.

43-8B-6.
(a) The board shall each year elect from its members a president whose term shall be one year and who shall serve during the period for which elected and until a successor shall be elected.
(b) The board shall meet at least once in each year and more often as the proper and efficient discharge of its duties may require.
(c) Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.
(d) No board inspector shall own, operate, or be employed by any cemetery or perform any services on behalf thereof without prior approval by the board and the division director. However, this shall not prohibit any board member from acting as an inspector as authorized in this chapter.

43-8B-7.

For the purpose of better protection of life and health the board is authorized:

(1) To fix and prescribe minimum standards of general appearance of cemeteries;

(2) To undertake such other duties and to exercise such other powers as may from time to time be prescribed by law;

(3) To adopt a common seal; and

(4) To make and promulgate rules and regulations not inconsistent with the laws of this state for the regulation of such board and pursuant to the provisions of Chapter 14 of Title 10. All rules and regulations of the Secretary of State promulgated pursuant to the authority of Chapter 14 of Title 10 and existing immediately prior to July 1, 2006, which are not inconsistent with this chapter shall continue in effect until repealed, amended, or otherwise changed by the board."

SECTION 7.

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

The following amendment was read:

Representative Sims of the 169th moves to *amend the Committee substitute to HB 910 by striking lines 18 through 20 of page 1 and inserting in lieu thereof the following:*

memorialization, interment, entombment, or inurnment of human remains.″

By striking line 23 of page 1 and inserting in lieu thereof the following:

or other metals, polypropolene materials, sectional concrete enclosures, crypts,

By striking lines 16 and 17 of page 2 and inserting in lieu thereof the following:

requiring preneed delivery to the consumer as a condition of the sale. Outer burial containers may not be delivered prior to need. Deposits made from funds received in

By striking lines 32 through 33 of page 2 and inserting in lieu thereof the following:

State, who may delegate such of his or her powers and duties under this chapter to a subordinate of the office as he or she shall deem appropriate.″

By striking line 7 of page 3 and inserting in lieu thereof the following:

services or funeral merchandise if such person is not a licensed funeral director; ~~or~~

By striking lines 13 through 15 of page 3 and inserting in lieu thereof the following:

that the cemetery owner may charge a fee not to exceed $50.00 to reimburse the cemetery owner for its actual costs incurred in assisting in the siting of a

By striking lines 23 and 24 of page 4 and inserting in lieu thereof the following:

protection concerns.

By striking line 26 of page 4 and inserting in lieu thereof the following:

six years and all vacancies occurring on the board shall be filled by the Governor within 30 days after the occurrence thereof. When

By striking line 8 of page 5 and inserting in lieu thereof the following:

(b) The board shall meet at least quarterly each year and more often as the proper and.

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

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

N Cole
Y Coleman, B
Coleman, T
Y Cooper
N Cox
Y Heard, K
Heckstall
Y Hembree
Y Henson
Y Hill, C
N Lunsford
Y Maddox
Y Mangham
Y Manning
Y Marin
Y Rice
Y Roberts
N Rogers
Y Royal
N Rynders
Y Williams, E
N Williams, R
N Wix
Y Yates
Richardson, Speaker

On the adoption of the amendment, the ayes were 102, nays 46.

The amendment was adopted.

The Committee substitute, as amended, was adopted.

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

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

E Abdul-Salaam
Y Amerson
E Anderson
N Ashe
N Barnard
Y Barnes
Y Bearden
E Beasley-Teague
Benfield
Y Benton
N Black
N Bordeaux
N Borders
Y Bridges
N Brooks
Y Brown
Bruce
N Bryant
N Buckner, D
N Buckner, G
Y Burkhalter
Y Burmeister
Y Burns
Y Butler
N Byrd
Y Carter
Y Casas
Y Chambers
Channell
Y Cheokas
Coan
Y Cole
Y Coleman, B
Y Crawford
Y Cummings
Y Davis
Y Day
Y Dean
Y Dickson
Dodson
Y Dollar
N Drenner
Dukes
Y Ehrhart
Y England
N Epps
Y Everson
Y Fleming
Y Floyd, H
E Floyd, J
N Fludd
Y Forster
N Franklin
Y Freeman
N Gardner
Y Geisinger
Golick
Y Graves, D
Y Graves, T
Greene
Hanner
Y Harbin
Y Hatfield
Y Heard, J
Y Heard, K
Heckstall
Y Hill, C.A
N Holmes
Y Holt
Y Horne
N Houston
Y Howard, E
Y Hudson
Y Hugley
N Jackson
N Jacobs
James
N Jamieson
Y Jenkins
Jennings
Johnson
Jones, J
Y Jones, S
N Jordan
Y Keen
Y Keown
N Kidd
Y Knight
Y Knox
E Lakly
Y Lane, B
E Lane, R
Y Lewis
Y Lindsey
Y Lord
Y Loudermilk
Y Lucas
Y Lunsford
Y Maddox
Y Martin
N Maxwell
Y May
Y McCall
E McClinton
Y Meadows
E Millar
Y Mills
Y 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
Parham
Parrish
E Parsons
N Porter
Powell
Y Ralston
Y Randall
Y Ray
N Reece, B
Y Reece, S
Y Reese
N Rice
Y Roberts
Y Sailor
Y Scheid
Y Scott, A
N Scott, M
Y Setzler
Y Shaw
Sheldon
Y Sims, C
N Sims, F
Y Sinkfield
Y Smith, B
Y Smith, L
N Smith, P
Y Smith, R
Y Smith, T
Y Smith, V
Y Smyre
Y Stanley-Turner
Y Stephens
Y Stephenson
Y Talton
N Teilhet
Y Thomas, A.M
Y Thomas, B
Y Tumlin
Y Walker
E Warren
Y Watson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, E
Y Williams, R

Coleman, T	Y Hembree	Y Mangham	Y Rogers	N Wix
Y Cooper	Y Henson	Y Manning	Y Royal	N Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 113, nays 37.

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

Representative Sheldon of the 105th 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 931. By Representatives Willard of the 49th and Tumlin of the 38th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue, so as to change the penalty for failure to pay ad valorem taxes; to provide for definitions; to provide for the transfer of tax executions; to provide for certain notices to taxpayers; to provide for the payment of such executions; to provide for certain procedures relative to such tax executions; to provide for the collection of such executions; to provide for certain charges; to prohibit the purchase of tax executions by certain persons; to provide for the manner of paying tax executions held by absentee transferees; 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 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, and Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to change the penalty for failure to pay ad valorem taxes; to provide for the comprehensive revision of provisions regarding tax executions and redemption of property; to provide for procedures, conditions, and limitations regarding the transfer of tax executions; to change certain provisions relating to procedures for sales under tax levies and executions; to change provisions regarding payment of excess proceeds; to provide for requirements and procedures with respect to certain tax sales; to change certain provisions regarding redemption of property; to provide for additional circumstances under which real estate transfer tax is not due and payable; to change certain provisions relating to transfer of executions; to change certain provisions relating to the use of the county tax digest following certain orders of the state revenue commissioner so as to provide for circumstances when valuations on such digest shall be

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by striking Code Section 9-13-36, relating to transfer of execution upon payment, status of transferee, and recording necessary to preserve lien, in its entirety and inserting in its place the following:

"9-13-36.

(a) Except as otherwise provided for in subsection (b) of this Code section, whenever ~~Whenever~~ any person other than the person against whom the same has issued pays any execution, issued without the judgment of a court, under any law, the officer whose duty it is to enforce the execution, upon the request of the party paying the same, shall transfer the execution to the party. The transferee shall have the same rights as to enforcing the execution and priority of payment as might have been exercised or claimed before the transfer, provided that the transferee shall have the execution entered on the general execution docket of the superior court of the county in which the same was issued and, if the person against whom the same was issued resides in a different county, also in the county of such person's residence within 30 days from the transfer; in default thereof the execution shall lose its lien upon any property which has been transferred bona fide and for a valuable consideration before the recordation and without notice of the existence of the execution.

(b) This Code section shall not be applicable to tax executions. Tax executions shall be governed exclusively by Chapters 3 and 4 of Title 48."

SECTION 2.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by striking Code Section 48-3-19, which is reserved, and inserting in its place a new Code Section 48-3-19 to read as follows:

"48-3-19.

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

(1) 'Delinquent taxpayer' means the person or persons against whom an execution has been issued or the successor in title to the property for which the execution has been issued.

(2) 'Due diligence' means the performance of a diligent search to ascertain the actual location of a delinquent taxpayer. Actions appropriate to a diligent search may include, but are not limited to: sending notice by first-class mail, certified mail, or statutory overnight delivery, return receipt requested, as required by law; checking telephone directories; checking motor vehicle files; checking voter registration records; checking business license records; checking with mortgage holders or other

creditors; interviewing the tenant in possession; interviewing neighbors; or accessing a nation-wide, electronic research data warehouse.

(3) 'Execution' means an execution issued for the collection of any ad valorem taxes, special assessments, fees, penalties, interest, or collection costs due the state or any political subdivision thereof.

(4) 'Transferee' means a person paying for an execution for the purpose of having that execution and a limited right to enforce collection thereof transferred to him or her.

(5) 'Transferor' means the official holding the tax executions and authorized to collect or transfer such tax executions.

(b)(1) Whenever any person other than the person against whom an execution has been issued pays an execution issued for state, county, or municipal taxes or special assessments, the officer whose duty is to enforce the execution may, after 45 days´ delinquency, transfer the execution to the party so paying the full value of the execution. No officer whose duty it is to enforce an execution issued for state, county, or municipal taxes or special assessments shall be required to make any transfer or transfers of such execution or executions. The person to whom the execution is transferred shall, within 30 days of the transfer, cause the execution to be entered on the general execution docket of the superior court of the county in which the execution was issued. In default of the required entry or entries, the execution shall lose its lien upon any property which has been transferred in good faith and for a valuable consideration before the entry and without notice of the existence of the execution and additionally shall not be enforceable against any property of the defendant.

(2)(A) It shall be unlawful for any tax official covered by this subsection to pay a tax execution in order to obtain a transfer of the execution under this Code section. It shall be unlawful for any employee of a tax official covered by this subsection to pay a tax execution in order to obtain a transfer of the execution under this Code section. The tax officials covered by this subsection are:

(i) County tax receivers, tax collectors, and tax commissioners;

(ii) Members of county boards of tax assessors;

(iii) Members of county boards of equalization; and

(iv) County tax appraisers.

(B) Any execution transferred in violation of subparagraph (A) of this paragraph shall be void and unenforceable by the person obtaining the execution and such person's successors in interest.

(C) Any tax official or employee of a tax official violating subparagraph (A) of this paragraph shall be guilty of a misdemeanor.

(c) Upon request by any individual or entity, the tax commissioner shall provide such individual or entity the following statement:

(A) The transferor's process of accepting a request for transfers and the process the transferor will use to award the executions;

(B) The date and time that the transferor will accept a request for a transfer of executions; and

(C) The system the transferor will use to award executions if there are competing requests.

(d) A tax official who violates any of the requirements of this Code section may be enjoined by a court of competent jurisdiction from transferring or selling tax executions until found to be in compliance with such requirements and the injunction has been halted by subsequent order of the court.

(e)(1) Within 60 days following the transfer, the transferee shall notify the delinquent taxpayer and any new owner, if in the records, of the transfer of the tax execution by first-class mail. The notice shall include:

(A) The name, mailing address, and telephone number for the transferee;

(B) The amount necessary to satisfy such execution; and

(C) The delinquent taxpayer's right of redemption and other rights under this Code section.

(2) In the event that any such notice by first-class mail is returned undelivered, the transferee shall be required to perform due diligence in an effort to obtain the delinquent taxpayer's correct address or any new owner's correct address and resend the notice by certified mail or statutory overnight delivery.

(f) An execution which has been transferred shall bear interest as specified in Code Section 48-3-20 on the amount paid for such execution from the date of the transfer. In addition, the transferee may charge and collect recording fees actually expended in recording the transferred execution on the general execution docket of any county in which the transfer is recorded and such other penalties as are provided for in this title.

(g)(1) Whenever an execution has been transferred to any transferee, the transferee shall not be authorized to submit the execution to the appropriate levying officer until 12 months after the date of such transfer or 24 months after the tax giving rise to the execution was originally due, whichever is earlier. A transferee shall not have the right to advertise and sell property under a tax execution. Such right shall remain solely with the appropriate levying official, such as the sheriff or marshal.

(2) A transferee with multiple outstanding executions against the same property shall not be subject to the time period requirements of paragraph (1) of this subsection with respect to all such executions if at least one of the executions meets such requirements of paragraph (1) of this subsection.

(h) Until the execution is paid in full or satisfied, on or before November 15 of each year after the calendar year in which the transfer occurred, the transferee shall send notice by regular mail to the delinquent taxpayer and the record owner of the property advising that the tax execution is still outstanding. The notice must provide the transferee's most updated contact information, including mailing address and telephone number. Under no circumstances may a transferee, or successor, at any time, charge any fee to the delinquent taxpayer intending to satisfy transferred executions for access to information necessary to make payment to satisfy the transferred execution or executions.

(i)(1) A delinquent taxpayer may make payment for tax executions to the transferee or the tax commissioner of the county where such tax execution originated. However,

the tax commissioner may only accept payment in the amount equal to the total of the tax bill plus all applicable penalties and interest.

(2) If a delinquent taxpayer makes payment to the tax commissioner, then the tax commissioner shall convey the payment to the transferee of record within three days. After the payment is conveyed, the tax commissioner shall issue a satisfaction of the tax execution to the delinquent taxpayer.

(j) Prior to submitting an execution to the appropriate levying officer, such as the sheriff or marshal, to advertise and sell a property under a tax execution, a transferee shall send notice to the delinquent taxpayer of the property described on the execution, if different, by first-class mail, return receipt requested, of the transferee's intent to submit such execution to a levying officer. If such notice is returned undelivered, a transferee shall exercise due diligence in locating the delinquent taxpayer and send a second notice to the delinquent taxpayer of the property described on the execution, if different, by certified mail or statutory overnight delivery.

(k) The transferee of the tax execution or any affiliate or other entity with common ownership to the transferee bringing the tax execution for levy and sale shall be excluded from bidding at the sale of property under the tax levy in an amount in excess of the amount necessary to satisfy the tax execution, with penalty and interest, and applicable levying costs, or the minimum bid set by the appropriate levying officer, whichever is greater. If a transferee violates this exclusion, the bid amount may be redeemed by any party with an interest in the property with no interest or penalty."

SECTION 4.

Said title is further amended by adding a new subsection at the end of Code Section 48-4-1, relating to procedures for sales under tax levies and executions, to be designated subsection (d), to read as follows:

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

(A) 'Due diligence' means the performance of a diligent search to ascertain the actual identity and location of a delinquent taxpayer. Actions appropriate to a diligent search may include, but are not limited to: sending notice by first-class mail, certified mail, or statutory overnight delivery, return receipt requested, as required by law; checking telephone directories; checking motor vehicle files; checking voter registration records; checking business license records; checking with mortgage holders or other creditors; interviewing located relatives and neighbors adjacent to the property; or accessing a nation-wide, electronic research data warehouse. The manner and extent of a diligent search remains within the judgment and discretion of the officer conducting the levy and tax sales.

(B) 'Posted notice' means the placement of an appropriate notice as required by law at a conspicuous location at the subject property of the delinquent taxpayer. Such notice shall be not less than 8.5 inches by 11 inches in size and shall be weatherproofed appropriately.

(2) The officer conducting the levy and sale under a tax execution under this Code section shall exercise due diligence in locating the delinquent taxpayer and giving

notice of the tax sale. In addition to the notice otherwise required under this Code section and at least ten days before the tax sale, the transferor, sheriff or marshal, tax commissioner, tax collector, or officer selling the property shall provide written notice personally to the tenant in possession, if present, or if not present, shall post the notice in a conspicuous location at the property which is the subject of the tax levy and sale which:

(A) Shall contain the name and mailing address of the tax commissioner, tax collector, sheriff, or other officer to which payment shall be made and state the amount necessary to satisfy such execution or executions;

(B) Shall advise the delinquent taxpayer where the payment necessary to satisfy such execution may be made; and

(C) May contain such other information as the officer desires to include."

SECTION 5.

Said title is further amended by striking Code Section 48-4-5, relating to payment of excess proceeds of a tax sale by a tax commissioner or tax collector, and inserting in its place a new Code Section 48-4-5 to read as follows:

"48-4-5.

(a) If there ~~is~~ are any excess funds after paying taxes, costs, and all expenses of a sale~~, the tax commissioner or tax collector may file an interpleader action in superior court for the payment of the amount of such excess. Such excess shall be distributed by the superior court to intended parties, including the owner as their interest appears and in the order of priority in which their interest exists~~ made by the tax commissioner, tax collector, or sheriff, or other officer holding excess funds, the officer selling the property shall give written notice of such excess funds to the record owner of the property at the time of the tax sale and to the record owner of each security deed affecting the property and to all other parties having any recorded equity interest or claim in such property at the time of the tax sale. Such notice shall be sent by first-class mail within 30 days after the tax sale. The notice shall contain a description of the land sold, the date sold, the name and address of the tax sale purchaser, the total sale price, and the amount of excess funds collected and held by the tax commissioner, tax collector, sheriff, or other officer. The notice shall state that the excess funds are available for distribution to the owner or owners as their interests appear in the order of priority in which their interests exist.

(b) The tax commissioner, tax collector, sheriff, or other officer may file, when deemed necessary, an interpleader action in superior court for the payment of the amount of such excess funds. Such excess funds shall be distributed by the superior court to the intended parties, including the owner, as their interests appear and in the order of priority in which their interests exist. The cost of litigation such an interpleader action, including reasonable attorney's fees, shall be paid from the excess funds upon order of the court.

(c) After five years have elapsed from the tax sale date, the tax commissioner, tax collector, sheriff, or other officer holding excess funds shall pay over to the department

any excess unclaimed funds and for which no action or proceeding is pending in a claim for payment. Once excess funds are placed in the possession of the department, only a court order from an interpleader action filed in the county where the tax sale occurred, by the claimant for the funds, shall serve as justification for release of the funds."

SECTION 6.

Said title is further amended by striking Code Section 48-4-44, relating to quitclaim deeds by purchaser, and inserting in lieu thereof a new Code Section 48-4-44 to read as follows:

"48-4-44.

(a) In all cases where property is redeemed, the purchaser at the tax sale shall make a quitclaim deed to the defendant in fi. fa., which deed shall recite:

(1) The name of the person who has paid the redemption money; and

(2) The capacity in which or the claim of right or interest pursuant to which the redemption money was paid.

(b) The recitals required by subsection (a) of this Code section shall be prima-facie evidence of the facts stated.

(c) If the quitclaim deed provided for in subsection (a) of this Code section is presented to the purchaser at the time such person accepts such redemption money, the purchaser shall, at that time, sign the quitclaim deed if a notary public and an unofficial witness are present to witness such signature.

(d) If no quitclaim deed is presented at the time of the redemption or if sufficient witnesses are not present, it shall be the responsibility of the purchaser to prepare and properly execute such quitclaim deed as is required by law within seven days from the date of the redemption.

(e) It shall be the responsibility of the purchaser once the quitclaim deed is properly executed as required in subsection (d) of this Code section to present such deed for recordation to the clerk of the court within ten days of the redemption. The quitclaim deed shall be presented for recordation in the county where the tax sale originally occurred. The purchaser shall pay all recording costs and return the recorded quitclaim deed to the redeemer."

SECTION 7.

Said title is further amended in Code Section 48-4-45, relating to notice to foreclose right to redeem, by adding a new subsection immediately following subsection (c), to be designated subsection (d), to read as follows:

"(d) The foreclosure of the right to redeem property acquired through a tax sale, as provided in this title, shall not divest the state or any county or municipality of its lien for taxes in any respect as against the property described on the execution or against any defendant."

SECTION 8.

Said title is further amended in Code Section 48-6-2, relating to exemptions from real estate transfer tax, by adding a new paragraph immediately following paragraph (8) of subsection (a), to be designated paragraph (8.1), to read as follows:

"(8.1) Any deed that seeks to return any property sold at a tax sale back to the defendant in fi. fa.;"

SECTION 9.

This Act shall become effective on July 1, 2006.

SECTION 10.

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

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

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

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

N Coleman, B	Heckstall	Y Maddox	Y Roberts	N Williams, R
Coleman, T	Y Hembree	N Mangham	Y Rogers	Y Wix
Y Cooper	Henson	N Manning	N Royal	N Yates
N Cox	N Hill, C	N Marin	Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 57, nays 86.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Keen of the 179th moved that the House do now adjourn until 1:00 o'clock, tomorrow afternoon, and the motion prevailed.

The Speaker announced the House adjourned until 1:00 o'clock, tomorrow afternoon.