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Compiler's Note

The Journal of the Senate for the regular session of 1983 is bound in two separate volumes. Volume I contains January 10, 1983 through February 23, 1983. Volume II contains February 24, 1983 through March 4, 1983 and the complete index.

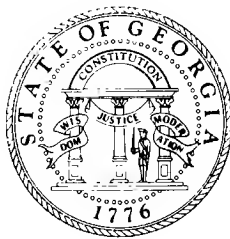
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www.libtool.com.cn **JOURNAL**
OF THE
SENATE
OF THE
STATE OF GEORGIA

AT
THE REGULAR SESSION

Commenced at Atlanta, Monday, January 10, 1983
and adjourned Friday, March 4, 1983

VOLUME II



1983

Atlanta, Georgia

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OF THE

STATE SENATE

1983

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Senate Chamber, Atlanta, Georgia

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Thursday, February 24, 1983

Thirty-fifth Legislative Day

The Senate met pursuant to adjournment at 9:30 o'clock A.M. today and was called to order by the President.

Senator Walker of the 19th reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

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

HB 278. By Representatives Bishop of the 94th, Atkins of the 21st, Aaron of the 56th and others:

A bill to amend Code Section 12-3-235 of the Official Code of Georgia Annotated, relating to the powers of the Jekyll Island State Park Authority generally, so as to authorize the park authority to sell alcoholic beverages for consumption on the premises only upon certain property operated and controlled by the park authority after obtaining a license from the Department of Revenue.

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

HB 33. By Representatives Snow of the 1st, Lawson of the 9th, Bray of the 91st and others:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to the General Assembly of Georgia, so as to provide for the oath of office of members of the General Assembly.

The House insists on its position in substituting the following bill of the Senate:
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IB 238. By Senator Kidd of the 25th:

A bill to amend an Act creating a new charter for the City of Milledgeville, approved December 15, 1900 (Ga. L. 1900, p. 345), as amended, so as to change the provisions relating to the election and terms of office of the mayor and aldermen.

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

IB 339. By Representatives Greer of the 39th and Adams of the 36th:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to provide that the retail sales and use tax for the Authority shall be at the rate of one percent until June 30, 2012.

The House has adopted by the requisite constitutional majority the following resolution of the House:

IR 287. By Representatives Childs of the 53rd, Murphy of the 18th, Mostiler of the 75th and others:

A resolution urging the Department of Human Resources to comply with Resolution No. 199, Ga. L. 1982, p. 1352.

The House has adopted the report of the Committee of Conference on the following bill of the House:

IB 159. By Representatives Coleman of the 118th and Buck of the 95th:

A bill to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to create the State Medical Education Board as the successor to and a continuation of the heretofore existing State Medical Education Board.

The House has agreed to the Senate amendments to the following bills of the House:

IB 32. By Representatives Snow of the 1st, Karrh of the 109th, Bray of the 91st and others:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to revise and update certain eligibility requirements for persons holding office in this state as required by Article II, Section II, Paragraph III of the Constitution of the State of Georgia.

- HB 133. By Representatives Walker of the 115th, Evans of the 84th and Smyre of the 92nd:

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A bill to amend Chapter 6A of Title 35 of the Official Code of Georgia Annotated, relating to the Criminal Justice Coordinating Council, so as to provide for two additional members on the council.

- HB 170. By Representatives Mullinax of the 81st, Mostiler of the 75th, Williams of the 6th and others:

A bill to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, the "Employment Security Law," so as to change the date on which alien laborers will be excluded in determining agricultural employer liability.

- HB 212. By Representatives Ramsey of the 3rd, Clark of the 13th, Sizemore of the 136th and others:

A bill to amend Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the Sheriff's Retirement Fund of Georgia, so as to provide for an additional member of the Board of Commissioners of the Sheriff's Retirement Fund of Georgia and his term of office.

- HB 381. By Representatives Thomas of the 69th, Johnson of the 70th, Jackson of the 83rd and others:

A bill to amend Article 3 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to escape and related criminal offenses, so as to provide that a person commits the crime of escape when he fails to return to custody or confinement after having been released on the condition that he will return.

The House has agreed to the Senate substitute to the following bills of the House:

- HB 30. By Representatives Snow of the 1st, Lawson of the 9th, Bray of the 91st and others:

A bill to amend Code Section 28-1-11, relating to maintenance of engrossed copies of laws and joint resolutions, so as to provide for the publication of such laws and joint resolutions.

- HB 314. By Representatives Bray of the 91st, Darden of the 20th and Snow of the 1st:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for the nonpartisan election of candidates for the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court.

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

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SB 65. By Senators Barnes of the 33rd, Dean of the 31st and Trulock of the 10th:

A bill to amend Code Section 32-2-40 of the Official Code of Georgia Annotated, relating to the commissioner of transportation, so as to modify the term of office of the commissioner of transportation.

SB 136. By Senators McGill of the 24th, Walker of the 19th, Kennedy of the 4th and others:

A bill to amend Article 7 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to milk and milk products so as to authorize the Commissioner of Agriculture by rule or regulation to adopt future changes in and supplements to the "Grade A Pasteurized Milk Ordinance" as a part of the standards and requirements for this state.

SB 178. By Senator Hudgins of the 15th:

A bill to amend Code Section 49-5-10 of the Official Code of Georgia Annotated, relating to the commitment of delinquent or unruly children to the Department of Human Resources, so as to provide that the regional Youth Services Division program director may delegate responsibility to a designee for determining whether children who have been committed to the Department of Human Resources and who have violated the conditions of supervision should be apprehended.

SB 84. By Senator Barnes of the 33rd:

A bill to amend Chapter 5 of Title 15 of the Official Code of Georgia Annotated, relating to administration of courts of record, so as to provide that any pleadings or other documents filed in any court of record may be prepared on letter-size paper.

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

SB 83. By Senator Brown of the 47th:

A bill to amend Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to motor carriers, so as to change the provisions, relating to the authority of the commission to prescribe reasonable rates, fares, and charges for motor common carriers.

SB 8. By Senators Cobb of the 28th, Stumbaugh of the 55th, Turner of the 8th and others:

A bill to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance, expiration, and renewal of li-

censes, so as to eliminate the authority of the Department of Public Safety to issue duplicate licenses and permits.

SB 189. By Senator Timmons of the 11th:

A bill to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior court, so as to provide that, for purposes of determining the minimum annual salary of the clerk of superior court in any county in which more than 50 percent of the population of the county resides on certain property of the United States government, the population shall be deemed to be the total population of the county minus the population of the county which resides on property of the United States government; to provide an effective date.

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

SB 209. By Senators Gillis of the 20th and McGill of the 24th:

A bill to amend Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to the sale, etc., of agricultural products, so as to make it unlawful for any person to sell, package, or label any onions as "Vidalia onions" or to use the term "Vidalia" in connection with the sale of onions unless such onions were grown in the "Vidalia production area."

SB 165. By Senator Kidd of the 25th:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to form of registration cards; to provide for absentee voter registration by persons outside of the United States.

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

SR 79. By Senator Barnes of the 33rd:

A resolution designating the George W Thompson, Sr. Bridge.

SR 134. By Senators Hill of the 29th, Cobb of the 28th, Garner of the 30th and others:

A resolution urging the Congress of the United States to plan an appropriate celebration of the two-hundredth anniversary of the Constitution of the United States.

The following bills and resolutions of the Senate were introduced, read the first time and referred to committees:

SB 303. By Senator Barnes of the 33rd:

A bill to amend an Act known as the "South Cobb Development Authority Act," so as to provide for the enlargement of the South Cobb Development Area.

Referred to Committee on Federal, State and Community Affairs.

SB 304. By Senator Barnes of the 33rd:

A bill to amend an Act creating the board of commissioners of roads and revenues for Cobb County, as amended, so as to change the provisions relating to the authority of the commission with respect to the expenditure of funds on rapid transit.

Referred to Committee on Federal, State and Community Affairs.

SB 305. By Senators Phillips of the 9th and Peevy of the 48th:

A bill to amend an Act providing for districts for the election of the Board of Education of Gwinnett County, as amended, so as to change the compensation of the board and provide for expense allowances.

Referred to Committee on Federal, State and Community Affairs.

SB 306. By Senator Engram of the 34th:

A bill to provide for the Magistrate Court of Fayette County; to state legislative intent.

Referred to Committee on Federal, State and Community Affairs.

SB 307. By Senator Brannon of the 51st:

A bill to amend an Act providing for the office of Commissioner of Gordon County, as amended, so as to change the provisions relative to the county administrator.

Referred to Committee on Federal, State and Community Affairs.

SR 143. By Senator Trulock of the 10th:

A resolution electing Mrs. Shirley Altman of Thomas County as a member of the State Election Board.

Referred to Committee on Governmental Operations.

SR 155. By Senator Broun of the 46th:

A resolution creating the Structure of Financial Institutions Study Committee.

Referred to Committee on Appropriations.

SR 156. By Senator Broun of the 46th:

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A resolution creating the University System Laboratory and Equipment Needs Study Committee.

Referred to Committee on Higher Education.

SR 162. By Senators Holloway of the 12th, Harris of the 27th, Peevy of the 48th and others:

A resolution creating the Georgia Transportation Study Committee.

Referred to Committee on Transportation.

The following resolution of the House was read the first time and referred to committee:

HR 287 By Representatives Childs of the 53rd, Murphy of the 18th, Mostiler of the 75th and others:

A resolution urging the Department of Human Resources to comply with Resolution No. 199, Ga. L. 1982, p. 1352, which urged the transfer of state property owned by the Department of Human Resources to the American Heart Association for the purpose of constructing the State Headquarters Building.

Referred to Committee on Human Resources.

The following reports of standing committees were read by the Secretary:

Mr. President:

The Committee on Banking and Finance has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 180. Do pass by substitute.

HB 419. Do pass.

HB 356. Do pass.

HB 530. Do pass.

HB 387. Do pass.

Respectfully submitted,

Senator Lester of the 23rd District, Chairman

Mr. President:

The Committee on Federal State and Community Affairs has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 221.	Do pass by substitute.	HB 642.	Do pass.
SB 295.	Do pass.	HB 660.	Do pass.
SB 296.	Do pass.	HB 682.	Do pass.
SB 299.	Do pass.	HB 708.	Do pass.
SB 300.	Do pass.	HB 709.	Do pass.
HB 614.	Do pass.	HB 754.	Do pass.

Respectfully submitted,

Senator Scott of the 43rd District, Chairman

Mr. President:

The Committee on Insurance has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 363.	Do pass.
HB 310.	Do pass as amended.

Respectfully submitted,

Senator Stumbaugh of the 55th District, Chairman

Mr. President:

The Committee on Judiciary and Constitutional Law has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 45.	Do pass.	HB 424.	Do pass by substitute.
HB 46.	Do pass.	HB 707.	Do pass.

Respectfully submitted,

Senator Greene of the 26th District, Chairman

The following communication from Senator Gillis of the 20th was read by the Secretary:

The State Senate
Atlanta, Georgia 30334
February 23, 1983

Due to the fact that I am unable to chair the Senate Natural Resources and Environmental Quality Committee on February 23, 1983 at 2:00 p.m.

because of Continuation Appropriations Subcommittee, of which I am a member, meeting at the same time, I hereby direct Senator Rooney Bowen, of the 13th District, Vice Chairman of the committee, to act as Chairman to consider HB 320, HB 513, HB 566 and HB 567.

/s/ Hugh Gillis, Chairman
Senate Natural Resources and
Environmental Quality Committee

The following reports of standing committees were read by the Secretary:

Mr. President:

The Committee on Natural Resources and Environmental Quality has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 320. Do pass.

HB 513. Do pass.

Respectfully submitted,

Senator Bowen of the 13th District, Vice Chairman

Mr. President:

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

HB 647. Do pass.

Respectfully submitted,

Senator Dean of the 31st District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following bill and resolution of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 648. Do pass.

HR 246. Do pass.

Respectfully submitted,

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Senator Holloway of the 12th District, Chairman

The following bills and resolutions of the Senate and House were read the second time:

SB 123. By Senator Coverdell of the 40th:

A bill to amend an Act authorizing the commissioners of Fulton County to establish rules and regulations governing the payment of pensions to county employees, as amended, so as to provide that individuals employed by the Fulton County Probation System prior to July 1, 1984, may continue membership in this pension system.

SB 288. By Senator Cobb of the 28th:

A bill to further define, prescribe and enlarge the powers and duties of the Griffin-Spalding County Development Authority and further to regulate the management and conduct thereof; to provide that projects in progress on the effective date of this Act may be completed hereunder.

SB 293. By Senator McGill of the 24th:

A bill to amend an Act entitled "An Act to incorporate the City of Crawford; to define its limits; to provide for its government; to define its rights and liabilities; to provide for the issuance of bonds for school and other municipal improvements, and for other purposes.", as amended, so as to change the terms of the mayor and councilmen; to provide for a change in the elections.

SB 294. By Senator Bryant of the 3rd:

A bill to amend an Act providing for the appointment and terms of office of members of the Liberty County Industrial Authority, as amended, so as to clarify the definition of the term "project"; to clarify the powers of the authority.

SR 119. By Senators Kidd of the 25th and Kennedy of the 4th:

A resolution creating the Mental Health and Mental Retardation Study Committee.

SR 122. By Senator Coverdell of the 40th:

A resolution creating the Joint County and Municipal Grant Study Committee.

HB 10. By Representative Phillips of the 125th:

A bill to amend Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the care and protection of indigent and elderly patients, so as to provide for a program of care for terminally ill persons.

HB 80. By Representatives Cox of the 141st, Parham of the 105th, Barger of the 108th and others:

A bill to amend Code Section 31-11-59 of the Official Code of Georgia Annotated, relating to services by emergency medical personnel in hospitals, so as to authorize emergency medical technicians to render certain services in hospitals under certain conditions.

HB 129. By Representative Birdsong of the 104th:

A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis.

HB 209. By Representatives Young of the 134th, Randall of the 101st, Daugherty of the 33rd and others:

A bill to amend Article 7 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to tenancy in common, so as to provide for the sale of the interests of petitioners for partition to other parties in interest in property sought to be partitioned.

HB 231. By Representatives Thompson, Burruss and Darden of the 20th and others:

A bill to amend Code Section 40-6-395, relating to the crimes of fleeing a police officer and impersonating a police officer, so as to change the punishment for the crime of fleeing a police officer.

HB 249. By Representatives Logan of the 67th, Argo of the 68th, Wilson of the 20th and others:

A bill to amend Article 12 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to ticket scalping, so as to change the amount which may be charged by authorized ticket agents.

HB 287 By Representative Mostiler of the 75th:

A bill to amend Code Section 8-2-135 of the Official Code of Georgia Annotated, relating to licenses for manufactured homes, so as to provide for a change in manufacturing fees.

HB 366. By Representative Pinkston of the 100th:

A bill to amend Code Section 50-20-3 of the Official Code of Georgia Annotated, relating to required reports and agreements by nonprofit contractors,

so as to provide for the information to be included in annual audit reports submitted to state agencies by nonprofit contractors.

HB 399. By Representative Phillips of the 125th:

A bill to amend Code Section 43-34-37 of the Official Code of Georgia Annotated, relating to the authority of the Composite State Board of Medical Examiners to refuse to issue licenses and to suspend licenses, to hearings before the board, and to immunity of witnesses for giving testimony, so as to change the provisions relating to immunity from civil and criminal liability relative to certain investigations and the giving of testimony in certain instances.

HB 400. By Representative Phillips of the 125th:

A bill to amend Code Section 43-34-27 of the Official Code of Georgia Annotated, relating to the licensing requirements for persons engaged in the practice of medicine, so as to delete the provision authorizing a graduate to stand a regular examination to practice medicine before completing a year's training as an intern.

HB 409. By Representatives Lee, Benefield and Johnson of the 72nd and others:

A bill to amend Code Section 48-5-405 of the Official Code of Georgia Annotated, relating to the levy and collection of tax by municipalities for maintenance of independent school systems, so as to repeal a subsection relating to the amount of deductions by county tax officials from school taxes in all counties of this state having a population of not less than 150,300 nor more than 155,000 according to the United States decennial census of 1980 or any future such census.

HB 439. By Representative Lambert of the 66th:

A bill to amend Code Section 43-4-11 of the Official Code of Georgia Annotated, relating to the qualification of applicants for examination or certificate of registration for persons engaged in the occupation of architecture, so as to delete certain provisions relating to examinations.

HB 460. By Representatives Adams of the 36th, Murphy of the 18th, Connell of the 87th and others:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to delete Chapter 14 thereof, relating to electrical contractors, plumbers, and conditioned air contractors, and reenact a new Chapter 14, relating to electrical contractors, plumbers, and conditioned air contractors.

HB 492. By Representatives Benefield, Bailey, and Holcomb of the 72nd and others:

A bill to amend Code Section 6-3-21 of the Official Code of Georgia Annotated, relating to the declaration of property for public governmental and municipal purposes, so as to provide that lands leased by counties, municipi-

palities, or other political subdivisions to private parties are declared not to be leased for public purposes.

- HB 507. By Representatives Richardson of the 52nd, Burruss of the 20th, Marcus of the 26th and others:

A bill to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals and health care facilities, so as to authorize medical facilities or institutions to grant staff membership and clinical privileges to certain licensed psychologists.

- HB 551. By Representatives Chambless of the 133rd, Marcus of the 26th, Phillips of the 125th and Hooks of the 116th:

A bill to amend Part 8 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to hospital liens, so as to provide for definitions; to provide for liens for nursing home care, treatment, or services.

- HB 611. By Representative Bray of the 91st:

A bill to amend an Act establishing a Board of Commissioners of Talbot County, so as to change the provisions relative to the election of members of the board of commissioners.

- HB 615. By Representatives Milford and Clark of the 13th:

A bill to amend an Act placing the clerk of the superior court and the probate judge of Hart County on an annual salary, so as to provide for the compensation of the probate judge.

- HB 628. By Representatives Ginsberg of the 122nd, Triplett of the 128th, Hamilton of the 124th and others:

A bill to amend an Act relating to the school system of the City of Savannah and Chatham County, so as to correct certain technical errors in the descriptions of the districts from which members of the board of education are elected.

- HB 633. By Representatives Coleman of the 118th, Walker of the 115th and Murphy of the 18th:

A bill to amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to change the composition of the Board of Public Safety.

- HB 645. By Representatives Byrd of the 153rd, Watson of the 114th and Kilgore of the 42nd:

A bill to amend Article 1 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to retail installment and home solicitation sales, so as to provide that a retail installment contract may provide for a fee to be

charged to a buyer who submits a check, draft, or order for the payment of money which is dishonored by the drawee.

HB 655. By Representatives Auten of the 156th and McVeigh of the 155th:

A bill to amend an Act creating a board of commissioners of Glynn County, so as to change the composition of the election districts from which the members of the board of commissioners are elected.

HB 656. By Representatives Birdsong of the 104th and Waldrep of the 80th:

A bill to amend an Act creating a new board of education of Jones County, so as to change the compensation of the chairman and members of the board.

HB 673. By Representatives Wood, Lawson and Jackson of the 9th:

A bill to amend an Act creating the Etowah Water and Sewer Authority, so as to change the qualifications necessary for election to membership on the authority; to change the provisions relative to the filling of vacancies on the authority.

HB 674. By Representatives Wood, Lawson and Jackson of the 9th:

A bill to amend an Act creating a board of commissioners for Hall County, so as to authorize certain expense allowances for members of said board.

HR 145. By Representatives Colwell of the 4th, Dobbs of the 74th, Cox of the 141st and others:

A resolution to adopt and ratify a temporary state plan of operation developed by the Department of Administrative Services in conformity with Section 203 (j) (4) (A) of the Federal Property and Administrative Services Act of 1949, as amended by Section 1 of Public Law 94-519, to serve as a permanent plan for the operation of the Federal Surplus Property Program in this state.

HR 220. By Representative Bolster of the 30th:

A resolution authorizing and empowering the State of Georgia, acting by and through the State Properties Commission, to grant and convey to the City of Atlanta an easement over, under, across and through certain property owned by the State of Georgia and located in Fulton County, Georgia, for the construction, installation, operation, maintenance, repair, improvement, and replacement of sewerage and drainage system improvements to be built over, under, across, or through such state owned properties.

HR 255. By Representatives Lambert of the 66th and Connell of the 87th:

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A resolution recommending that the Georgia Building Authority preserve and restore the Georgia Railroad and Freight Depot and use it to house the state museum.

The following local, uncontested bills of the Senate and House, favorably reported by the committee, were read the third time and put upon their passage:

SB 265. By Senator Hine of the 52nd:

A bill to incorporate the City of Adairsville in the County of Bartow and provide a charter therefor.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

SB 287 By Senator Kidd of the 25th:

A bill to consolidate the offices of tax receiver and tax collector of Jones County into the office of tax commissioner of Jones County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

SB 289. By Senators Barnes of the 33rd, Thompson of the 32nd and Brantley of the 56th:

A bill to provide for the existence of vacancies in the membership of the Powder Springs Downtown Development Authority under certain circumstances; to authorize the exclusion of certain property from taxation by the Powder Springs Downtown Development Authority; to provide for other matters relative to the foregoing.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 85. By Representative Adams of the 36th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment Number 76 (Res. Act 22, H.R.10-35, Ga. L. 1979, p. 1797).

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 410. By Representative Selman of the 32nd:

A bill to amend an Act establishing a new charter for the City of Palmetto, so as to annex into the corporate limits of the city certain property upon which the City of Palmetto reservoir is located.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 557. By Representative Birdsong of the 104th:

A bill to amend an Act creating the board of commissioners of Wilkinson County, so as to change the compensation of the members of the board of commissioners.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 558. By Representative Birdsong of the 104th:

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A bill to amend an Act creating the Board of Commissioners of Wilkinson County, so as to change the provisions relating to the election of the members of the board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 561. By Representative Birdsong of the 104th:

A bill to amend an Act creating a new Board of Education of Wilkinson County, so as to provide for the election of a new Board of Education of Wilkinson County as the successor to the heretofore existing board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 574. By Representatives Alford and Athon of the 57th, Childs of the 53rd and others:

A bill to amend an Act creating the State Court of DeKalb County, so as to remove certain county residency requirements.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 590. By Representative Waldrep of the 80th:

A bill to abolish the office of treasurer of Jasper County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 607. By Representatives Isakson, Aiken and Wilder of the 21st and others:

A bill to amend an Act creating the Downtown Marietta Development Authority, so as to provide for enlargement of the Downtown Marietta District.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 612. By Representative Hanner of the 131st:

A bill to amend an Act creating and establishing a Small Claims Court of Terrell County, so as to change the provisions relating to costs in certain cases of garnishment.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 613. By Representatives Dobbs of the 74th and Lambert of the 66th:

A bill to amend an Act creating and establishing a small claims court in and for Newton County, so as to require the court to impose an additional fee in connection with each claim or proceeding filed in the small claims court or any successor court.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 51, nays 0.

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

HB 630. By Representative Branch of the 137th:

A bill to amend an Act creating the office of tax commissioner of Ben Hill County, so as to provide that the tax commissioner shall be compensated by an annual salary rather than by any fees.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 631. By Representative Cummings of the 17th:

A bill to amend an Act creating a new charter for the City of Cedartown, so as to change certain fines.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

HB 632. By Representatives Pettit of the 19th and Cummings of the 17th:

A bill to amend an Act creating and establishing a new charter for the Town of Taylorsville, so as to correct and clarify the corporate limits of the Town of Taylorsville.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

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HB 641. By Representatives Buck of the 95th, Hirsch of the 96th, Galer of the 97th and others:

A bill to amend an Act ratifying, confirming, enacting, and incorporating the charter of the county-wide government of Columbus, Georgia, so as to change the penalties for violations of ordinances, rules and regulations.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 51, nays 0.

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

The President called for the morning roll call, and the following Senators answered to their names:

Allgood	Engram	McGill
Barker	Fincher	McKenzie
Barnes	Foster	Peevy
Bowen	Garner	Perry
Brannon	Gillis	Scott of 2nd
Brantley	Greene	Scott of 36th
Broun of 46th	Harris	Scott of 43rd
Brown of 47th	Harrison	Starr
Bryant	Holloway	Stumbaugh
Cobb	Horton	Thompson
Coleman	Howard	Timmons
Coverdell	Huggins	Trulock
Dean	Kennedy	Walker
English	Kidd	

Those not answering were Senators:

Bond	Hill	Littlefield
Burton	Hine	Phillips
Coggin	Hudgins	Tate
Dawkins	Land	Turner
Deal	Lester	Tysinger

Senator Hine of the 52nd introduced the chaplain of the day, Reverend William McDonald, of Cave Spring, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

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SR 145. By Senators Land of the 16th and Hudgins of the 15th:

A resolution recognizing John H. Moya on the occasion of his retirement.

SR 146. By Senator Dean of the 31st:

A resolution commending the Cedartown Junior Welfare League.

SR 147. By Senator Dean of the 31st:

A resolution commending Sheriff Don Thurman.

SR 148. By Senator Dean of the 31st:

A resolution commending the Kiwanis Club of Cartersville, Georgia.

SR 149. By Senator Dean of the 31st:

A resolution commending the Kiwanis Club of Cedartown, Georgia.

SR 150. By Senator Dean of the 31st:

A resolution commending the Lions Club of Cedartown, Georgia.

SR 151. By Senator Dean of the 31st:

A resolution commending the Lions Club of Bartow County, Georgia.

SR 152. By Senator Dean of the 31st:

A resolution commending the Etowah Creative Arts Council of Cartersville, Georgia.

SR 153. By Senator Dean of the 31st:

A resolution commending the Lions Club of Dallas, Georgia.

SR 154. By Senator Hill of the 29th:

A resolution urging that the people of this state observe Family Reunion Month.

SR 163. By Senator McGill of the 24th:

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A resolution commending Charles Ronnie Hardigree.

SR 164. By Senator Brannon of the 51st:

A resolution commending Honorable Culver Kidd.

SR 165. By Senator Kennedy of the 4th:

A resolution commending the Larry Collins Family on being named Georgia's Young Farm Family by the Georgia Young Farmers.

SR 166. By Senator Kennedy of the 4th:

A resolution commending Mary Lou Hensley on being named by the Georgia County Welfare Association as County Welfare Director of the Year.

SR 167. By Senators Scott of the 2nd, Bond of the 39th, Tate of the 38th and others:

A resolution commending Ms. Ginny Montes.

SR 169. By Senator Dean of the 31st:

A resolution commending the Kingston Women's History Club.

SR 170. By Senator Dean of the 31st:

A resolution commending the New Hope Ruritan Club.

SR 171. By Senator Dean of the 31st:

A resolution commending the Dallas Jaycees.

SR 172. By Senator Dean of the 31st:

A resolution commending the Cedartown Exchange Club.

SR 173. By Senator Dean of the 31st:

A resolution commending the Pilot Club of Cartersville, Georgia.

SR 174. By Senator Dean of the 31st:

A resolution commending the Paulding County Rotary Club.

SR 175. By Senator Dean of the 31st:

A resolution commending the Cedartown Jaycees.

SR 176. By Senator Dean of the 31st:

A resolution commending the Cedartown Jaycettes.

SR 177. By Senator Dean of the 31st:

A resolution commending the Cartersville Business and Professional Women's Luncheon Club.

SENATE RULES CALENDAR

Thursday, February 24, 1983

THIRTY-FIFTH LEGISLATIVE DAY

- HB 75 County Boards of Tax Assessors—not required to be less than 72 years of age (FS&CA-G—43rd)
- SR 125 Compensation to Victims of Crime Study Committee—create (Judy—1st)
- SR 126 Medicaid Coverage Study Committee—create (App—42nd)
- HB 12 Superior Courts—change certain filing fees (AMENDMENT) (Judy—42nd)
- HB 83 Antiterrorism Task Force—create within the Georgia Bureau of Investigation (J&CL—2nd)
- HB 119 Labor Department—supplemental appropriation (App—12th)
- HB 121 Magistrate Court—provide in each county (SUBSTITUTE) (Judy—49th)
- HB 127 Tax Executions—issuance and assessment of fees (Judy—40th)
- HB 135 Bonds, Recognizances—certain offenses not bailable (Judy—33rd)
- HB 189 Certain State Officials—change salaries (SUBSTITUTE) (App—4th)
- HB 230 Property for Agricultural Purposes—preferential assessment for ad valorem tax (SUBSTITUTE) (B&F—14th)
- HB 245 Bad Checks—change certain penalties (AMENDMENT) (Gov Op—30th)
- HB 266 Employees' Retirement System—redefine "annuity savings fund" (Ret—8th)
- HB 327 Administrative Procedure Act—agency includes Board and Department of Education (SUBSTITUTES) (Gov Op—25th)
- HB 427 Dealers, Salesmen Filing Surety Bonds—exempt Securities Investor Protection Corporation (B&F—23rd)
- HB 485 Richmond County—elections in Augusta (Gov Op—23rd)
- HB 541 Irrigation Systems—specify those required to have anti-syphon devices (Ag—24th)
- HB 627 Airports Owned, Operated by City, County—licenses for sale of alcoholic beverages (B&F—44th)

- HR 15 Bartow County—conveyance of state owned property (Pub U—31st)
 HR 106 Augusta—conveyance of state owned property (Pub U—22nd)
 HR 154 Baldwin County—conveyance of certain state owned property (Pub U—25th)
 HR 158 Academy Creek Wastewater Treatment Facility—property easement for construction (Pub U—6th)

Respectfully submitted,
 /s/ Dean of the 31st, Chairman
 Senate Rules Committee

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

- HB 75. By Representatives Childers and McKelvey of the 15th, Richardson of the 52nd and Murphy of the 18th:

A bill to amend Code Section 48-5-291 of the Official Code of Georgia Annotated, relating to qualifications for members of county boards of tax assessors, so as to remove the requirement that a member be 72 years of age or less.

Senate Sponsor: Senator Scott of the 43rd.

Senator Trulock of the 10th offered the following substitute to HB 75:

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 remove the requirement that a member be 72 years of age or less; to designate the alternate members of the board of equalization; to provide for an alternate becoming a member of the board; to provide for filling a vacancy among the alternates; 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 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by striking paragraph (1) of subsection (a) of Code Section 48-5-291, relating to qualifications for members of county boards of tax assessors, in its entirety and substituting in lieu thereof a new paragraph (1) to read as follows:

“(1) Is less than 21 years of age;”

Section 2. Said chapter is further amended by striking subsection (c) of Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to the creation, duties, review of assessment, and appeals of county boards of

equalization, in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

“(c) (1) Each member and alternate member of the county board of equalization shall be appointed for a term of two calendar years next succeeding the date of his selection. Each term shall begin on January 1.

(2) The grand jury in each county at any term of court preceding November 1 of each odd-numbered year shall select three persons from the current grand jury list who are otherwise qualified to serve as members of the county board of equalization and shall also select three persons from the current grand jury list who are otherwise qualified to serve as alternate members of the county board of equalization. The three individuals selected as alternates shall be designated as alternate one, alternate two, and alternate three. If a vacancy occurs on the county board of equalization, the individual designated as alternate one shall then serve as a member of the board of equalization for the unexpired term. If a vacancy occurs among the alternate members, the grand jury then in session or the next grand jury shall select an individual who is otherwise qualified to serve as an alternate member of the county board of equalization for the unexpired term. The individual so selected shall become alternate member three, and the other two alternates shall be redesignated appropriately.

(3) Within five days after the names of the members and alternate members of the county board or boards of equalization have been selected, the clerk of the superior court shall issue and deliver to the sheriff or his deputy a precept containing the names of the persons so selected. Within ten days of receiving the precept, the sheriff or his deputy shall cause the persons whose names are written on the precept to be served personally or by leaving the summons at their place of residence. The summons shall direct the persons named on the summons to appear before the clerk of the superior court on a date specified in the summons, which date shall not be later than December 15.

(4) Each member and alternate member of the county board of equalization, on the date prescribed for appearance before the clerk of the superior court and before entering on the discharge of his duties, shall take and subscribe before the clerk of the superior court the following oath:

‘You shall faithfully and impartially discharge the duty of members and alternate members of the board of equalization for the County of _____, in accordance with the Constitution and laws of this state, to the best of your skill and knowledge. So help you God.’

In addition to the oath of office prescribed in this paragraph, the judge of the superior court shall charge each member and alternate member of the county board of equalization with the law and duties relating to his office.”

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.
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On adoption of the substitute, the yeas were 29, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Dean	Lester
Barker	English	Littlefield
Barnes	Engram	McGill
Bond	Fincher	McKenzie
Brannon	Foster	Peavy
Broun of 46th	Gillis	Perry
Brown of 47th	Harris	Scott of 2nd
Bryant	Harrison	Scott of 36th
Burton	Hill	Scott of 43rd
Cobb	Hine	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Huggins	Trulock
Dawkins	Kennedy	Turner
Deal	Kidd	

Those not voting were Senators:

Bowen	Holloway	Starr
Brantley	Hudgins	Timmons
Garner	Land	Tysinger
Greene	Phillips	Walker

On the passage of the bill, the yeas were 44, nays 0.

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

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

SB 238. By Senator Kidd of the 25th:

A bill to amend an Act creating a new charter for the City of Milledgeville, as amended, so as to change the provisions relating to the election and terms of office of the mayor and aldermen.

Senator Kidd of the 25th moved that the Senate adhere to the Senate substitute to SB 238, and that a Conference Committee be appointed.

On the motion, the yeas were 36, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to SB 238.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Kidd of the 25th, Barker of the 18th and Walker of the 19th.

The following resolution of the Senate, favorably reported by the committee, was read the third time and put upon its adoption.

SR 125. By Senators Coleman of the 1st and Scott of the 2nd:

A resolution creating the Compensation to Victims of Crime Study Committee.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Cobb	Foster
Barker	Coggin	Garner
Barnes	Coleman	Gillis
Bond	Coverdell	Harris
Brannon	Dawkins	Harrison
Broun of 46th	Deal	Hill
Brown of 47th	Dean	Hine
Bryant	English	Holloway
Burton	Ingram	Horton

Howard	Peevy	Tate
Huggins	Perry	Thompson
Kennedy	Scott of 2nd	Timmons
Lester	Scott of 36th	Trulock
Littlefield	Scott of 43rd	Turner
McGill	Starr	Walker
McKenzie	Stumbaugh	

Those not voting were Senators:

Bowen	Greene	Land
Brantley	Hudgins	Phillips
Fincher	Kidd	Tysinger

On the adoption of the resolution, the yeas were 47, nays 0.

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

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 83. By Senator Brown of the 47th:

A bill to amend Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to motor carriers, so as to change the provisions, relating to the authority of the commission to prescribe reasonable rates, fares, and charges for motor common carriers.

The House amendment was as follows:

Amend SB 83 by striking the word "commodities" on line 16 of Page 2 and line 6 of Page 3 and inserting the word "transportation" in its place.

Senator Brown of the 47th moved that the Senate agree to the House amendment to SB 83.

On the motion, the yeas were 37, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 83.

The following resolution of the Senate, favorably reported by the committee, was read the third time and put upon its adoption:

SR 126. By Senators Howard of the 42nd and Starr of the 44th:

A resolution creating the Medicaid Coverage Study Committee.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	McGill
Bond	Engram	Peevy
Brannon	Foster	Perry
Brantley	Gillis	Scott of 2nd
Broun of 46th	Harris	Scott of 36th
Brown of 47th	Harrison	Scott of 43rd
Bryant	Hine	Starr
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Howard	Thompson
Coleman	Huggins	Trulock
Coverdell	Kennedy	Turner
Deal	Lester	Walker
Dean	Littlefield	

Those not voting were Senators:

Barker	Garner	Land
Barnes	Greene	McKenzie
Bowen	Hill	Phillips
Dawkins	Hudgins	Timmons
Fincher	Kidd	Tysinger

On the adoption of the resolution, the yeas were 41, nays 0.

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

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 12. By Representative Phillips of the 125th:

A bill to amend Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to certain filing fees charged by superior courts, so as to change certain fees; to amend Code Section 11-9-40 of the Official Code of Georgia Annotated, relating to termination statements in secured transactions, so as to change certain filing fees charged by superior courts.

Senate Sponsor: Senator Howard of the 42nd.

The Senate Committee on Judiciary offered the following amendment:

Amend HB 12 by striking from line 9 of Page 2 of the following:

“2.50”,

and inserting in lieu thereof the following:

“3.50”

On the adoption of the amendment, the yeas were 32, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barker	Foster	McGill
Barnes	Gillis	McKenzie
Bond	Harris	Peavy
Brantley	Harrison	Perry
Broun of 46th	Hill	Scott of 2nd
Brown of 47th	Hine	Scott of 43rd
Bryant	Holloway	Starr
Burton	Horton	Stumbaugh
Cobb	Howard	Tate
Coggin	Huggins	Timmons
Coleman	Kennedy	Trulock
Coverdell	Kidd	Turner
Deal	Lester	Walker
English		

Those not voting were Senators:

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Bowen	Garner	Phillips
Brannon	Greene	Scott of 36th
Dawkins	Hudgins	Thompson
Dean	Land	Tysinger
Fincher		

On the passage of the bill, the yeas were 43, nays 0.

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

HB 83. By Representatives Brooks of the 34th and Daugherty of the 33rd:

A bill to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, so as to create within the Georgia Bureau of Investigation and Antiterrorism Task Force.

Senate Sponsor: Senator Scott of the 2nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Barker	Foster	Littlefield
Barnes	Garner	McGill
Bond	Gillis	Peevy
Brannon	Harris	Perry
Brantley	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 43rd
Bryant	Hine	Starr
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Howard	Timmons
Coverdell	Huggins	Turner
Deal	Kennedy	Walker
English	Kidd	

Those not voting were Senators:

Bowen	Coleman	Dean
Broun of 46th	Dawkins	Fincher

Greene
Hudgins
Land

McKenzie
Phillips
Scott of 36th

Thompson
Trulock
Tysinger

On the passage of the bill, the yeas were 41, nays 0.

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

HB 119. By Representative Mostiler of the 75th:

A bill to provide for the Department of Labor a supplemental appropriation, pursuant to and in accordance with provisions of Code Sections 34-8-102 and 34-8-81 of the Official Code of Georgia Annotated, relating to employment security, of additional funds which are otherwise available to the Department of Labor out of funds credited to and held in this state's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States.

Senate Sponsor: Senator Holloway of the 12th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Brannon
Brantley
Broun of 46th
Brown of 47th
Bryant
Burton
Cobb
Coggin
Coleman
Coverdell
Deal

Dean
English
Engram
Foster
Garner
Gillis
Harris
Hill
Hine
Holloway
Horton
Howard
Huggins
Kennedy

Kidd
Lester
McGill
McKenzie
Peevy
Perry
Scott of 2nd
Scott of 43rd
Starr
Stumbaugh
Tate
Trulock
Turner
Walker

Those not voting were Senators:

Bowen
Dawkins

Fincher
Greene

Harrison
Hudgins

Land
Littlefield
Phillips

Scott of 36th
Thompson

Timmons
Tysinger

On the passage of the bill, the yeas were 43, nays 0.

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

Senator Brantley of the 56th introduced the doctor of the day, Dr. Stephen C. May, of Kennesaw, Georgia.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 121. By Representatives Lawson of the 9th, Snow of the 1st, Williams of the 48th and others:

A bill to implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts.

Senator Deal of the 49th moved that HB 121 be postponed until Monday, February 28.

On the motion, the yeas were 30, nays 0; the motion prevailed, and HB 121 was postponed until Monday, February 28.

HB 127. By Representatives Marcus of the 26th, Walker of the 115th, Snow of the 1st and others:

A bill to amend Code Section 48-5-161 of the Official Code of Georgia Annotated, relating to the time for issuance of tax executions and attachment of a receipt to said executions.

Senate Sponsors: Senators Coverdell of the 40th and Barnes of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	English	Lester
Barker	Engram	McGill
Barnes	Foster	McKenzie
Bond	Garner	Peevy
Brannon	Gillis	Perry
Brantley	Harris	Scott of 2nd
Broun of 46th	Hill	Scott of 43rd
Brown of 47th	Hine	Stumbaugh
Bryant	Holloway	Tate
Burton	Horton	Thompson
Cobb	Howard	Timmons
Coggin	Huggins	Trulock
Coverdell	Kennedy	Turner
Deal	Kidd	Walker

Those not voting were Senators:

Bowen	Greene	Phillips
Coleman	Harrison	Scott of 36th
Dawkins	Hudgins	Starr
Dean	Land	Tysinger
Fincher	Littlefield	

On the passage of the bill, the yeas were 42, nays 0.

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

HB 135. By Representatives Evans of the 84th, Smyre of the 92nd and Walker of the 115th:

A bill to amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, so as to provide that certain offenses will not be bailable.

Senate Sponsor: Senator Barnes of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Brantley	Cobb
Barker	Broun of 46th	Coleman
Barnes	Bryant	Coverdell
Brannon	Burton	Deal

Dean	Holloway	Scott of 2nd
English	Horton	Starr
Engram	Huggins	Stumbaugh
Foster	Kennedy	Tate
Garner	Kidd	Thompson
Gillis	Lester	Timmons
Harris	McGill	Trulock
Harrison	McKenzie	Turner
Hine	Perry	Walker

Those voting in the negative were Senators:

Brown of 47th	Howard	Peavy
Dawkins	Littlefield	Scott of 43rd

Those not voting were Senators:

Bond	Greene	Phillips
Bowen	Hill	Scott of 36th
Coggin	Hudgins	Tysinger
Fincher	Land	

On the passage of the bill, the yeas were 39, nays 6.

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

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 189. By Senator Timmons of the 11th:

A bill to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior court, so as to provide that, for purposes of determining the minimum annual salary of the clerk of superior court in any county in which more than 50 percent of the population of the county resides on certain property of the United States government, the population shall be deemed to be the total population of the county minus the population of the county which resides on property of the United States government; to provide an effective date.

The House amendment was as follows:

Amend SB 189 as follows:

On Page 1, line 17 strike "in which" and add "where persons on active duty in the United States military constitute"

and

on line 20 strike "resides" and add "2nd such persons reside"

Senator Timmons of the 11th moved that the Senate disagree to the House amendment to SB 189.

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On the motion, the yeas were 30, nays 0; the motion prevailed, and the Senate disagreed to the House amendment to SB 189.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 189. By Representatives Walker of the 115th, Evans of the 84th, Smyre of the 92nd and Murphy of the 18th:

A bill to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials, so as to change the salaries of certain officials.

Senate Sponsor: Senator Kennedy of the 4th.

The Senate Committee on Appropriations offered the following substitute to HB 189:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries and allowances of certain state officials, so as to change certain of such salaries and allowances; to provide for matters relative thereto; 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 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials, is amended by striking paragraphs (2), (4), (7), (11), and (14) of subsection (a) in their entirety and inserting in lieu thereof the following:

“(2) Lieutenant Governor	39,900.00
(4) Commissioner of Agriculture	49,900.00
(7) Commissioner of Insurance	49,900.00
(11) Each member of the Public Service Commission	49,900.00
(14) Secretary of State	49,900.00”

Section 2. Said Code section is further amended by striking the first undesignated paragraph of paragraph (22) of subsection (a) in its entirety and inserting in lieu thereof the following:

“Each member of the General Assembly shall also receive the allowances provided by law, except that each member shall receive an expense allowance in the sum of \$59.00 per day and shall receive the same mileage allowance for the use of a personal car when devoted to official business as that received by other state officials and employees.”

Section 3. Said Code Section is further amended by striking the second undesignated paragraph of paragraph (22) of subsection (a) in its entirety and inserting in lieu thereof the following:

“In addition to any other compensation and allowances authorized for members of the General Assembly, each member shall be reimbursed for actual expenses incurred in the performance of duties within the state as a member of the General Assembly in an amount not to exceed \$5,200.00 per year. For the purposes of the preceding sentence, a year shall be construed to begin on the convening date of the General Assembly in regular session and end on the last day of December in that calendar year. These expenses shall be limited to one or more of the following purposes: rents, district office or offices, office supplies and materials, office equipment, secretarial assistance, utilities, postage (which shall not be used for a political newsletter), communications, stationery, lodging, meals, travel, and per diem differential. Per diem differential shall be the difference between the daily expense allowance authorized for members of the General Assembly and the federal per diem rate in effect for the state capital as specified by the General Services Administration. Such expenses shall be reimbursed upon the submission of sworn vouchers to the legislative fiscal office.”

Section 4. This Act shall become effective July 1, 1983.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

Senator Coleman of the 1st offered the following amendment:

Amend the substitute to HB 189 offered by the Senate Committee on Appropriations by inserting between lines 17 and 18 on Page 1 the following:

“(12) State Revenue Commissioner	49,900.00”
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On the adoption of the amendment, the yeas were 31, nays 1, and the amendment was adopted.

On the adoption of the substitute, the yeas were 31, nays 3, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Dean	Littlefield
Barker	English	McGill
Bond	Gillis	McKenzie
Brannon	Harris	Scott of 2nd
Brown of 47th	Holloway	Scott of 43rd
Bryant	Huggins	Tate
Cobb	Kennedy	Timmons
Coggin	Kidd	Turner
Coleman	Lester	Walker

Those voting in the negative were Senators:

Barnes	Deal	Horton
Brantley	Engram	Howard
Broun of 46th	Foster	Peevy
Burton	Garner	Perry
Coverdell	Harrison	Starr
Dawkins	Hine	Stumbaugh

Those not voting were Senators:

Bowen	Hudgins	Thompson
Fincher	Land	Trulock
Greene	Phillips	Tysinger
Hill	Scott of 36th	

On the passage of the bill, the yeas were 27, nays 18.

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

Senator Kennedy of the 4th gave notice that, at the proper time, he would move that the Senate reconsider its action in defeating HB 189.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House insists on its position in disagreeing to the Senate substitute and has

appointed a Committee of Conference on the part of the House to confer with a like committee on the part of the Senate on the following bill of the House:

HB 171. By Representatives McDonald of the 12th, Lambert of the 66th, Argo of the 68th and others:

A bill to amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, so as to provide for licensing and regulation of farm wineries and sales by farm wineries.

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

Representatives McDonald of the 12th, Buck of the 95th and Jackson of the 9th.

The House adheres to its insistence on its amendment number 2 and has appointed a Committee of Conference on the part of the House to confer with a like committee on the part of the Senate on the following bill of the Senate:

SB 13. By Senator Kidd of the 25th:

A bill to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to make it unlawful knowingly and intentionally to destroy or cause physical injury to a police dog; to repeal conflicting laws.

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

Representatives Walker of the 115th, Coleman of the 118th and Hanner of the 131st.

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

HB 519. By Representative Phillips of the 125th:

A bill to amend an Act revising, altering, and consolidating into a comprehensive Act all laws relating to the Municipal Court of Savannah, so as to change the provisions relating to the compensation of the judge.

HB 652. By Representatives Porter of the 119th and Coleman of the 118th:

A bill to amend an Act consolidating the office of tax receiver and tax collector of Laurens County into the office of tax commissioner of Laurens County, so as to change the compensation of the tax commissioner.

HB 653. By Representatives Porter of the 119th and Coleman of the 118th:

A bill to amend an Act placing the judge of the Probate Court of Laurens County on an annual salary in lieu of fees, so as to change the compensation of the judge of the probate court.

HB 712. By Representatives Thomas of the 69th and Johnson of the 70th:

A bill to amend an Act establishing the State Court of Carroll County, so as to change the compensation of the judge and solicitor.

HB 715. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act creating the office of commissioner of Carroll County, so as to change the compensation of the commissioner of Carroll County.

HB 748. By Representative Auten of the 156th:

A bill to amend an Act placing the sheriff of Glynn County on an annual salary, so as to change the provisions relative to the automobiles provided to the sheriff.

HB 758. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend an Act creating the Small Claims Court of Thomas County, so as to provide that the judge of the court shall be elected.

HB 762. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend an Act creating a board of commissioners of Thomas County, so as to provide for the election of members of the board and for the districts from which they shall be elected.

HB 763. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to costs and compensation of probate judges, so as to change the amount of the court costs charged by the probate judges of all counties having a population of not less than 38,000 and not more than 38,200.

HB 785. By Representatives Smith of the 152nd and Moody and Byrd of the 153rd:

A bill to amend an Act providing a new charter for the City of Hoboken, Georgia, so as to change certain fines.

HB 786. By Representative Smith of the 152nd:

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A bill to amend an Act creating a board of commissioners of Bacon County, so as to provide for commissioner districts; to provide for a chairman and members of the board.

HB 787. By Representative Smith of the 152nd:

A bill to repeal specifically an Act providing for boards of commissioners in counties having a population of not less than 9,365 and not more than 9,385 according to the United States decennial census of 1980 or any future such census.

HB 793. By Representative Adams of the 79th:

A bill to further define, prescribe, and enlarge the powers of the Thomaston-Upsen County Office Building Authority.

HB 794. By Representative Hanner of the 131st:

A bill to amend an Act providing a new charter for the City of Leary in Calhoun, so as to change the corporate limits of the City.

HB 795. By Representative Murphy of the 18th:

A bill to amend an Act creating the office of county commissioner of Haralson County, so as to change the compensation of the county commissioner of Haralson County.

HB 796. By Representative Murphy of the 18th:

A bill to amend an Act placing the sheriff and the ordinary of Haralson County on an annual salary in lieu of the fee system of compensation, so as to change the compensation of the probate judge of Haralson County (formerly ordinary of Haralson County).

HB 797. By Representative Russell of the 64th:

A bill to authorize the governing authority of Barrow County to provide for supplemental compensation for the judge of the superior court in the Piedmont Judicial Circuit.

HB 798. By Representative Russell of the 64th:

A bill to provide that the board of commissioners of Barrow County shall have the right and power to assess and collect license fees and taxes from all persons, firms, and corporations doing business in the unincorporated areas of Barrow County.

HB 799. By Representative Jones of the 78th:

A bill to amend an Act to provide that the grand jury selecting members of the county board of education of Butts County shall be authorized to select two members from certain militia districts, so as to provide an additional procedure to be used in the selection of members of the county board of education.

HB 800. By Representative Long of the 142nd:

A bill to amend an Act incorporating the City of Cairo, so as to extend the corporate limits of said city.

HB 801. By Representatives Chambless of the 133rd, Young of the 134th, White of the 132nd and Balkcom of the 140th:

A bill to amend an Act creating a board of commissioners of Dougherty County, so as to change the commission districts; to clarify that elections and terms under the changed districts shall remain the same as under these districts as formerly described.

HB 802. By Representative Reaves of the 147th:

A bill to abolish the method of compensating the judges of the Probate Court of Brooks County known as the fee system; to provide in lieu thereof an annual salary.

HB 803. By Representative Porter of the 119th:

A bill to amend an Act providing a new charter for the City of Dublin, so as to increase the maximum fine of the city court from \$500.00 to \$1000.00.

HB 804. By Representatives Twiggs and Colwell of the 4th:

A bill to amend an Act placing the sheriff of Towns County on an annual salary, so as to change the compensation of the sheriff; to change the provisions relating to deputies.

HB 808. By Representative Copelan of the 106th:

A bill to provide a new charter for the City of White Plains; to provide for corporate boundaries.

HB 809. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act providing for a Board of Commissioners of Fannin County, so as to change the provisions relating to the compensation of the chairman and members of the board.

HB 810. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act providing an annual salary for the coroner of Fannin County, so as to change the compensation of the coroner.

HB 811. By Representatives Kilgore of the 42nd, Watts of the 41st and Johnson of the 70th:

A bill to amend an Act creating the Douglas Judicial Circuit, so as to change the amount of the supplement paid to the superior court judges of the Douglas Judicial Circuit from funds of Douglas County.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 230. By Representatives Murphy of the 18th, Burruss of the 20th, Collins of the 144th and others:

A bill to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation in general, so as to provide for preferential assessment of tangible real property which is devoted to bona fide agricultural purposes.

Senate Sponsor: Senator McKenzie of the 14th.

The Senate Committee on Banking and Finance offered the following substitute to HB 230:

A BILL TO BE ENTITLED AN ACT

To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation in general, so as to provide for preferential assessment of tangible real property which is devoted to bona fide agricultural purposes; to provide conditions of such assessment and penalties for breach of such conditions; to state legislative intent; to provide for all 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. It is the intent of this Act to implement certain changes imposed by Article VII, Section I, Paragraph III, subparagraph (c) of the Constitution of the State of Georgia.

Section 2. Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation in general, is amended by striking Code Section 48-5-7 and inserting in its place a new Code section to read as follows:

“48-5-7. (a) Except as otherwise provided in this Code section, taxable tangible property shall be assessed at 40 percent of its fair market

value and shall be taxed on a levy made by each respective tax jurisdiction according to 40 percent of the property's fair market value.

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(b) Tangible real property which is devoted to bona fide agricultural purposes as defined in this chapter and which otherwise conforms to the conditions and limitations imposed in this chapter shall be assessed for ad valorem property tax purposes at 75 percent of the value which other tangible real property is assessed and shall be taxed on a levy made by each respective tax jurisdiction according to said assessment.

(c) The requirement contained in this Code section that all tax jurisdictions assess taxable tangible property at 40 percent of fair market value shall not apply to any tax jurisdiction whose ratio of assessed value to fair market value exceeded 40 percent for the tax year 1971. No tax jurisdiction so exempted shall assess at a ratio of less than 40 percent except as necessary to effect the preferential assessment provided in subsection (b) of this Code section.

(d) Each notice of ad valorem taxes due sent to taxpayers of counties and municipalities shall include both the fair market value of the property of the taxpayer which is subject to taxation and the assessed value of the property after being reduced as provided by this Code section."

Section 3. Said article is further amended by adding a new Code Section 48-5-7.1 to read as follows:

"48-5-7.1. (a) For purposes of this article, 'tangible real property which is devoted to "bona fide agricultural purposes"':

(1) Is tangible real property, the primary use of which is good faith commercial production from or on the land of agricultural products, including horticultural, floricultural, forestry, dairy, livestock, poultry, and apiarian products and all other forms of farm products; but

(2) Includes only the value which is \$100,000.00 or less of the fair market value of tangible real property which is devoted to the storage or processing of agricultural products from or on the property; and

(3) Excludes the entire value of any residence located on the property.

(b) No property shall qualify for the preferential ad valorem property tax assessment provided for in subsection (b) of Code Section 48-5-7 unless:

(1) It is owned by one or more natural or naturalized citizens; or

(2) It is owned by a family-farm corporation, the controlling interest of which is owned by individuals related to each other within the fourth degree by civil reckoning, and such corporation derived 80 percent or more of its gross income for the year immediately preceding the year in which application for preferential assessment is made from bona fide agricultural pursuits carried out on tangible real property located in this state, which property is devoted to bona fide agricultural purposes.

(c) No property shall qualify for said preferential assessment if such assessment would result in any person who has a beneficial interest in such property, including any interest in the nature of stock ownership, receiving in any tax year any benefit of preferential assessment as to more than 2,000 acres. If any taxpayer has any beneficial interest in more than 2,000 acres of tangible real property which is devoted to bona fide agricultural purposes, such taxpayer shall apply for preferential assessment only as to 2,000 acres of such land.

(d) No property shall qualify for preferential assessment unless and until the owner of such property agrees by covenant with the appropriate taxing authority to maintain the eligible property in bona fide agricultural purposes for a period of at least ten years beginning on the first day of January falling after the date of his application for preferential assessment and ending on the last day of December of the tenth year of the covenant period. After the expiration of any ten-year covenant period, the property shall not qualify for further preferential assessment until and unless the owner of the property enters into a renewal covenant for an additional period of ten years.

(e) No property shall maintain its eligibility for preferential assessment unless a valid covenant remains in effect and unless the property is continuously devoted to bona fide agricultural purposes during the entire period of the covenant.

(f) If any change in ownership of such qualified property occurs during the covenant period, all qualification requirements must be met again before the property shall be eligible to be continued for preferential assessment. If ownership of the property is acquired during a covenant period by a person qualified to enter into an original covenant, by a newly formed corporation the stock in which is owned by the original covenantor or others related to the original covenantor within the fourth degree by civil reckoning, or by the personal representative of an owner who was a party to the covenant then the original covenant may be continued by such acquiring party for the remainder of the term in which event no breach of the covenant shall be deemed to have occurred.

(g) A penalty shall be imposed under this subsection if, during the first nine years of the period of the original covenant, excluding renewals, entered into by a taxpayer, the covenant is breached. The amount of the penalty shall be computed as follows:

(1) If the property has received preferential assessment for fewer than five tax years, multiply the total amount by which such preferential assessment has reduced taxes otherwise due for those years times:

(A) A factor of five if the property has received preferential assessment for one year;

(B) A factor of 2.5 if the property has received preferential assessment for two years;

(C) A factor of 1.66 if the property has received preferential assessment for three years; or

(D) A factor of 1.25 if the property has received preferential assessment for four years; or

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(2) If the property has received preferential assessment for five or more tax years, total the amount by which such preferential assessment has reduced taxes which would have otherwise been due for:

(A) The five tax years for which preferential assessment was granted if the property has received preferential assessment for five years;

(B) The four most recent tax years for which preferential assessment was granted if the property has received preferential assessment for six years;

(C) The three most recent tax years for which preferential assessment was granted if the property has received preferential assessment for seven years;

(D) The two most recent tax years for which preferential assessment was granted if the property has received preferential assessment for eight years; or

(E) The one most recent tax year for which preferential assessment was granted if the property has received preferential assessment for nine years; and

(3) Multiply the amount determined under paragraph (1) or (2) of this subsection times a factor of three.

(h) A penalty imposed under subsection (g) of this Code section shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached.

(i) Penalties and interest imposed under this Code section shall constitute a lien against the property and shall be collected as other unpaid ad valorem taxes are collected. Such penalties and interest shall be distributed pro rata to each taxing jurisdiction wherein the preferential assessment has been granted based upon the total amount by which such preferential assessment has reduced taxes for each such taxing jurisdiction on the property in question as provided in this Code section.

(j) The penalty imposed by subsection (g) of this Code section shall not apply in any case where a covenant is breached solely as a result of:

(1) The acquisition of part or all of the property under the power of eminent domain;

(2) The sale of part or all of the property to a public or private entity which would have had the authority to acquire the property under the power of eminent domain; or

(3) The death of an owner who was a party to the covenant.

(k) All applications for preferential assessment, including the covenant agreement required under this Code section, shall be filed before

January 1 of the tax year for which such preferential assessment shall be first applicable. Applications for preferential assessment shall be filed with the county board of tax assessors who shall approve or deny the application. If the application is denied, the board of tax assessors shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306. Appeals from the denial of an application by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311.

(1) The Commissioner shall by regulation provide uniform application and covenant forms to be used in making application for preferential assessment. Such application shall include an oath or affirmation by the taxpayer that he has not at any time received, or made a pending application for, preferential assessment in the same or another county with respect to any property which taken together with property for which application is then being made exceeds 2,000 acres."

Section 4. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval and shall apply to all tax years beginning on or after January 1, 1984.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

Senators Coverdell of the 40th and Barnes of the 33rd offered the following amendment:

Amend the substitute to HB 230 offered by the Senate Committee on Banking and Finance as follows:

By redesignating Sections 4 and 5 as Sections 5 and 6, respectively, and by adding a new Section 4 to read as follows:

"Section 4. Said article is further amended by adding a new Code Section 48-5-7.2 to read as follows:

'48-5-7.2. (a) The General Assembly imposes the following additional requirements to obtain such preferential assessment in counties having a population of 150,000 or more according to the United States decennial census of 1980 or any future such census:

(1) Except for that property devoted to the production of timber for bona fide commercial purposes, no property shall qualify for preferential assessment unless the owner demonstrates that sales of farm products derived from the farming operations conducted on the land so assessed have resulted in gross sales of at least \$100.00 per acre from the farming operations in at least three of the preceding five years. Proof of such sales shall be required at the time of initial application for the preferential assessment. In years subsequent to the initial application for preferential assessment for those lands devoted to the production of agricultural products, the owner shall file an annual affidavit with the taxing authority which affirms that the lands so assessed continue to meet the requirements set forth above. In no event shall property qualify for said prefer-

ential assessment unless the property consists of at least 50 acres of contiguous lands devoted to bona fide agricultural purposes.

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(2) For those lands devoted to the production of timber for bona fide commercial purposes, the owner at the time of initial application for preferential assessment shall file an affidavit with the taxing authority which affirms that his lands are used for bona fide commercial timber production. In years subsequent to the initial application for preferential assessment for those lands devoted to the production of timber, the owner shall file an annual affidavit with the taxing authority which affirms that the lands so assessed remain in good faith commercial production of timber. In no event shall property qualify for said preferential assessment unless the property consists of at least 100 acres of contiguous lands devoted to bona fide agricultural purposes.

(3) In no event shall any land qualify for preferential assessment under this section if said land is zoned for commercial, industrial or residential development on lots of 20,000 square feet or less.

(4) In the event any property in this section ceases to be classified as property used for bona fide agricultural purposes the owner at that time shall be deemed responsible for the following penalty which shall be imposed: the difference between the property tax paid as land devoted to bona fide agricultural purposes and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified, plus interest upon the amounts of such additional tax paid at the prime rate of interest, plus 4 percent as existed for each year in which preferential assessment was granted.

Senator Coleman of the 1st offered the following amendment:

Amend the amendment offered by Senators Coverdell of the 40th and Barnes of the 33rd to the substitute to HB 230 offered by the Senate Committee on Banking and Finance by striking on line 13, Page 1, the figure "150,000" and substituting therefor the figure "205,000"

On the adoption of the amendment, the yeas were 33, nays 10 and the amendment was adopted.

On the adoption of the amendment offered by Senators Coverdell of the 40th and Barnes of the 33rd, Senator Coverdell of the 40th called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker
Barnes
Bond
Brantley
Burton
Coverdell

Engram
Greene
Harrison
Holloway
Howard

Hudgins
Scott of 43rd
Stumbaugh
Thompson
Tysinger

Those voting in the negative were Senators:

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Allgood	Fincher	McGill
Bowen	Foster	McKenzie
Brannon	Garner	Peevy
Broun of 46th	Gillis	Perry
Brown of 47th	Harris	Scott of 2nd
Bryant	Hill	Scott of 36th
Cobb	Hine	Starr
Coggin	Horton	Tate
Coleman	Huggins	Timmons
Dawkins	Kennedy	Trulock
Deal	Kidd	Turner
Dean	Lester	Walker
English	Littlefield	

Not voting were Senators Land and Phillips.

On the adoption of the amendment, the yeas were 16, nays 38, and the amendment was lost.

Senators Coverdell of the 40th and Barnes of the 33rd offered the following amendment:

Amend the substitute to HB 230 offered by the Senate Committee on Banking and Finance as follows:

By striking the quotation mark where it appears immediately following the word and period "acres." in line 29 on Page 7 and by adding between lines 29 and 30 on Page 7 a new subsection (m) to read as follows:

"(m) The Commissioner shall annually submit a report to the Governor and members of the General Assembly which shall show the fiscal impact of the preferential assessment provided for in this Code section. The report shall include the amount of assessed value eliminated from each county's digest as a result of the preferential assessment; approximate tax dollar losses, by county, to all local governments affected by such preferential assessment; and any recommendations regarding state and local administration of this Code section, with emphasis upon enforcement problems, if any, attendant with this Code section. The report shall also include any other data or facts which the commissioner deems relevant.' "

On the adoption of the amendment, the yeas were 47, nays 0, and the amendment was adopted.

Senators Coverdell of the 40th and Barnes of the 33rd offered the following amendment:

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Amend the substitute to HB 230 offered by the Senate Committee on Banking and Finance as follows:

On Page 7, lines 5 and 6, strike paragraph (3).

On the adoption of the amendment, the yeas were 17, nays 36, and the amendment was lost.

Senator Scott of the 43rd offered the following amendment:

Amend the substitute to HB 230 offered by the Senate Committee on Banking and Finance by adding a new Section 5 to read as follows:

“If any part of this Act is declared to be invalid it shall not affect the other parts of this Act.”,

and

by renumbering the present Section 5 as “Section 6”

Senator Scott of the 43rd asked unanimous consent to withdraw his amendment, and the consent was granted.

On the adoption of the substitute, the yeas were 49, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Dawkins	Hill
Barker	Deal	Hine
Barnes	Dean	Holloway
Bond	English	Horton
Bowen	Engram	Howard
Brannon	Fincher	Huggins
Broun of 46th	Foster	Kennedy
Brown of 47th	Garner	Kidd
Bryant	Gillis	Lester
Cobb	Greene	Littlefield
Coggin	Harris	McGill
Coleman	Harrison	McKenzie

Peevy	Stumbaugh	Trulock
Perry	Tate	Turner
Scott of 2nd	Thompson	Tysinger
Scott of 36th	Timmons	Walker
Starr		

Those voting in the negative were Senators:

Brantley	Coverdell	Scott of 43rd
Burton	Hudgins	

Not voting were Senators Land and Phillips.

On the passage of the bill, the yeas were 49, nays 5.

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

The following bills of the House were read the first time and referred to committees:

HB 519. By Representative Phillips of the 125th:

A bill to amend an Act revising, altering, and consolidating into a comprehensive Act all laws relating to the Municipal Court of Savannah, so as to change the provisions relating to the compensation of the judge.

Referred to Committee on Federal, State and Community Affairs.

HB 652. By Representatives Porter of the 119th and Coleman of the 118th:

A bill to amend an Act consolidating the office of tax receiver and tax collector of Laurens County into the office of tax commissioner of Laurens County, so as to change the compensation of the tax commissioner.

Referred to Committee on Federal, State and Community Affairs.

HB 653. By Representatives Porter of the 119th and Coleman of 118th:

A bill to amend an Act placing the judge of the Probate Court of Laurens County on an annual salary in lieu of fees, so as to change the compensation of the judge of the probate court.

Referred to Committee on Federal, State and Community Affairs.

HB 712. By Representatives Thomas of the 69th and Johnson of the 70th:

~~A bill to amend an Act~~ establishing the State Court of Carroll County, so as to change the compensation of the judge and solicitor.

Referred to Committee on Federal, State and Community Affairs.

HB 715. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act creating the office of commissioner of Carroll County, so as to change the compensation of the commissioner of Carroll County.

Referred to Committee on Federal, State and Community Affairs.

HB 748. By Representative Auten of the 156th:

A bill to amend an Act placing the sheriff of Glynn County on an annual salary, so as to change the provisions relative to the automobiles provided to the sheriff.

Referred to Committee on Federal, State and Community Affairs.

HB 758. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend an Act creating the Small Claims Court of Thomas County, so as to provide that the judge of the court shall be elected.

Referred to Committee on Federal, State and Community Affairs.

HB 762. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend an Act creating a board of commissioners of Thomas County, so as to provide for the election of members of the board and for the districts from which they shall be elected.

Referred to Committee on Federal, State and Community Affairs.

HB 763. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to costs and compensation of probate judges, so as to change the amount of the court costs charged by the probate judges of all counties having a population of not less than 38,000 and not more than 38,200.

Referred to Committee on Federal, State and Community Affairs.

HB 785. By Representatives Smith of the 152nd and Moody and Byrd of the 153rd:

A bill to amend an Act providing a new charter for the City of Hoboken, Georgia, so as to change certain fines.

Referred to Committee on Federal, State and Community Affairs.

HB 786. By Representative Smith of the 152nd:

A bill to amend an Act creating a board of commissioners of Bacon County, so as to provide for commissioner districts; to provide for a chairman and members of the board.

Referred to Committee on Federal, State and Community Affairs.

HB 787. By Representative Smith of the 152nd:

A bill to repeal specifically an Act providing for boards of commissioners in counties having a population of not less than 9,365 and not more than 9,385 according to the United States decennial census of 1980 or any future such census.

Referred to Committee on Federal, State and Community Affairs.

HB 793. By Representative Adams of the 79th:

A bill to further define, prescribe, and enlarge the powers of the Thomaston-Upson County Office Building Authority.

Referred to Committee on Federal, State and Community Affairs.

HB 794. By Representative Hanner of the 131st:

A bill to amend an Act providing a new charter for the City of Leary in Calhoun, so as to change the corporate limits of the City.

Referred to Committee on Federal, State and Community Affairs.

HB 795. By Representative Murphy of the 18th:

A bill to amend an Act creating the office of county commissioner of Haralson County, so as to change the compensation of the county commissioner of Haralson County.

Referred to Committee on Federal, State and Community Affairs.

HB 796. By Representative Murphy of the 18th:

A bill to amend an Act placing the sheriff and the ordinary of Haralson County on an annual salary in lieu of the fee system of compensation, so as to change the compensation of the probate judge of Haralson County (formerly ordinary of Haralson County).

Referred to Committee on Federal, State and Community Affairs.

HB 797. By Representative Russell of the 64th:

A bill to authorize the governing authority of Barrow County to provide for supplemental compensation for the judge of the superior court in the Piedmont Judicial Circuit.

Referred to Committee on Federal, State and Community Affairs.

HB 798. By Representative Russell of the 64th:

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A bill to provide that the board of commissioners of Barrow County shall have the right and power to assess and collect license fees and taxes from all persons, firms, and corporations doing business in the unincorporated areas of Barrow County.

Referred to Committee on Federal, State and Community Affairs.

HB 799. By Representative Jones of the 78th:

A bill to amend an Act to provide that the grand jury selecting members of the county board of education of Butts County shall be authorized to select two members from certain militia districts, so as to provide an additional procedure to be used in the selection of members of the county board of education.

Referred to Committee on Federal, State and Community Affairs.

HB 800. By Representative Long of the 142nd:

A bill to amend an Act incorporating the City of Cairo, so as to extend the corporate limits of said city.

Referred to Committee on Federal, State and Community Affairs.

HB 801. By Representatives Chambless of the 133rd, Young of the 134th, White of the 132nd and Balkcom of the 140th:

A bill to amend an Act creating a board of commissioners of Dougherty County, so as to change the commission districts; to clarify that elections and terms under the changed districts shall remain the same as under these districts as formerly described.

Referred to Committee on Federal, State and Community Affairs.

HB 802. By Representative Reaves of the 147th:

A bill to abolish the method of compensating the judge of the Probate Court of Brooks County known as the fee system; to provide in lieu thereof an annual salary.

Referred to Committee on Federal, State and Community Affairs.

HB 803. By Representative Porter of the 119th:

A bill to amend an Act providing a new charter for the City of Dublin, so as to increase the maximum fine of the city court from \$500.00 to \$1000.00.

Referred to Committee on Federal, State and Community Affairs.

HB 804. By Representatives Twiggs and Colwell of the 4th:

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A bill to amend an Act placing the sheriff of Towns County on an annual salary, so as to change the compensation of the sheriff; to change the provisions relating to deputies.

Referred to Committee on Federal, State and Community Affairs.

HB 808. By Representative Copelan of the 106th:

A bill to provide a new charter for the City of White Plains; to provide for corporate boundaries.

Referred to Committee on Federal, State and Community Affairs.

HB 809. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act providing for a Board of Commissioners of Fannin County, so as to change the provisions relating to the compensation of the chairman and members of the board.

Referred to Committee on Federal, State and Community Affairs.

HB 810. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act providing an annual salary for the coroner of Fannin County, so as to change the compensation of the coroner.

Referred to Committee on Federal, State and Community Affairs.

HB 811. By Representatives Kilgore of the 42nd, Watts of the 41st and Johnson of the 70th:

A bill to amend an Act creating the Douglas Judicial Circuit, so as to change the amount of the supplement paid to the superior court judges of the Douglas Judicial Circuit from funds of Douglas County.

Referred to Committee on Federal, State and Community Affairs.

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 130. By Representatives Walker of the 115th, Evans of the 84th, Smyre of the 92nd and Jackson of the 9th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide procedures and sanctions for violations of the offense of driving under the influence of alcohol or drugs.

The Conference Committee report on HB 130 was as follows:

The Conference Committee on HB 130 recommends that both the Sen-

ate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 130 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Roy E. Barnes
Senator, 33rd District

/s/ Paul D. Coverdell
Senator, 40th District

/s/ Joe Thompson
Senator, 32nd District

**FOR THE HOUSE
OF REPRESENTATIVES:**

/s/ Denmark Groover
Representative, 99th District

/s/ Jerry D. Jackson
Representative, 9th District

/s/ Larry Walker
Representative, 115th District

Conference Committee substitute to HB 130:

**A BILL TO BE ENTITLED
AN ACT**

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to amend and revise the laws relating to the criminal penalties and administrative sanctions imposed for operating a motor vehicle while under the influence of alcohol or drugs; to provide procedures and sanctions for violations of the offense of driving under the influence of alcohol or drugs; to provide for applicability; to provide definitions; to provide for the surrender of the drivers' licenses of persons charged with driving under the influence of alcohol or drugs; to provide for the issuance of temporary driving permits; to provide for the disposition of drivers' licenses; to provide for the suspension and revocation of the drivers' licenses of persons convicted of driving under the influence of alcohol or drugs; to provide procedures and conditions for pleas of nolo contendere; to provide for a suspension of a driver's license upon a failure to comply with certain conditions; to provide limitations of periods of suspensions; to provide for the reinstatement of suspended drivers' licenses; to limit the applicability of certain provisions of the Code subject to the provisions of the article dealing with violations of the offense of driving under the influence of alcohol or drugs; to provide for the reinstatement of driving privileges upon attending certain courses and programs; to provide for the suspension of the driver's license of any person convicted of homicide by vehicle in the first degree; to provide that it shall be unlawful to be in actual control of any moving vehicle with 0.12 percent or more by weight of alcohol in the blood; to provide penalties for convictions of that offense; to change the penalties for a conviction of the offense of driving under the influence of alcohol or drugs; to change the penalties for a conviction of related offenses; to change the period of time during which prior violations shall be considered; to provide for the conditions under which such penalties may be suspended, stayed, or probated; to limit the authority to suspend, stay, or probate these penalties; to provide that certain courts shall be authorized to impose these penalties notwithstanding limits in municipal charters; to authorize certain courts to probate,

stay, or suspend sentences imposed for certain offenses; to provide that the provisions of Code Section 17-10-3 of the Official Code of Georgia Annotated, relating to general punishment for misdemeanors including traffic offenses, and the provisions of Article 3 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation of first offenders, shall not apply to certain convictions; to change the penalty imposed for violations of certain provisions of Code Section 40-6-393, relating to homicide by vehicle; to allow certain evidence to be introduced at trials; to change certain references to the offense of driving under the influence of alcohol or drugs to include the offense of being in actual control of any moving vehicle with 0.12 percent or more by weight of alcohol in the blood; to provide for all other matters relative to the foregoing; to amend Code Section 15-11-49 of the Official Code of Georgia Annotated, relating to juvenile traffic offenses, so as to continue the exception which states that driving under the influence of alcohol or drugs shall not constitute a juvenile traffic offense; 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 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by adding between Article 3 and Article 4 of Chapter 5 of said title a new Article 3.1 to read as follows:

“ARTICLE 3.1

40-5-67. From and after September 1, 1983, the provisions of this article shall apply to all cases in which a person is charged with violating the provisions of Code Section 40-6-391, relating to operating a motor vehicle while under the influence of alcohol or drugs. All provisions of this Code which are applicable to traffic offenses generally and to violations of Code Section 40-6-391 shall continue to be applicable to the extent that such provisions are not inconsistent with the provisions of this article.

40-5-68. As used in this article, the term:

(1) ‘Code Section 40-6-391’ means Code Section 40-6-391 of the Official Code of Georgia Annotated, as now or hereafter amended, and any local ordinance adopted pursuant to Article 14 of Chapter 6 of Title 40, which ordinance adopts the provisions of Code Section 40-6-391.

(2) ‘Conviction’ means a forfeiture of bail or other collateral deposited to secure a defendant’s appearance in court; the imposition of a fine or imprisonment, regardless of whether such fine or imprisonment is suspended, probated, stayed, or rebated; a plea of guilty; a finding of guilt; or a plea of nolo contendere.

40-5-69. (a) Whenever a 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 15 days of issue, to the Department of Public Safety. 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.

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(b) At the time the law enforcement officer takes the driver's license, he shall issue a temporary driving permit to the person. This temporary driving permit shall be valid until the expiration of 180 days, or until the person's driving privilege is suspended or revoked under any provision of this title. The Department of Public Safety, 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 Code Section 40-6-391, the court shall, within 15 days, forward the person's driver's license and the record of the disposition of the case to the Department of Public Safety. 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 Code Section 40-6-391, the court shall return the driver's license to the person, unless the person refused to submit to a blood alcohol test as required by Code Section 40-5-55. If the person refused to submit to such a test, the driver's license shall be forwarded to the Department of Public Safety for disposition in accordance with Code Section 40-5-55 unless the person can show that he prevailed at a hearing which was held in accordance with subsection (d) of Code Section 40-5-55.

40-5-70. (a) The driver's license of any person convicted of violating Code Section 40-6-391 shall by operation of law be suspended, and such suspension shall be subject to the terms and conditions provided in subsection (b) of this Code section.

(b) (1) The driver's license of any person convicted of violating Code Section 40-6-391 shall be suspended as follows:

(A) Upon the first conviction, with no conviction of and no plea of nolo contendere accepted to a charge of violating Code Section 40-6-391 within the previous five years, the period of suspension shall be for one year. At the end of 120 days, the person may apply to the Department of Public Safety for reinstatement of his driver's license. Such license shall be reinstated if the person submits proof of completion of a certified and approved basic alcohol or drug course from an approved driver improvement clinic and pays a restoration fee of \$25.00. For the purposes of this subparagraph only, an accepted plea of nolo contendere, with no conviction of and no plea of nolo contendere accepted to a charge of violating Code Section 40-6-391 within the previous five years, shall not be considered a conviction; however, the court having jurisdiction shall forward, as provided in Code Section 40-6-391.1, the record of such disposition of the case to the Department of Public Safety 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 subparagraphs (B) and (C) of this paragraph;

(B) Upon the second conviction within five years, the period of suspension shall be for three years. At the end of 120 days, the person may apply to the Department of Public Safety for reinstatement of his driver's license. Such license shall be reinstated if the person submits proof of completion of a certified and approved advanced alcohol or drug program from an approved driver improvement clinic and pays a restoration fee of \$25.00. For the purposes of this subparagraph, a plea of nolo contendere and all prior accepted pleas of nolo contendere within five years shall be considered and counted as convictions; and

(C) Upon the third conviction within five years, such person shall be a habitual violator, and his license shall be indefinitely suspended pending revocation. The Department of Public Safety shall revoke such person's driver's license as provided in Code Section 40-5-58 and Code Section 40-5-62. For the purposes of this subparagraph, a plea of nolo contendere and all prior accepted pleas of nolo contendere within five years shall be considered and counted as convictions.

(2) Notwithstanding the provisions of paragraph (1) of this subsection which provide for the early reinstatement of a person's driver's license, the Department of Public Safety shall not reinstate the driver's license during any period of suspension imposed under subsection (b) of Code Section 40-5-63.

(c) The periods of suspension provided for in this Code section shall begin on the date the person is convicted of violating Code Section 40-6-391.

(d) 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.

(e) The commissioner may, before returning a license to a person prior to the full period of a suspension, require such person to maintain and present proof of present and future minimum motor vehicle insurance coverage as defined in paragraph (8) of Code Section 40-5-1 for a period not to exceed the remaining full period of suspension. If a person who is required to maintain present and future motor vehicle insurance coverage ceases to maintain such coverage, that person's license shall become immediately suspended without further action by the department and the person shall forthwith surrender his license to the department. The license shall remain suspended until present and future minimum motor vehicle insurance coverage is restored or no longer required. The department shall establish by rules and regulations the method and manner by which present and future minimum motor vehicle insurance coverage shall be proved and maintained, provided that when the full period of suspension has run, the license shall unconditionally be returned to the driver.

40-5-71. (a) Any person convicted of violating Code Section 40-6-

391 who has not previously been convicted of violating said Code section within the preceding five years and who has not had his driver's license suspended under Code Section 40-5-72 may apply to the Department of Public Safety for a limited driving permit.

(b) Applications for limited driving permits 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 permit. All applications shall be signed by the applicant before a person authorized to administer oaths.

(c) The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this Code section, 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

(1) Going to his place of employment or performing the normal duties of his occupation;

(2) Receiving scheduled medical care or obtaining prescription drugs;

(3) Attending a college or school at which he is regularly enrolled as a student; or

(4) Attending under court order any driver education or improvement school approved by the court which entered the judgment of conviction resulting in suspension of his driver's license or by the commissioner.

(d) A limited driving permit shall be endorsed with such conditions as the department deems necessary to ensure that such permit will be used by the permittee only to avoid the conditions of extreme hardship. Such conditions may include the following restrictions:

(1) Specific places between which the permittee may be allowed to operate a motor vehicle;

(2) Routes to be followed by the permittee;

(3) Times of travel;

(4) The specific vehicles which the permittee may operate; and

(5) Such other restrictions as the department may require.

(e) A permit issued pursuant to this Code section shall be nonrenewable and shall become invalid upon the expiration of 120 days following the conviction of violating Code Section 40-6-391.

(f) No official or employee of the department shall be criminally or civilly liable for issuing a limited driving permit as provided for in this Code section.

(g) (1) Any permittee who is convicted of violating any state law or local ordinance to which Code Section 40-5-54 or Code Section 40-5-70

is applicable or any permittee who is convicted of violating the conditions endorsed on his permit shall have his permit revoked. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the Department of Public Safety with a copy of the conviction.

(2) Any person whose limited driving permit has been revoked shall not be eligible for reinstatement of his driver's license until six months from the date such permit was revoked under this subsection.

(h) The department shall not issue a limited driving permit to any person whose driver's license has been suspended under the provisions of Code Section 40-5-55; and any limited driving permit issued under this Code section shall immediately be revoked, if subsequent to its issue, the permittee's driving privilege is suspended under the provisions of Code Section 40-5-55.

(i) Any person whose permit has been revoked, or who has been refused a permit by the department, may make a request in writing for a hearing to be provided by the department. Such hearing shall be provided by the department within 30 days after the receipt of such request and shall follow the procedures required by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Appeal from such hearing shall be in accordance with said Act.

(j) The department may promulgate such rules and regulations as are necessary to implement this Code section.

(k) Any permittee who operates a vehicle in violation of any condition specified on the permit shall be guilty of a misdemeanor.

40-5-72. (a) The driver's license of any person whose plea of nolo contendere to a charge of violating Code Section 40-6-391 was accepted as provided in Code Section 40-6-391.1 but who fails to complete a certified and approved basic alcohol or drug course from an approved driver improvement clinic by the date specified in the court's order issued pursuant to Code Section 40-6-391.1 shall by operation of law be suspended on such date. Such license shall be suspended for a period of one year from such date. At any time after suspension begins, the person may apply to the Department of Public Safety for reinstatement of his driver's license. Such license shall be reinstated if the person submits proof of completion of a certified and approved basic alcohol or drug course from an approved driver improvement clinic and pays a restoration fee of \$25.00.

(b) Any person whose driver's license has been suspended by operation of law as provided in subsection (a) of this Code section shall immediately return such license to the department. It shall be unlawful for any person to operate any motor vehicle in this state after such person's driver's license has been suspended under this Code section, if such person has not thereafter obtained a valid driver's license.

40-5-73. If a person's driver's license is suspended by operation of law as provided in Code Section 40-5-70 or Code Section 40-5-72, the fact that the person's driver's license was not surrendered to the law en-

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forcement officer at the time the person was charged with violating Code Section 40-6-391 or that the person's driver's license was not retained by the court and forwarded to the Department of Public Safety as provided in Code Section 40-5-69 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. Said title is further amended by striking Code Section 40-5-54, relating to mandatory suspensions of drivers' licenses, in its entirety and substituting in lieu thereof a new Code Section 40-5-54 to read as follows:

"40-5-54. The department shall forthwith suspend, as provided in Code Section 40-5-63, the license of any driver upon receiving a record of such driver's conviction of the following offenses, whether charged as a violation of state law or of a local ordinance adopted pursuant to Article 14 of Chapter 6 of this title:

- (1) Homicide by vehicle, as defined by Code Section 40-6-393;
- (2) Manslaughter resulting from the operation of a vehicle;
- (3) Reserved;
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop, render aid, or identify himself as required by Code Section 40-6-271;
- (6) Knowingly making a false affidavit or statement under oath or affirmation to the department under this chapter or any other law relating to the ownership or operation of motor vehicles;
- (7) Racing on highways and streets;
- (8) Using a motor vehicle in fleeing or attempting to elude an officer;
- (9) Fraudulent or fictitious use of a license; or
- (10) Hit and run or leaving the scene of an accident."

Section 3. Said title is further amended by striking Code Section 40-5-55, relating to implied consent to blood alcohol tests, in its entirety and substituting in lieu thereof a new Code Section 40-5-55 to read as follows:

"40-5-55. (a) The State of Georgia considers that the persons who are under the influence of alcohol or drugs while operating a motor vehicle or who have a blood alcohol content of 0.12 percent or greater while operating a motor vehicle constitute 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 of this state shall be deemed to have given consent, subject to Code Section 40-6-392, to a chemical test or tests of his blood, breath, or urine or other bodily substances, for the purpose of determining the alcoholic or drug content of his blood if arrested for any offense arising out of acts alleged to have been committed in violation of Code Section 40-6-391. The test or tests shall be adminis-

tered 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 motor vehicle upon the highways of this state in violation of Code Section 40-6-391. Subject to Code Section 40-6-392, the requesting law enforcement officer shall designate which of the aforesaid tests shall be administered.

(b) Any person who is dead, unconscious, or otherwise in a condition rendering him 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.

(c) If a person under arrest refuses, upon the request of a law enforcement officer, to submit to a chemical test designated by the law enforcement officer as provided in subsection (a) of this Code section, no test shall be given; but the department, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the highways of this state in violation of Code Section 40-6-391 and that the person had refused to submit to the test upon the request of the law enforcement officer, shall in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and except as otherwise provided in this Code section, notify the person that his license is to be suspended, subject to review as provided for in this chapter.

(d) The person so notified may request a hearing within ten days from the date of receipt of notice sent by certified mail. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as is provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. If no hearing is requested within the ten days specified above, the right to a hearing shall have been waived and the license of the driver shall be suspended.

(e) 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 for 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."

Section 4. Said title is further amended by adding immediately following subsection (c) of Code Section 40-5-56, relating to suspensions of drivers' licenses for failing to respond to a citation, a new subsection (d) to read as follows:

"(d) The provisions of this Code section shall not apply to persons charged with violating Code Section 40-6-391. Such persons shall be subject to having their drivers' licenses suspended as provided in Article 3.1 of this chapter."

Section 5. Said title is further amended by striking subsection (f) of Code Section 40-5-58, relating to habitual violators, in its entirety and sub-

stituting in lieu thereof a new subsection (f) of Code Section 40-5-58 to read as follows:

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“(f) If a person’s license was revoked for a violation of Code Section 40-6-391 resulting from a motor vehicle collision in which any person lost his life, the person whose license was revoked shall not be entitled to a probationary license as set forth in this Code section.”

Section 6. Said title is further amended by striking in its entirety Code Section 40-5-63, relating to periods of suspension, and substituting in lieu thereof a new Code Section 40-5-63 to read as follows:

“40-5-63. (a) Any person who is convicted of an offense listed in Code Section 40-5-54 or has such points assessed against him as to require the suspension of his license pursuant to Code Section 40-5-57 shall, except as provided in subsection (f) of this Code section, have his license suspended as follows:

(1) Upon a first conviction of any such offense or assessment of the requisite points, the period of suspension shall be one year, provided that at any time after 60 days of suspension, such person may apply to the department for the return of his license;

(2) For a second conviction of any such offense or assessment of the requisite points within five years, the period of suspension shall be three years, provided that at any time after 90 days of suspension, such person may apply to the department for the return of his license;

(3) For a third assessment of requisite points or third conviction of any such offense within five years, such person shall be considered a habitual violator, and his license shall be revoked as provided for in paragraph (1) of subsection (a) of Code Section 40-5-62. For the purposes of this paragraph, all accepted pleas of nolo contendere shall be considered convictions.

(b) Any suspension made pursuant to Code Section 40-5-55 shall be for six months; provided, however, that, where a person who has refused to submit to a test or tests provided for in Code Section 40-5-55 has been charged with homicide by a vehicle as provided in Code Section 40-6-393, the suspension shall be for 12 months.

(c) The periods of suspension provided for in this Code section shall begin on the date the license is surrendered to and received by the department, or from the date a license is surrendered to a court under any provision of this chapter, whichever date shall first occur. If the license cannot be surrendered to the department, the period of suspension shall begin on the date an affidavit setting forth the reasons for such impossibility is accepted by the department.

(d) 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 a fee of \$10.00 for the return of his license.

(e) The commissioner may, before returning a license to a person prior to the full period of a suspension, require such person to maintain and present proof of present and future minimum motor vehicle insurance coverage as defined in paragraph (8) of Code Section 40-5-1 for a period not to exceed the remaining full period of suspension. If a person who is required to maintain present and future motor vehicle insurance coverage ceases to maintain such coverage, that person's license shall become immediately suspended without further action by the department and the person shall forthwith surrender his license to the department. The license shall remain suspended until present and future minimum motor vehicle insurance coverage is restored or no longer required. The department shall establish by rules and regulations the method and manner by which present and future minimum motor vehicle insurance coverage shall be proved and maintained, provided that when the full period of suspension has run, the license shall unconditionally be returned to the driver.

(f) Any person convicted of violating subsection (a) of Code Section 40-6-393, relating to homicide by vehicle, shall have his license suspended for a period of three years. Such person shall not be eligible for early reinstatement of his driver's license as provided in this Code section or in Article 4 of this chapter and shall not be eligible for a limited driving permit as provided in Code Section 40-5-64. For purposes of this subsection, an accepted plea of nolo contendere to homicide by vehicle in the first degree shall constitute a conviction."

Section 7. Said title is further amended by striking subsection (a) of Code Section 40-5-64, relating to limited driving permits, and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Notwithstanding any contrary provisions of Code Section 40-5-57 or 40-5-63 or any other Code sections of this chapter, any person may apply for a limited driving permit when and only when that person's driver's license has been suspended pursuant to accumulating 15 or more points for traffic violations in any 24 month period.

Section 8. Said title is further amended by striking Code Section 40-5-84, relating to reinstatement of licenses, in its entirety and substituting in lieu thereof a new Code Section 40-5-84 to read as follows:

"40-5-84. (a) The license of any person whose license is suspended for the first time as a result of the conviction of an offense listed in Code Section 40-5-54 or as a result of the assessment of points pursuant to Code Section 40-5-57, shall be reinstated by the department immediately upon receipt by the department of a certificate of completion of an approved defensive driving course and the payment of a restoration fee of \$20.00.

(b) The license of any person whose license is suspended for the second time as a result of the conviction of an offense listed in Code Section 40-5-54 or as a result of the assessment of points pursuant to Code Section 40-5-57, shall be reinstated by the department immediately upon receipt by the department of a certificate of completion of an advanced defensive driving course and the payment of a restoration fee of \$20.00."

Section 9. Said title is further amended by striking Code Section 40-5-85, relating to reinstatement of licenses, in its entirety and substituting in lieu thereof a new Code Section 40-5-85 to read as follows:

“40-5-85. (a) The license of any person whose license is suspended for the first time as a result of the commission of the offense of driving or being in actual physical control of a motor vehicle in violation of Code Section 40-6-391 shall be reinstated as provided in Code Section 40-5-70 or 40-5-72.

(b) The license of any person whose license is suspended for the second time as a result of the commission of the offense of driving or being in actual physical control of a motor vehicle in violation of Code Section 40-6-391 shall be reinstated as provided in Code Section 40-5-70.”

Section 10. Said title is further amended by striking subsection (b) of Code Section 40-5-121, relating to driving with a suspended or revoked license, in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

“(b) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended or revoked, shall extend the period of suspension or revocation for an additional year if the prior suspension or revocation was imposed under Code Section 40-5-54, 40-5-57, 40-5-70 or 40-5-72. If the prior suspension was imposed under any other provision of this chapter, or any other provision of Georgia law, the department shall extend the period of suspension for an additional six months. The additional periods of suspension or revocation provided for in this Code section shall begin on the date the license is surrendered to the department or a court of competent jurisdiction, or the conviction date of the offense, whichever date is later.”

Section 11. Said title is further amended by striking paragraph (3) of Code Section 40-6-3, relating to the applicability of traffic laws, in its entirety and substituting in lieu thereof a new paragraph (3) of Code Section 40-6-3 to read as follows:

“(3) The provisions of this chapter relating to reckless driving, driving in violation of Code Section 40-6-391, and homicide by vehicle shall apply to vehicles operated upon highways and elsewhere throughout the state.”

Section 12. Said title is further amended by striking Code Section 40-6-391 in its entirety, which reads 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;

(2) Under the influence of any drug to a degree which renders him incapable of driving safely; or

(3) Under the combined influence of alcohol and any drug to a degree which renders him incapable of driving safely.

(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.

(c) Every person convicted of violating this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than ten days nor more than one year, or by a fine of not less than \$100.00 nor more than \$1,000.00, or by both such fine and imprisonment. On a second or subsequent conviction within three years, he shall be punished by imprisonment for not less than 90 days nor more than one year, and, in the discretion of the court, a fine of not more than \$1,000.00. 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 three provisions of subsection (a) of this Code section. No provision of this Code section shall be construed so as to deprive the court imposing the sentence of the power given by law to the court to stay or suspend the execution of such sentence or to place the defendant on probation.”,

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;

(2) Under the influence of any drug to a degree which renders him incapable of driving safely;

(3) Under the combined influence of alcohol and any drug to a degree which renders him incapable of driving safely; or

(4) There is 0.12 percent or more by weight of alcohol in his 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.

(c) Every person convicted of violating this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

(1) First conviction with no conviction of and no plea of nolo contendere accepted to a charge of violating Code Section 40-6-391 within the previous five years:

(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; and

(B) A period of imprisonment of not less than ten days nor more than one year, which period of imprisonment may, at the sole discretion of the judge, be suspended, stayed, or probated;

(2) For the second conviction within a five-year period of time:

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(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; and

(B) (i) A period of imprisonment of not less than 90 days nor more than one year. The judge, at his sole discretion and under such terms and conditions as he shall impose, may suspend, stay, or probate all but 48 hours of any term of imprisonment imposed under this paragraph (2).

(ii) The judge, at his sole discretion, may suspend, stay, or probate the minimum 48 hour term of imprisonment not subject to suspension, stay, or probation under division (i) of this subparagraph, provided that a condition of the suspension, stay, or probation of the minimum 48 hour term of imprisonment shall be that the defendant shall perform not less than 80 hours of community service; and

(3) For the third or subsequent conviction within a five-year period of time:

(A) A fine of \$1,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation; and

(B) (i) A mandatory period of imprisonment of not less than 120 days nor more than one year. The judge, at his sole discretion and under such terms and conditions as he shall impose, may suspend, stay, or probate all but ten days of any term of imprisonment imposed under this paragraph.

(ii) The judge, at his sole discretion, may suspend, stay, or probate the minimum ten-day term of imprisonment not subject to suspension, stay, or probation under division (i) of this subparagraph, provided that a condition of the suspension, stay, or probation of the minimum ten-day term of imprisonment shall be that the defendant shall perform not less than 30 days of community service.

(d) (1) Notwithstanding the limits set forth in any municipal charter, any recorder's, mayor's, or police 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 to the contrary, any court authorized to hear cases involving violations of Code Section 40-6-391 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 of the Official Code of

Georgia Annotated, relating to general punishment for misdemeanors including traffic offenses, and the provisions of Article 3 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation of first offenders, shall not apply to any person convicted of violating any provision of this Code section.

(g) 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 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."

Section 13. Said title is further amended by adding between Code Section 40-6-391 and Code Section 40-6-392 a new Code Section 40-6-391.1 to read as follows:

"40-6-391.1. (a) The decision to accept a plea of nolo contendere to a charge of violating Code Section 40-6-391 shall be at the sole discretion of the judge but, if such plea is accepted, the penalties provided for in subsection (c) of Code Section 40-6-391 shall be imposed.

(b) If the defendant has not been convicted of or had a plea of nolo contendere accepted to a charge of violating Code Section 40-6-391 within the previous five years and if the plea of nolo contendere shall be used as provided in subparagraph (b)(1)(A) of Code Section 40-5-70, 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 Public Safety.

(c) The judge, as part of the record of the disposition of the charge, shall set forth, under seal of the court, his reasons for accepting the plea of nolo contendere.

(d) If a plea of nolo contendere is accepted as provided in subsection (b) of this Code section, the judge shall, as a part of the disposition of the case, order the defendant to attend and complete a certified and approved basic alcohol and drug course from an approved driver improvement clinic. The order shall stipulate that the defendant shall complete such course within 120 days and that the defendant shall submit evidence of such completion to the Department of Public Safety. The judge shall also notify the defendant that if he fails to complete such course by the date specified in the court's order, his driver's license shall be suspended, by operation of law, as provided in Code Section 40-5-72.

(e) 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 Public Safety as required in subsection (c) of Code Section 40-5-69.

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(f) If a plea of nolo contendere is accepted under the conditions set forth in subsection (b) of this Code section and the defendant's driver's license has not been suspended under any other provision of this Code and if the defendant has not been convicted of or has not had a plea of nolo contendere accepted to a charge of violating Code Section 40-6-391 within the previous five years, the court shall, subject to subsection (d) of this Code section, return the driver's license to the person; otherwise, such driver's license shall be forwarded to the Department of Public Safety as provided in subsection (c) of Code Section 40-5-69."

Section 14. Said title is further amended by striking Code Section 40-6-392, relating to chemical tests for alcohol or drugs, in its entirety and substituting 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 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) 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 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 is authorized to approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits, which shall be subject to termination or revocation at the discretion of the Division of Forensic Sciences;

(2) When a person shall undergo a chemical test at the request of a law enforcement officer under Code Section 40-5-55, only a physician, registered nurse, laboratory 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;

(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;

(5) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood.

(b) 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, shall give rise to the following presumptions:

(1) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (a) of Code Section 40-6-391;

(2) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (a) of Code Section 40-6-391, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (a) of Code Section 40-6-391;

(3) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (a) of Code Section 40-6-391;

(4) If there was at that time 0.12 percent or more of weight of alcohol in the person's blood, the person shall be in violation of paragraph (4) of subsection (a) of Code Section 40-6-391.

(c) 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."

Section 15. Said title is further amended by striking in its entirety Code Section 40-6-393, which reads as follows:

"40-6-393. (a) Any person who, without malice aforethought, causes the death of another person through the violation of Code Section 40-6-271, 40-6-390, 40-6-391, or subsection (a) of Code Section 40-6-395 commits the offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten 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 Code Section 40-6-271, 40-6-390, 40-6-391, or subsection (a) of Code Section 40-6-395 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.

(c) Any person who, after being declared a habitual violator as determined under Code Section 40-5-58 and while such person's license is in revocation, causes the death of another person, without malice aforethought, by operation of a motor vehicle, 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 ten years, and adjudication of guilt or imposition of such sentence for a person so convicted may be suspended, probated, deferred, or withheld but only after such person shall have served at least one year in the penitentiary.”

and inserting in lieu thereof a new Code Section 40-6-393 to read as follows:

“40-6-393. (a) Any person who, without malice aforethought, causes the death of another person through the violation of Code Section 40-6-271, 40-6-390, 40-6-391, or subsection (a) of Code Section 40-6-395 commits the offense of homicide by vehicle in the first degree and, upon conviction thereof, shall be punished by imprisonment for not less than two 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 Code Section 40-6-271, 40-6-390, 40-6-391, or subsection (a) of Code Section 40-6-395 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.

(c) Any person who, after being declared a habitual violator as determined under Code Section 40-5-58 and while such person's license is in revocation, causes the death of another person, without malice aforethought, by operation of a motor vehicle, 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, and adjudication of guilt or imposition of such sentence for a person so convicted may be suspended, probated, deferred, or withheld but only after such person shall have served at least one year in the penitentiary.”

Section 16. Said title is further amended by striking Code Section 40-13-53, relating to the release of certain persons for certain offenses, in its entirety and substituting in lieu thereof a new Code Section 40-13-53 to read as follows:

“40-13-53. (a) Subject to the exceptions set out in subsection (b) of this Code section, any officer who arrests any person for the violation of a traffic law or traffic ordinance alleged to have been committed outside the corporate limits of any municipality shall permit such person to be released upon being served with a citation and complaint and agreeing to appear, as provided in this article, unless such officer has reasonable and

probable grounds to believe that the person will not obey such citation and agreement to appear.

(b) Persons arrested for the following offenses may not be released as provided in subsection (a) of this Code section:

- (1) Operating a motor vehicle in violation of Code Section 40-6-391;
- (2) Any motor vehicle registration violation;
- (3) Speeding in excess of 15 miles per hour over the speed limit; or
- (4) Any other offense which the court has excepted by order.

(c) The court may, by its order, add to the exceptions set out in subsection (b) of this Code section but shall have no authority to remove any of such exceptions."

Section 17 Code Section 15-11-49 of the Official Code of Georgia Annotated, relating to juvenile traffic offenses, is amended by striking subsection (c) in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) A juvenile traffic offense shall not include any offense to which Code Section 40-5-54 or Code Section 40-5-70 is applicable."

Section 18. This Act shall become effective on September 1, 1983.

Section 19. All laws and parts of laws in conflict with this Act are repealed.

Senator Barnes of the 33rd moved that the Senate adopt the Conference Committee report on HB 130.

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

Those voting in the affirmative were Senators:

Allgood	Coverdell	Hine
Barker	Dawkins	Holloway
Barnes	Deal	Horton
Bond	Dean	Howard
Bowen	English	Hudgins
Brannon	Engram	Huggins
Brantley	Fincher	Kennedy
Broun of 46th	Foster	Kidd
Brown of 47th	Garner	Lester
Bryant	Gillis	McGill
Burton	Greene	McKenzie
Cobb	Harris	Peevy
Coggin	Harrison	Perry
Coleman	Hill	Scott of 2nd

Scott of 36th
 Scott of 43rd
 Starr
 Stumbaugh

Tate
 Thompson
 Timmons
 Trulock

Turner
 Tysinger
 Walker

Those not voting were Senators:

Land

Littlefield

Phillips

On the motion the yeas were 53, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 130.

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

HB 171. By Representatives McDonald of the 12th, Lambert of the 66th, Jackson of the 9th and others:

A bill to amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, so as to provide for licensing and regulation of farm wineries and sales by farm wineries.

Senator Deal of the 49th moved that the Senate adhere to the Senate substitute to HB 171, and that a Conference Committee be appointed.

On the motion, the yeas were 38, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to HB 171.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Deal of the 49th, Foster of the 50th and Harris of the 27th.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereon:

SB 209. By Senators Gillis of the 20th and McGill of the 24th:

A bill to amend Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to the sale, etc., of agricultural products, so as to make it unlawful for any person to sell, package, or label any onions as "Vidalia onions" or the use of the term "Vidalia" in connection with the sale of onions unless such onions were grown in the "Vidalia production area"

The House substitute to SB 209 was as follows:

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A BILL TO BE ENTITLED
AN ACT

To amend Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to the sale, etc., of agricultural products, so as to make it unlawful for any person to sell, package, or label any onions as "Vidalia onions" or to use the term "Vidalia" in connection with the sale of onions unless such onions were grown in the "Vidalia production area"; to define certain terms; to provide for the "Vidalia production area"; to provide that onions may be identified, classified, labeled, or designated according to the production area where they were grown; to authorize the Commissioner of Agriculture to prescribe quality standards for the marketing of onions in this state; to provide for enforcement; to prohibit persons from marketing onions in violation of quality standards; to provide for criminal penalties; to provide for civil penalties; to provide for injunctive relief; to provide for court costs under certain circumstances; to provide for investigations of complaints of violations; to provide for prosecutions; to provide for administrative hearings; to provide for rules and regulations; 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 14 of Title 2 of the Official Code of Georgia Annotated, relating to the sale, etc., of agricultural products, is amended by adding at the end thereof a new article, to be designated Article 6, to read as follows:

"ARTICLE 6

2-14-130. This article shall be known and may be cited as the 'Vidalia Onion Act of 1983.'

2-14-131. As used in this article, the term:

(1) 'Person' means an individual, partnership, corporation, association, or any other business unit or entity.

(2) 'Vidalia onions' means all Yellow Hybrid Granex 33 and existing varieties and new hybrids or varieties that may be developed which have similar characteristics, which onions are marketed dry.

(3) 'Vidalia production area' means that portion of the State of Georgia located to the south of Richmond, McDuffie, Warren, Hancock, Baldwin, Jones, Bibb, Crawford, Upson, Talbot, and Muscogee counties and does not include said counties or any counties to the north of said counties.

2-14-132. Only Vidalia onions grown and packaged within the Vidalia production area may be identified, classified, labeled, or otherwise designated as Vidalia onions or identified, classified, labeled, or otherwise designated in any manner so as to imply that such onions were grown or packaged in the Vidalia production area.

2-14-133. The Commissioner shall prescribe by rules or regulations quality standards for the marketing of onions in this state. All onions sold must conform to the prescribed standards and grades and must be labeled accordingly. The Commissioner and his agents and employees shall have the authority to enter premises where onions are sold or where onions are packaged for sale and to inspect any onions for the purpose of enforcing the provisions of this article and the rules or regulations promulgated under this article.

2-14-134. (a) It shall be unlawful for any person to sell or offer for sale any onions as Vidalia onions unless such onions are of the type defined in paragraph (2) of Code Section 2-14-131 and were grown and packaged in the Vidalia production area as defined in paragraph (3) of Code Section 2-14-131.

(b) It shall be unlawful for any person to package or label any onions as Vidalia onions for sale in this state or outside of this state or to use the term 'Vidalia' in connection with the sale of onions unless such onions are of the type defined in paragraph (2) of Code Section 2-14-131 and were grown and packaged in the Vidalia production area as defined in paragraph (3) of Code Section 2-14-131.

(c) Any person who violates subsection (a) or (b) of this Code section shall commit a felony and, upon conviction thereof, shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 or by imprisonment for not less than one nor more than three years, or both.

(d) It shall be unlawful for any person to sell onions that do not comply with the standards of quality established by the Commissioner under authority of Code Section 2-14-133 or rules or regulations pertaining to such product. Any person who violates any provision of this subsection shall be guilty of a misdemeanor.

2-14-135. (a) Any person who knows of a violation of any provision of this article or who knows of a violation of any rule or regulation issued by the Commissioner may seek injunctive relief in accordance with Chapter 5 of Title 9 and Code Section 9-11-65. The additional remedial provisions of this Code section do not constitute an adequate remedy at law for a person who seeks injunctive relief under Chapter 5 of Title 9 and Code Section 9-11-65.

(b) Any person who violates any provision of this article or who violates any rule or regulation issued by the Commissioner pursuant to this article shall be liable for a civil penalty in an amount not to exceed \$1,000.00 for each and every violation thereof, the amount of such penalty to be fixed by the Commissioner after notice and hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' for contested cases and recoverable by a civil action brought in the name of the Commissioner. Any moneys recovered pursuant to this Code section shall be deposited in the state treasury.

(c) The Attorney General of this state shall, upon complaint by the Commissioner, or may, upon his own initiative if after examination of the circumstances or complaint and evidence he believes a violation has occurred, bring an action in the superior court in the name of the Commis-

sioner for civil penalties or for injunctive relief against any person violating any provisions of this article or any rule or regulation duly issued by the Commissioner under this article.

(d) If it appears to the court, upon any application for a temporary restraining order or upon any application for interlocutory injunction, after evidence is received, that any person therein is violating or has violated any provision of this article or any rule or regulation duly issued by the Commissioner under this article, then the court shall enjoin the defendant from committing further violations. It shall not be necessary in such event to allege or prove lack of an adequate remedy at law.

(e) In any action brought by the Attorney General to enforce any of the provisions of this article or of any rule or regulation issued by the Commissioner, the judgment, if in favor of the Commissioner, may provide that the defendant pay to the Commissioner the costs incurred by the Commissioner in the prosecution of such action.

(f) The Commissioner may and, upon the complaint of any interested party charging a violation of any provision of this article or any rule or regulation issued by the Commissioner and effective under this article, shall refer the matter directly to the Attorney General of this state or to any prosecuting attorney of this state for the institution of legal proceedings thereon or, if the Commissioner deems it necessary or advisable, immediately call an administrative hearing, pursuant to the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' governing contested cases, to consider the charges set forth in such verified complaint.

(g) Upon the matter being referred directly by the Commissioner to the Attorney General or any prosecuting attorney, it shall be the duty of such officer, if after examination of the complaint and the evidence he believes that a violation has occurred, to bring an appropriate action or actions in a court or courts of competent jurisdiction in this state.

(h) Upon an administrative hearing being held and the Commissioner finding a violation has occurred, he shall enter his findings and notify the parties to such complaint. In his discretion, the Commissioner shall either refer the matter to the Attorney General for the institution of legal proceedings or notify such parties to cease and desist from further violation. Upon the refusal or failure of such parties to comply or upon the Commissioner finding that the facts or circumstances warrant immediate prosecution, the Commissioner shall file a complaint with the Attorney General, or with any prosecuting attorney of this state requesting that such officer commence any or all actions authorized in this article against such respondent or respondents in a court of competent jurisdiction.

2-14-136. The Commissioner is authorized to adopt and promulgate rules and regulations to implement this article and to accomplish its purposes. After they are legally adopted and promulgated, such rules and regulations shall have the force and effect of law."

Section 2. This Act shall become effective September 1, 1983.

Section 3. All laws and parts of laws in conflict with this Act are repealed.
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Senator Gillis of the 20th moved that the Senate disagree to the House substitute to SB 209.

On the motion, the yeas were 39, nays 0; the motion prevailed, and the Senate disagreed to the House substitute to SB 209.

The following resolutions of the Senate were read and adopted:

SR 157. By Senators Broun of the 46th and Coggin of the 35th:

A resolution commending Vince Dooley and inviting him to appear before the Senate on Thursday, February 24, 1983.

SR 158. By Senators Broun of the 46th, Coleman of the 1st, Scott of the 2nd and others:

A resolution commending Claude Felton and inviting him to appear before the Senate on Thursday, February 24, 1983.

SR 159. By Senator Broun of the 46th:

A resolution commending Wayne Richard Radloff and inviting him to appear before the Senate.

SR 160. By Senator Broun of the 46th:

A resolution commending Dale Keith Carver and inviting him to appear before the Senate.

SR 161. By Senators Broun of the 46th and Stumbaugh of the 55th:

A resolution commending Timothy Floyd Crowe and inviting him to appear before the Senate.

Senator Allgood of the 22nd moved that the Senate do now adjourn until 10:00 o'clock A.M. tomorrow, and the motion prevailed.

At 12:55 o'clock P.M., the President announced the Senate adjourned until 10:00 o'clock A.M. tomorrow.

Senate Chamber, Atlanta, Georgia

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Friday, February 25, 1983

Thirty-sixth Legislative Day

The Senate met pursuant to adjournment at 10:00 o'clock A.M. today and was called to order by the President.

Senator Barker of the 18th reported that the Journal of yesterday's proceedings had been read and found correct.

Senator Kennedy of the 4th moved that the Senate reconsider its action of February 24 in defeating the following bill of the House:

HB 189. By Representatives Walker of the 115th, Evans of the 84th, Smyre of the 92nd and Murphy of the 18th:

A bill to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials, so as to change the salaries of certain officials.

On the motion, the yeas were 32, nays 3; the motion prevailed, and HB 189 was reconsidered and placed at the foot of the Senate General Calendar.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 304. By Representative Murphy of the 18th:

A resolution relative to adjournment.

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

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SB 159. By Senator Dean of the 31st:

A bill to amend Code Section 28-3-1 of the Official Code of Georgia Annotated, relating to the election and compensation of doorkeepers and messengers, so as to delete the provisions relating to the doorkeepers and messenger for the Senate; to provide for a sergeant-at-arms for the Senate; to provide an effective date.

SB 200. By Senator Horton of the 17th:

A bill to amend Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to the general requirements for transacting insurance in this state, so as to provide that only those informational booklets which are provided by insurers shall be required to be written in simplified and plain language.

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

SB 163. By Senators Howard of the 42nd, Allgood of the 22nd and Starr of the 44th:

A bill to amend Chapter 25 of Title 33 of the Official Code of Georgia Annotated, relating to life insurance, so as to provide for interest rates on life insurance policy loans.

SB 171. By Senators Scott of the 2nd and Coleman of the 1st:

A bill to amend Code Section 21-3-91 of the Official Code of Georgia Annotated, relating to filing of notices of candidacy under the "Georgia Municipal Election Code," so as to provide that a person who ran in a municipal primary and was defeated shall not be qualified to run as an independent candidate in the general election for the same municipal office.

SB 204. By Senators Barnes of the 33rd, Gillis of the 20th, Dean of the 31st and others:

A bill to amend Part 6 of Article 5 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the protection of metropolitan rivers, so as to define certain terms.

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

SB 260. By Senator Holloway of the 12th:

A bill to amend Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to the size and weight of vehicles and loads, so as to authorize vehicles whose width does not exceed 102 inches on those highways designated by the department; to provide an effective date.

The House has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 11. By Senators Barnes of the 33rd, Dean of the 31st, Foster of the 50th and others:

A resolution creating the Governor's Education Review Commission so as to provide for its composition; to provide for the powers and duties of the commission; to provide for staff support for the commission; to provide for expenditure of funds and the payment of expenses; to provide for the expiration of the commission.

The House has adopted the report to the Committee of Conference on the following bill of the House:

HB 130. By Representatives Walker of the 115th, Evans of the 84th, Smyre of the 92nd and Jackson of the 9th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide procedures and sanctions for violations of the offense of driving under the influence of alcohol or drugs.

The following bill and resolutions of the Senate were introduced, read the first time and referred to committees:

SB 308. By Senator Coggin of the 35th:

A bill to create and establish the East Point Building Authority, a body corporate and politic and an instrumentality of the State of Georgia.

Referred to Committee on Federal, State and Community Affairs.

SR 168. By Senators Deal of the 49th, Turner of the 8th, Coverdell of the 40th and others:

A resolution urging the board of trustees of the Employees' Retirement System of Georgia and the Attorney General to take certain action with respect to applications for involuntary separation benefits.

Referred to Committee on Retirement.

SR 178. By Senator Kidd of the 25th:

~~was a resolution~~ A resolution urging the United States Department of Agriculture to withdraw its proposal to impose a \$1.00 deduction in price per hundredweight of milk.

Referred to Committee on Agriculture.

The following bill of the House was read the first time and referred to committee:

HB 339. By Representatives Greer of the 39th and Adams of the 36th:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," as amended so as to provide that the retail sales and use tax for the Authority shall be at the rate of one percent until June 30, 2012, and shall thereafter be reduced to one-half percent, and to provide for the use of the proceeds.

Referred to Committee on Federal, State and Community Affairs.

The following reports of standing committees were read by the Secretary:

Mr. President:

The Committee on Agriculture has had under consideration the following bills and resolution of the House and Senate and has instructed me to report the same back to the Senate with the following recommendations:

HB 89. Do pass as amended.

HB 90. Do pass.

SR 140. Do pass.

Respectfully submitted,

Senator McGill of the 24th District, Chairman

Mr. President:

The Committee on Appropriations has had under consideration the following bills and resolutions of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SR 155. Do pass.

HR 71. Do pass.

HB 163. Do pass by substitute.

HR 93. Do pass.

HB 297. Do pass.

HR 105. Do pass.

HR 69. Do pass.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

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The Committee on Education has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 532. Do pass by substitute.

Respectfully submitted,

Senator Foster of the 50th District, Chairman

Mr. President:

The Committee on Federal, State and Community Affairs has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 227. Do pass by substitute.	HB 737. Do pass.
SB 301. Do pass.	HB 738. Do pass.
SB 302. Do pass.	HB 741. Do pass.
HB 643. Do pass.	HB 742. Do pass.
HB 668. Do pass.	HB 743. Do pass.
HB 677. Do pass.	HB 744. Do pass.
HB 678. Do pass.	HB 745. Do pass.
HB 679. Do pass.	HB 756. Do pass.
HB 699. Do pass.	HB 764. Do pass.
HB 700. Do pass.	HB 765. Do pass.
HB 701. Do pass.	HB 766. Do pass.
HB 713. Do pass.	HB 768. Do pass.
HB 714. Do pass.	HB 769. Do pass.
HB 716. Do pass.	HB 770. Do pass.
HB 718. Do pass.	HB 771. Do pass.
HB 719. Do pass as amended.	HB 772. Do pass.
HB 720. Do pass.	HB 773. Do pass.
HB 721. Do pass.	HB 774. Do pass.
HB 722. Do pass.	HB 775. Do pass.
HB 730. Do pass.	HB 776. Do pass.
HB 731. Do pass.	HB 777. Do pass.

HB 781. Do pass.

HB 783. Do pass.

HB 782. Do pass.

HB 298. Do pass by substitute.

Respectfully submitted,

Senator Scott of the 43rd District, Chairman

Mr. President:

The Committee on Governmental Operations has had under consideration the following bills and resolution of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 294. Do pass.

HB 436. Do pass.

HB 348. Do pass as amended.

HB 608. Do pass.

HB 379. Do pass.

HR 243. Do pass.

Respectfully submitted,

Senator Kidd of the 25th District, Chairman

Mr. President:

The Committee on Human Resources has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 435. Do pass.

HB 585. Do pass.

HB 437. Do pass.

HB 386. Do pass.

Respectfully submitted,

Senator Howard of the 42nd District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 385. Do pass.

HB 605. Do pass.

HB 581. Do pass.

HB 675. Do pass.

HB 328. Do pass.

HB 145. Do pass by substitute.

HB 299. Do pass.

HB 365. Do pass as amended.

Respectfully submitted,

Senator Deal of the 49th District, Chairman

Mr. President:

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The Committee on Judiciary has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 149. Do pass.

HB 374. Do pass.

HB 373. Do pass.

HB 324. Do pass by substitute.

HB 375. Do pass.

HB 478. Do pass.

Respectfully submitted,

Senator Deal of the 49th District, Chairman

Mr. President:

The Committee on Judiciary and Constitutional Law has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 429. Do pass as amended.

HB 137. Do pass as amended.

Respectfully submitted,

Senator Greene of the 26th District, Chairman

Mr. President:

The Committee on Public Safety has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 497. Do pass.

Respectfully submitted,

Senator Timmons of the 11th District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SR 132. Do pass.

HB 219. Do pass by substitute.

HB 196. Do pass.

HB 273. Do pass by substitute.

Respectfully submitted,

Senator Turner of the 8th District, Chairman

The following bills and resolutions of the Senate and House were read the second time: www.libtool.com.cn

SB 221. By Senator Howard of the 42nd:

A bill to amend an Act providing a supplement to the compensation, expenses, and allowances of the judges of the superior court of the Stone Mountain Judicial Circuit, so as to change that supplement for certain purposes and to delete certain references to Rockdale County; to provide an effective date.

SB 295. By Senator Hine of the 52nd:

A bill to amend an Act creating a new charter for the City of Rome, as amended, so as to provide for an additional member of the board of education; to provide for qualifications for election to the board of education.

SB 296. By Senator Bowen of the 13th:

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Dooly County into the office of tax commissioner of Dooly County, as amended, so as to change the compensation provisions relating to the tax commissioner.

SB 299. By Senator Kidd of the 25th:

A bill to amend an Act establishing a new charter for the City of Milledgeville, as amended, so as to change the compensation of the mayor and aldermen of said city.

SB 300. By Senator Engram of the 34th:

A bill to amend an Act creating a new charter for the Town of Tyrone, so as to provide the terms of the councilmen and to provide for their election.

HB 45. By Representative Bray of the 91st:

A bill to amend Code Section 53-3-14 of the Official Code of Georgia Annotated, relating to notice of petition for probate in solemn form, so as to provide for mail service of notice of petition for probate in solemn form.

HB 46. By Representatives Bray of the 91st and Williams of the 6th:

A bill to amend Code Section 34-7-4 of the Official Code of Georgia Annotated, relating to the payment of a deceased employee's outstanding wages or other moneys to surviving spouse or children generally, so as to require an employee to provide certain information to an employer.

- HB 180. By Representatives Collins of the 144th, Murphy of the 18th, Walker of the 115th and others:

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A bill to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxation, so as to provide for a program of grants for tax relief purposes to persons 62 years of age or older for sales tax paid and not otherwise reimbursed on prescription drugs.

- HB 310. By Representatives Parham of the 105th, Atkins of the 21st and Thomas of the 69th:

A bill to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to regulate third-party prescription programs.

- HB 320. By Representatives Phillips of the 120th and Patten of the 149th:

A bill to amend Code Section 45-20-2 of the Official Code of Georgia Annotated, relating to definitions pertaining to the State Merit System of Personnel Administration, so as to provide that the director of the State Forestry Commission shall not be included in the classified service.

- HB 356. By Representative Marcus of the 26th:

A bill to amend Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to the levy by counties and municipalities of an excise tax on charges to the public for lodgings, so as to provide an additional exemption from such tax.

- HB 363. By Representative Aiken of the 21st:

A bill to amend Code Section 33-27-1 of the Official Code of Georgia Annotated, relating to general requirements for policies of group life insurance, so as to increase the maximum coverage for debtors.

- HB 387. By Representatives Connell of the 87th, Padgett of the 86th, Cheeks of the 89th and Barnes of the 90th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment Number 113, which amendment limits the power of local taxing jurisdictions in Richmond County to levy and collect ad valorem taxes.

- HB 419. By Representatives Heard of the 43rd, Auten of the 156th and Watts of the 41st:

A bill to amend Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to joint county and municipal sales tax, so as to provide procedures for new qualified municipalities to share in the proceeds of the tax.

- HB 424.** By Representatives Snow of the 1st, Evans of the 84th, Lawson of the 9th and Lambert of the 66th:

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A bill to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to provide for the exercise of the powers of an elected constitutional executive office during the period of temporary disability of the person holding such office.

- HB 513.** By Representative Ross of the 82nd:

A bill to amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to recreation leaders and therapeutic recreation technicians, so as to change the termination date of the State Board of Recreation Examiners and the date of repeal of laws relating to such board.

- HB 530.** By Representative Couch of the 40th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to application for homestead exemption, so as to change the date for filing application for homestead exemption in all counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census.

- HB 614.** By Representatives Matthews of the 145th and Collins of the 144th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment, which authorizes the use by the Colquitt County School System of the proceeds of any local sales and use tax levied within Colquitt County.

- HB 642.** By Representatives Twiggs and Colwell of the 4th:

A bill to abolish the present mode of compensating the judge of the Probate Court of Towns County, known as the fee system; to provide in lieu thereof an annual salary.

- HB 647.** By Representatives Burruss of the 20th, Murphy of the 18th, Russell of the 64th and others:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to provide for the method for determining the permanent disability of the Speaker of the House of Representatives.

- HB 648.** By Representatives Adams of the 36th and Robinson of the 58th:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to change the construction, completion, and operation priority of portions of the Authority's rapid rail system.

HB 660. By Representative Jackson of the 65th:

A bill to amend an Act placing the sheriff of Walton County on a salary in lieu of the fee system of compensation, so as to change certain provisions relative to the personnel of the sheriff.

HB 682. By Representative Hanner of the 131st:

A bill to amend an Act creating a board of commissioners of Clay County, so as to change the commissioner districts in said county.

HB 707. By Representative Groover of the 99th:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to laws applicable to the General Assembly, so as to recognize certain constitutional principles.

HB 708. By Representative Lambert of the 66th:

A bill to create and incorporate the city of Watkinsville in the County of Oconee and grant a charter to that municipality under that corporate name and style; to prescribe and define the corporate limits thereof.

HB 709. By Representative Lambert of the 66th:

A bill to amend an Act creating the board of commissioners of Oconee County, so as to change the compensation of the chairman and other members of the board of commissioners of Oconee County.

HB 754. By Representative Cummings of the 17th:

A bill to amend an Act creating a new charter for the City of Aragon, so as to change certain fines.

HR 246. By Representative Ware of the 77th:

A resolution designating the Pleasant Theodore McCutchen, Sr. Bridge.

SB 227. By Senator Allgood of the 22nd:

A bill to provide that the governing authority of Richmond County shall be a board of commissioners consisting of nine members; to provide that the board of commissioners shall also exercise the rights, powers, and duties of the City of Augusta as the governing authority of said city; to designate the board as the commission-council of Richmond County and the City of Augusta.

SB 301. By Senators Scott of the 2nd, Coleman of the 1st and Bryant of the 3rd:

A bill to amend the several Acts relating to and incorporating the Mayor and Aldermen of the City of Savannah, so as to provide that there shall be

eight aldermen of the City of Savannah; to provide for filling vacancies on the Board of Aldermen of the City of Savannah.

SB 302. By Senator Greene of the 26th:

A bill to amend an Act providing a new charter for the City of Macon, so as to provide that the president pro tempore of the city council shall be selected from the full body of council by majority vote of all members of council; to provide for filling a vacancy of the presidency.

SR 132. By Senator Engram of the 34th:

A resolution creating the Peace Officers' Annuity and Benefit Fund Study Committee.

SR 140. By Senators McGill of the 24th, English of the 21st, Walker of the 19th and others:

A resolution urging the United States Congress and the United States Secretary of Agriculture to remove the assessment on milk.

SR 155. By Senator Broun of the 46th:

A resolution creating the Structure of Financial Institutions Study Committee.

HB 89. By Representatives Reaves of the 147th, Balkcom of the 140th, Godbee of the 110th and others:

A bill to amend Article 1 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to state licensed and bonded warehouses, so as to remove an exemption from the provisions of said article.

HB 90. By Representatives Reaves of the 147th, Balkcom of the 140th, Godbee of the 110th and others:

A bill to amend Article 2 of Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to grain dealers, so as to require the submission of a financial statement with the application for a license.

HB 137. By Representatives Walker of the 115th, Evans of the 84th and Smyre of the 92nd:

A bill to amend Code Section 15-11-37 of the Official Code of Georgia Annotated, relating to designated felony acts and restrictive custody in juvenile proceedings, so as to provide that orders of disposition for restrictive custody shall be transmitted to the clerk of the superior court of the county in which the designated felony act was committed.

- HB 145. By Representatives Thomas of the 69th, Darden of the 20th, Karrh of the 109th and others:

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A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for uniformity among the state courts with regard to certain aspects of such courts.

- HB 149. By Representatives Williams of the 54th and Brooks of the 34th:

A bill to amend Code Section 18-4-62 of the Official Code of Georgia Annotated, relating to summons of garnishment and answers generally, so as to provide that in certain cases the garnishee may immediately answer a summons.

- HB 163. By Representatives Murphy of the 18th, McDonald of the 12th, Walker of the 115th and others:

A bill to make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984.

- HB 196. By Representative McDonald of the 12th:

A bill to amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firemen's Pension Fund, so as to redefine certain terms, including the terms "fireman" and "volunteer fireman" as such terms are used to define eligibility.

- HB 219. By Representative Johnson of the 72nd:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement, so as to provide minimum funding standards for retirement or pension systems for employees and officials of the State of Georgia and its political subdivisions.

- HB 273. By Representative Cummings of the 17th:

A bill to amend Code Section 47-2-1 of the Official Code of Georgia Annotated, relating to definitions under the Employees' Retirement System of Georgia, so as to change the provisions relative to the definition of employee.

- HB 294. By Representatives Darden of the 20th, Isakson and Aiken of the 21st and others:

A bill to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change the definition of the term "cosmetologist"

- HB 297. By Representatives Murphy of the 18th, Ross of the 82nd, Moody of the 153rd and others:

A bill to amend Code Section 20-2-187 of the Official Code of Georgia Annotated, relating to the amount and use of funds for pupil transportation

under the "Adequate Program for Education in Georgia Act," so as to change the provisions relating to minimum salaries for school bus drivers.

HB 298. By Representatives Milford and Clark of the 13th:

A bill to amend Chapter 35 of Title 36 of the Official Code of Georgia Annotated, known as "The Municipal Home Rule Act of 1965," so as to limit the authority of the largest municipal corporation of a county with a population of not less than 74,400 and not more than 74,600 to adopt ordinances, rules, and regulations relating to the charging of fees for certain municipal services.

HB 299. By Representative Adams of the 16th:

A bill to amend Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to offenses involving theft, so as to limit civil and criminal liability of a merchant or merchant's agent or employee when a suspected shoplifter is detained, questioned, or arrested.

HB 324. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

A bill to amend Article 2 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mortgages, so as to provide that a public utility company may, by a deed to secure debt, embrace, cover, convey, pledge, and encumber after-acquired property in certain circumstances.

HB 328. By Representative Ross of the 82nd:

A bill to amend an Act creating the Toombs Circuit and providing the days for holding sessions of court in each county, so as to change the terms for which the grand jury of the superior court of Lincoln County may be convened.

HB 348. By Representatives Bishop of the 94th, Daugherty of the 33rd, Steinberg of the 46th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978"

HB 365. By Representatives Horne of the 103rd, Dunn of the 73rd, Isakson of the 21st and others:

A bill to amend an Act entitled "An Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens," so as to change the effective date.

- HB 373. By Representatives Snow of the 1st, Darden of the 20th, Lawson of the 9th and others:

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A bill to amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to provide that the corporate name of a profit corporation shall not exceed 80 characters, including spaces and punctuation.

- HB 374. By Representatives Snow of the 1st, Karrh of the 109th, Ginsberg of the 122nd and others:

A bill to provide for legislative intent; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions regarding the General Assembly, so as to define "population bill" and to prohibit the General Assembly from passing any population bill, with certain exceptions.

- HB 375. By Representatives Snow of the 1st, Darden of the 20th, Lawson of the 9th and others:

A bill to amend Article 16 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to trademarks, service marks, and trade names, so as to increase the renewal fee for the registration of a trademark or service mark.

- HB 379. By Representatives Snow of the 1st, Lawson of the 9th, Evans of the 84th and Chambless of the 133rd:

A bill to amend Article 2 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to powers and duties of the Secretary of State, so as to provide for the fee of the Secretary of State for accepting service of process.

- HB 385. By Representatives Chambless of the 133rd, Ginsberg of the 122nd, Rainey of the 135th and others:

A bill to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to licenses to carry certain firearms so as to change the requirements as to the search of certain records.

- HB 386. By Representatives Russell of the 64th and Linder of the 44th:

A bill to amend Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dentists and dental hygienists, so as to provide for service of documents.

- HB 429. By Representatives Smith of the 152nd, Byrd of the 153rd, Richardson of the 52nd and others:

A bill to amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, so as to change the definition of minor as it relates to sexual exploitation of children;

to define the term "performance" as it applies to the sexual exploitation of children.
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HB 435. By Representative Cox of the 141st:

A bill to amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, so as to change the provisions relating to delayed registration of birth; to change the provisions relating to permits for disposition.

HB 436. By Representative Cox of the 141st:

A bill to amend Code Section 15-6-50 of the Official Code of Georgia Annotated, relating to term of office and qualifications of clerks of the superior courts, so as to change the provisions relating to additional annual training for clerks.

HB 437. By Representatives Steinberg of the 46th, Phillips of the 125th and Childers of the 15th:

A bill to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to the profession of nursing, so as to provide for reinstatement of nurses.

HB 478. By Representatives Lawson of the 9th, Thomas of the 69th and Darden of the 20th:

A bill to amend Article 2 of Chapter 8 of Title 17, relating to continuances in criminal cases, so as to provide that, when a case is subject to continuance because the attorney is a member of the General Assembly, the party shall not be required to be present at the call of the case.

HB 497. By Representative Benefield of the 72nd:

A bill to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, so as to provide for the reporting of stolen license plates.

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

HB 581. By Representatives Chambless of the 133rd, Snow of the 1st, Karrh of the 109th and others:

A bill to amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for courts, so as to provide the circum-

stances and procedures for the exercise of judicial powers by judges outside their own court upon the disqualification, disability, illness, or absence of a resident judge of a court or upon a request for temporary assistance.

- HB 585. By Representatives Ray of the 98th, Russell of the 64th, Edwards of the 112th and others:

A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation and construction of hospitals and other health care facilities, so as to provide that facilities licensed by the Department of Human Resources pursuant to said chapter shall be required to have an approved disaster preparedness plan.

- HB 605. By Representatives Thomas of the 69th, Jackson of the 83rd, Lawson of the 9th and others:

A bill to amend Subpart 1 of Part 4 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to writs of possession for and foreclosure upon personal property, so as to provide that a writ of possession may be granted to an owner of rented or leased personal property as authorized by the terms of a consumer rental transaction.

- HB 608. By Representatives Murphy of the 18th, Burruss of the 20th, Lee of the 72nd and others:

A bill to amend Code Section 50-5-78 of the Official Code of Georgia Annotated, providing that it shall be unlawful for the commissioner of the Department of Administrative Services or employees to have financial interest in contracts or accept money or gifts, so as to make provisions for the attendance at seminars, courses, lectures, briefings, or similar functions.

- HB 643. By Representatives Twiggs and Colwell of the 4th:

A bill to amend an Act creating the "Georgia Mountain Fair Authority of Towns County Act," so as to change the qualifications of the members of the authority; to define further the term "project"

- HB 668. By Representatives Twiggs and Colwell of the 4th:

A bill to amend an Act creating the board of commissioners of Rabun County, so as to change the compensation of the chairman and members of the board of commissioners.

- HB 675. By Representatives Galer of the 97th, Hirsch of the 96th and Groover of the 99th:

A bill to amend Article 1 of Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment in general, so as to specify when funds or benefits of a pension or retirement program shall be subject to garnishment.

HB 677. By Representatives Snow and Hays of the 1st and Crawford of the 5th:

A bill to amend an Act placing the probate judge of Walker County on a salary, so as to change the maximum amount of compensation of personnel.

HB 678. By Representatives Snow and Hays of the 1st and Crawford of the 5th:

A bill to amend an Act creating the office of tax commissioner of Walker County, so as to change the compensation of the personnel of the tax commissioner's office.

HB 679. By Representatives Snow and Hays of the 1st and Crawford of the 5th:

A bill to amend an Act placing the clerk of superior court of Walker County on an annual salary, so as to change the maximum compensation of personnel of the clerk's office.

HB 699. By Representatives Ramsey of the 3rd and Peters of the 2nd:

A bill to amend an Act placing the judge of the Probate Court of Catoosa County and the clerk of the Superior Court of Catoosa County on an annual salary in lieu of fees, so as to increase the salary of said clerk; to increase the clerical help allowance for the judge of the probate court.

HB 700. By Representatives Ramsey of the 3rd and Peters of the 2nd:

A bill to amend an Act creating the office of tax commissioner of Catoosa County, so as to increase the amount payable for clerical help in that office.

HB 701. By Representative Godbee of the 110th:

A bill to amend an Act incorporating Brooklet in Bulloch County, so as to increase the maximum punishment for violations of city ordinances to provide for jurisdiction of the city court.

HB 713. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act placing the judge of the Probate Court of Carroll County upon an annual salary, so as to change the compensation of the judge of the probate court.

HB 714. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act placing the clerk of the Superior Court of Carroll County on a salary basis, so as to change the compensation of the clerk of the Superior Court of Carroll County.

HB 716. By Representatives Colwell and Twiggs of the 4th:

~~A bill to provide for~~ the election of the members of the Board of Education of Union County.

HB 718. By Representative Hanner of the 131st:

A bill to amend an Act creating the office of tax commissioner of Clay County, so as to abolish the present mode of compensating the tax commissioner of Clay County, known as the fee system.

HB 719. By Representative Hanner of the 131st:

A bill to abolish the present mode of compensating the judge of the Probate Court of Clay County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

HB 720. By Representative Hanner of the 131st:

A bill to amend an Act placing the sheriff of Clay County on an annual salary, so as to provide that the sheriff shall not receive a salary above a certain maximum.

HB 721. By Representative Hanner of the 131st:

A bill to abolish the present mode of compensating the clerk of the Superior Court of Clay County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

HB 722. By Representative Jones of the 78th:

A bill to amend an Act creating a new charter of the City of Jackson, so as to provide a procedure for declaring vacant the seat of a mayor or councilman who removes from his ward or the city.

HB 730. By Representative Collins of the 144th:

A bill to amend an Act providing a new charter for the City of Doerun in Colquitt County, so as to correct an error; to provide for the time of election of the mayor and council members.

HB 731. By Representatives Dunn of the 73rd and Jones of the 78th:

A bill to amend an Act placing the sheriff, probate judge, clerk of the superior court, and tax commissioner of Henry County on an annual salary, so as to change the compensation of said officers.

HB 737. By Representative Karrh of the 109th:

A bill to amend an Act establishing the State Court of Candler County, so as to authorize the governing authority of Candler County to fix the annual salary of the judge and solicitor of said court.

HB 738. By Representative Crawford of the 5th:

~~A bill to create the~~ A bill to create the State Court of Chattooga County; to specify the location of the court; to provide jurisdiction of the court.

HB 741. By Representative Adams of the 16th:

A bill to amend an Act creating a new charter for the City of Rome, so as to change and extend the corporate limits of said city.

HB 742. By Representative Adams of the 16th:

A bill to amend an Act creating a new charter of the City of Rome, so as to change the provisions relating to the election of the city commission.

HB 743. By Representatives Adams of the 16th and Childers and McKelvey of the 15th:

A bill to amend an Act creating the Board of Commissioners of Floyd County, so as to provide for a county manager; to provide for his powers, duties, and responsibilities.

HB 744. By Representatives Adams of the 16th and Childers and McKelvey of the 15th:

A bill to amend an Act known as the "Floyd County Merit System Act," so as to provide an additional exemption from coverage under the merit system; to change who certifies the results of certain elections for members of the board of the merit system.

HB 745. By Representatives Adams of the 16th and Childers and McKelvey of the 15th:

A bill to amend an Act establishing compensation and allowances for the Clerk of the Superior Court of Floyd County and the Judge of the Probate Court of Floyd County, so as to change the compensation of said clerk.

HB 756. By Representatives Patten of the 149th, Collins of the 144th, Reaves of the 147th and others:

A bill to provide that each county in this state having a population of not less than 38,000 and not more than 39,000 shall pay a specified supplement to the judge of superior court of the county.

HB 764. By Representatives Adams of the 16th and McKelvey and Childers of the 15th:

A bill to amend an Act creating the Board of Commissioners of Floyd County, so as to authorize the Board of Commissioners of Floyd County to enact ordinances including, but not limited to, traffic ordinances and garbage and solid waste disposal ordinances for the governing and policing of

the unincorporated areas of said county and the enforcement of all duties and powers now or hereafter vested in such board.

HB 765. By Representative Oliver of the 121st:

A bill to abolish the present mode of compensating the judge of the Probate Court of Tattnall County, known as the fee system; to provide in lieu thereof an annual salary.

HB 766. By Representative Balkcom of the 140th:

A bill to create a board of commissioners in and for Miller County; to provide that the newly created board shall be the successor to all the rights, powers, duties, and obligations of the heretofore existing board of commissioners.

HB 768. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to allocate the proceeds of the sales and use tax imposed by Bulloch County under Article 2 of Chapter 8 of Title 48 of the O.C.G.A. to the Bulloch County school system.

HB 769. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act placing the coroner of Bulloch County on an annual salary, so as to change the compensation of the coroner; to provide that this Act shall become effective January 1, 1985.

HB 770. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating the board of commissioners of Bulloch County, so as to change the compensation of the chairman and other members of the board.

HB 771. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act creating a board of commissioners of Bulloch County, so as to change the provisions relative to the compensation of the clerks.

HB 772. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act placing the judge of the probate court of Bulloch County upon an annual salary, so as to change the compensation of the clerk.

HB 773. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act placing the clerk of the Superior Court of Bulloch County upon an annual salary, so as to change the compensation of the clerk's employees.

HB 774. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act placing the sheriff of Bulloch County upon an annual salary, so as to change the compensation of the sheriff's deputies and office clerk.

HB 775. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act creating the office of tax commissioner of Bulloch County, so as to change the compensation of the tax commissioner's assistants.

HB 776. By Representatives Ramsey of the 3rd and Peters of the 2nd:

A bill to amend an Act creating the office of commissioner of Catoosa County, so as to change the compensation and allowances of the commissioner and provide for an automobile for the commissioner's use on county business.

HB 777. By Representatives Ramsey of the 3rd and Peters of the 2nd:

A bill to amend an Act providing for the fiscal administration of the office of sheriff of Catoosa County, so as to provide for a change in fiscal year for the sheriff's office.

HB 781. By Representatives Snow and Hays of the 1st and Crawford of the 5th:

A bill to amend an Act creating a new charter for the City of LaFayette so as to define and place limitations on the authority to lease real property.

HB 782. By Representatives Kilgore of the 42nd, Watts of the 41st and Johnson of the 70th:

A bill to amend an Act creating the Magistrate's Court of Douglas County, so as to provide that any vacancy in the office of magistrate shall be filled by appointment by the judges of the superior court.

HB 783. By Representatives Kilgore of the 42nd, Watts of the 41st and Johnson of the 70th:

A bill to create the Douglas County Airport Authority; to declare the need for such airport authorities; to declare the purposes and objectives of this Act.

HR 69. By Representative Parham of the 105th:

A resolution compensating John J. Gates, Ph.D., in the amount of \$2,033.00.

HR 71. By Representative Triplett of the 128th:

A resolution compensating Mary D. Reffner in the amount of \$1,168.50.

HR 93. By Representative Ramsey of the 3rd:

A resolution compensating Mr. Richard B. Carney in the amount of \$1,701.06.

HR 105. By Representative Redding of the 50th:

A resolution compensating Mr. Richard Walton in the amount of \$5,560.00.

HR 243. By Representatives Connell of the 87th, Padgett of the 86th, Cox of the 141st and others:

A resolution designating the last Friday in May as "Foster Grandparents Day."

The following local, uncontested bills of the Senate and House, favorably reported by the committee, were read the third time and put upon their passage:

SB 123. By Senator Coverdell of the 40th:

A bill to amend an Act authorizing the commissioners of Fulton County to establish rules and regulations governing the payment of pensions to county employees, as amended, so as to provide that individuals employed by the Fulton County Probation System prior to July 1, 1984, may continue membership in this pension system.

The following fiscal note, as required by law, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Thomas R. Scott, Chairman
Senate Federal, State, and Community Affairs Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: February 21, 1983

SUBJECT: Fiscal Note—Senate Bill 123 (LC 7 5173)
Pension Options for Fulton County Probation System Employees

This Bill would allow any person employed by the Fulton County Probation System who transfers to the statewide probation system and who is a

member of the Fulton County General Pension Plan to continue membership in the Fulton County General Pension Plan. Those persons electing to continue such membership would pay the same employee contribution as all other Fulton County employees. The pension fund's board of trustees would be authorized to contract with the state to provide for the deduction of employee contributions and remission of those deductions to the pension fund and to provide for employer contributions to be paid by the state.

The fiscal impact of this Bill would be dependent upon the employer contribution rate required of the state for those persons electing to continue membership in the local pension fund. It should be noted that the Bill authorizes the local fund to contract to provide for employer contributions to be paid by the state but does not specify the rate that would be required. Based on current ERS and local employer contribution rates and assuming that all eligible employees transfer to state employment but remain under the local pension fund and that the state would be required to pay the local employer contribution rate for such persons, the state's employer contributions would have been reduced by approximately 4.2% of the total payroll, or about \$3,075 per month for these individuals in 1983. This amount will vary as employer contribution rates and salaries change.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

SB 288. By Senator Cobb of the 28th:

A bill to further define, prescribe and enlarge the powers and duties of the Griffin-Spalding County Development Authority and further to regulate the management and conduct thereof; to provide that projects in progress on the effective date of this Act may be completed hereunder.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to SB 288:

A BILL TO BE ENTITLED AN ACT

To further define, prescribe and enlarge the powers and duties of the Griffin-Spalding County Development Authority and further to regulate the

management and conduct thereof, said Authority having been created pursuant to an Amendment to the Constitution of Georgia of 1945 (Ga. Laws 1962, p. 945), which Amendment was ratified at the general election held on November 6, 1962, and continued in effect in the Constitution of Georgia of 1976 by virtue of Article XIII, Section I, Paragraph II thereof and having been previously amended by Act No. 1134, Ga. Laws 1978, p. 4151 and by Act No. 731, Ga. Laws 1981, p. 4875; to further expand the powers and duties of the Authority in conformity with the recent changes in Title 36 Chapter 62 of the Official Code of Georgia Annotated; to provide that projects in progress on the effective date of this Act may be completed hereunder; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Pursuant to authority granted in Paragraph N of that Amendment to the Constitution of Georgia of 1945 (Ga. Laws 1962 p. 945) (the amendment) which was ratified at the general election held on November 6, 1962 and continued in effect in the Constitution of Georgia of 1976 by virtue of Article XIII Section I Paragraph II thereof, as the same was amended by Act No. 1134 Ga. Laws 1978, page 4151, and by Act No. 731, Ga. Laws 1981, page 4875, the powers of the Griffin-Spalding County Development Authority are further defined, prescribed, and enlarged by:

(a) Striking Subparagraph 2 of Paragraph D which reads as follows:

“D. .(2) To borrow money, to issue notes, bonds and revenue certificates, to execute trust agreements or indentures, and to sell, convey, mortgage, pledge and assign any and all of its funds, property and income as security therefor;”

in its entirety and by substituting therefor a new Subparagraph 2 of Paragraph D to read as follows:

“D. .(2) 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 financing (by loan, grant, lease, or otherwise) the cost of any project, including the cost of extending, adding to, or improving the project, or for the purpose of refunding any such bonds of the Authority theretofore issued and to otherwise carry out the purposes of this Amendment 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 the Official Code of Georgia Section 36-63-8 and to sell, convey, mortgage, pledge, and assign any and all of its funds, property, and income as security therefore.”

(b) Striking Subparagraph 4 of Paragraph D which reads as follows:

“D. .(4) To have and exercise usual powers of private corporations except such as are inconsistent with this Amendment, including the power to appoint and hire officers, agents and employees and to provide their compensation and duties which, officers and agents may or may not be members of the Authority, and the power to adopt and amend a cor-

porate seal and by-laws and regulations for the conduct and management of the Authority;"

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in its entirety and by substituting therefor a new Subparagraph 4 of Paragraph D to read as follows:

"D. .(4) To have and exercise usual powers of private corporations except such as are inconsistent with this Amendment, including the power to appoint and hire officers, agents, engineers, attorneys, fiscal agents, accountants, and employees and to provide their compensation and duties. These individuals may or may not be members of the Authority. The Authority shall also have the power to adopt and amend a corporate seal and by-laws and regulations for the conduct and management of the Authority;"

(c) Striking Subparagraph 5(a) of Paragraph D which reads as follows:

"D. .(5)(a) Among the projects which the Authority may undertake shall be to encourage and promote the expansion and development of industrial and commercial facilities in Spalding County and the City of Griffin so as to relieve insofar as possible unemployment within the county, and to that end to acquire by purchase or gift any building or structure within the limits of Spalding County, to be used in the production, manufacturing, processing, assembling, storing, or handling of any agricultural, manufactured, mining or industrial product, or any combination of the foregoing, in every case with all necessary or useful furnishings, machinery, equipment, parking facilities, landscaping and facilities for outdoor storage, all as determined by the Authority, which determination shall be final and not subject to review. There may be included as part of any such project all improvements necessary to the full utilization thereof, including site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad, causeways, terminals for railroad, automotive and air transportation, and transportation facilities incidental to the project, none of which foregoing descriptive words shall be construed to constitute a limitation, but none of the improvements described in this sentence shall be the primary purpose of any project. Such acquisition may be through the acquisition of land and the construction thereon of a building, including the demolition of existing structure, or through the acquisition of an existing building and the remodeling, renovating, reconstructing, furnishing and equipping of such building. Also included in the projects which the Authority may undertake in pursuance of its purpose shall be the acquisition, construction, improvement or modification of any property, real or personal, used as air or water pollution control facilities which any federal, State or local agency having jurisdiction in the premises shall have certified as necessary for the continued operation of the industrial or commercial facilities which the same is to serve and is necessary for the public welfare. For purposes hereof, the term 'air pollution control facility' shall mean any property used primarily to abate or control atmospheric pollution or contamination by removing, containing, altering, disposing or storing of atmospheric pollutants or contaminants if such facility is in furtherance of federal, state or local standards for control of atmospheric pollution or contaminants. For the purpose hereof, the term 'water pollution control facility' shall mean any

property used primarily to control water pollution by removing, storing, altering or disposing of pollutants, contaminants, wastes or heat, including the necessary intercepting sewers, outfall sewers, pumping, power and other equipment, holding ponds, lagoons and their appurtenances, if such facility is in the furtherance of federal, state or local standards for the control of water pollution."

in its entirety and by substituting therefor a new Subparagraph 5(a) of Paragraph D to read as follows:

"D. .(5)(a) Among the projects which the Authority may undertake shall be to encourage and promote the expansion and development of industrial and commercial facilities in Spalding County and the City of Griffin so as to relieve insofar as possible unemployment within the county, and to that end to finance any one or more buildings or structures to be used in the production, manufacturing, processing, assembling, storing, or handling of any agricultural, manufactured, mining, or industrial product or any combination of the foregoing, in every case with all necessary or useful furnishings, machinery, equipment, parking facilities, landscaping, and facilities for outdoor storage, all as determined by the Authority, which determination shall be final and not subject to review; and there may be included as part of any such project all improvements necessary to the full utilization thereof, including site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive, and air transportation, transportation facilities incidental to the project, and the dredging and improving of harbors and waterways, none of which foregoing descriptive words shall be construed to constitute a limitation, provided that none of the improvements described in this sentence shall be the primary purpose of any project;"

(d) Striking Subparagraph 5(b) of Paragraph D which reads as follows:

"D. .(5)(b) Among the projects which the Authority may undertake shall be the power to acquire, construct, improve, or modify any property, real or personal, used as or in connection with a sewage disposal facility or a solid waste disposal facility which any federal, state, or local agency having jurisdiction in the premises shall have certified as necessary for the continued operation of the industries which the same is to serve and which is necessary for the public welfare, provided that if such facility is to be operated by a political subdivision of this state or an agency or instrumentality thereof, for its general constituency, the certification need only state that such facility is necessary for the public welfare; provided, further, that for the purposes of this subparagraph, the term 'sewage disposal facility' means any property used for the collection, storage, treatment, utilization, processing, or final disposal of sewage; for the purposes of this subparagraph, the term 'solid waste disposal facility' means any property used for the collection, storage, treatment, utilization, processing, or final disposal of solid waste; for the purposes of this subparagraph, the term 'solid waste' means garbage, refuse, or other discarded solid materials, including solid waste materials resulting from industrial and agricultural operations and from community activities but does not include solids or dissolved materials in domestic sewage or other

significant pollutants in water resources, such as salt, dissolved or suspended solids in industrial waste-water effluents, and dissolved materials in irrigation return flows; and for the purposes of this subparagraph, the word 'garbage' includes putrescible wastes, including animal and vegetable matters, animal offal and carcasses, and recognizable industrial by-products but excludes sewage and human wastes; and the word 'refuse' includes all nonputrescible wastes."

in its entirety and by substituting therefor a new Subparagraph 5(b) of Paragraph D to read as follows:

"D. .(5)(b) Among the projects which the Authority may undertake shall be the power to finance the acquisition, construction, improvement, or modification of any property, real or personal, used as or in connection with a sewage disposal facility or a solid waste disposal facility which any federal, state, or local agency having jurisdiction in the premises shall have certified as necessary for the continued operation of the industries which the same is to serve and which is necessary for the public welfare, provided that if such facility is to be operated by a political subdivision of this state or an agency or instrumentality thereof, for its general constituency, the certification need only state that such facility is necessary for the public welfare; provided, further, that for the purposes of this subparagraph, the term 'sewage disposal facility' means any property used for the collection, storage, treatment, utilization, processing, or final disposal of sewage; for the purposes of this subparagraph, the term 'solid waste disposal facility' means any property used for the collection, storage, treatment, utilization, processing, or final disposal of solid waste; for the purposes of this subparagraph, the term 'solid waste' means garbage, refuse, or other discarded solid materials, including solid waste materials resulting from industrial and agricultural operations and from community activities but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as salt, dissolved or suspended solids in industrial waste-water effluents, and dissolved materials in irrigation return flows; and for the purposes of this subparagraph, the word 'garbage' includes putrescible wastes, including animal and vegetable matters, animal offal and carcasses, and recognizable industrial by-products but excludes sewage and human wastes; and the word 'refuse' includes all nonputrescible wastes."

(e) Striking Subparagraph 5(c) of Paragraph D which reads as follows:

"D. .(5)(c) Among the projects which the Authority may undertake shall be the power to acquire, construct, improve or modify any property, real or person or both, used as a peak shave facility. 'Peak shave facility' shall have the meaning generally accepted and understood in the natural gas distribution industry as that term is generally understood to describe a storage facility for the purpose of avoiding undesirable consequences in the distribution system during peak periods of consumption."

in its entirety and by substituting therefor a new Subparagraph 5(c) of Paragraph D to read as follows:

"D. .(5)(c) Among the projects which the Authority may undertake shall be the power to finance the acquisition, construction, improvement, or modification of any property, real or personal or both, used as a peak shave facility, provided that 'peak shave facility' shall have the meaning generally accepted and understood in the natural gas distribution industry as that term is generally understood to describe a storage facility for the purpose of avoiding undesirable consequences in the distribution system during peak period of consumption; and any project involving a 'peak shave facility' may be undertaken as otherwise provided in this Amendment;"

(f) Striking Subparagraph 5(d) of Paragraph D which reads as follows:

"D. . 5(d) Among the projects which the Authority may undertake shall be the power to acquire, construct, lease, improve, modify any facilities and any property, real or personal or both, useful or necessary in the transportation of persons or property by air, provided that such projects shall not include the creation of airports or airport terminal facilities or improvements thereon, except as incidentally related to the furnishing of transportation of persons or property by air as provided in this subparagraph; such projects may include, but shall not be limited to aircraft, aircraft maintenance and reconditioning equipment, aircraft, communications equipment and facilities for the maintenance and repair of such equipment, ground support equipment and facilities used by aircraft, any necessary or useful real or personal property or rights to such property, all licenses, storage facilities including storage and distribution facilities for fuel, and the acquisition, modernization, or expansion of existing facilities or systems for transportation of persons or property by air, all as determined by the Authority, which determination shall be final and not subject to review; such projects for the transportation of persons or property by air are authorized to assist state and local governments to secure adequate systems of transportation of passengers for hire as authorized by law and for the development of trade, commerce, industry, and employment opportunities; and such projects for the transportation of persons or property by air may be undertaken to the same extent and on the same conditions as otherwise provided in this amendment for other facilities, except that such projects may be authorized only for air transportation systems which are not eligible to receive subsidies from the federal government at the time the project is undertaken, only where the corporate headquarters, the general maintenance, repair, support, and communication facilities, the general reservations, scheduling, and dispatch facilities, and the personal residence of the majority of the employees are all located within the geographic jurisdiction of the Authority, and only if the aircraft are routinely dispatched from and returned to the geographic jurisdiction of the Authority, provided that the operation of flight equipment and incidental ground support facilities and equipment and the location of employees of such a project outside of the geographic jurisdiction of the Authority shall not be prohibited if the conditions specified in this subparagraph are met; and provided, further, that no city, county, political subdivision, or any development authority may ever operate any such facility and the same must be acquired and operated by a private company or individual who shall guarantee the repayment of any obligations assumed, who shall be fully responsible for all

operating expenses and losses, and who shall be taxable as any other private undertaking would be.”

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in its entirety and by substituting therefor a new Subparagraph 5(d) to read as follows:

“D. . 5(d) Among the projects which the Authority may undertake shall be the power to finance the acquisition, construction, leasing, improvement, or modification of any facilities and any property, real or personal or both, useful or necessary in the transportation of persons or property by air, provided that such projects shall not include the creation of airports or airport terminal facilities or improvements thereon, except as incidentally related to the furnishing of transportation of persons or property by air as provided in this subparagraph; such projects may include, but shall not be limited to aircraft, aircraft maintenance and reconditioning equipment, aircraft communications equipment and facilities for the maintenance and repair of such equipment, ground support equipment and facilities used by aircraft, any necessary or useful real or personal property or rights to such property, all licenses, storage facilities including storage and distribution facilities for fuel, and the acquisition, modernization, or expansion of existing facilities or systems for transportation of persons or property by air, all as determined by the Authority, which determination shall be final and not subject to review; such projects for the transportation of persons or property by air are authorized to assist state and local governments to secure adequate systems of transportation of passengers for hire as authorized by law and for the development of trade, commerce, industry, and employment opportunities; and such projects for the transportation of persons or property by air may be undertaken to the same extent and on the same conditions as otherwise provided in this amendment for other facilities, except that such projects may be authorized only for air transportation systems which are not eligible to receive subsidies from the federal government at the time the project is undertaken, only where the corporate headquarters, the general maintenance, repair, support, and communication facilities, the general reservations, scheduling, and dispatch facilities, and the personal residence of the majority of the employees are all located within the geographic jurisdiction of the Authority, and only if the aircraft are routinely dispatched from and returned to the geographic jurisdiction of the Authority, provided that the operation of flight equipment and incidental ground support facilities and equipment and the location of employees of such a project outside the geographic jurisdiction of the Authority shall not be prohibited if the conditions specified in this subparagraph are met; and provided, further, that no city, county, political subdivision, or any development authority may ever operate any such facility and the same must be acquired and operated by a private company or individual who shall guarantee the repayment of any obligations assumed, who shall be fully responsible for all operating expenses and losses, and who shall be taxable as any other private undertaking would be.”

(g) Striking Subparagraph 5(e) of Paragraph D which reads as follows:

“D. . 5(e) Among the projects which the Authority may under-

take shall be the power to acquire, construct, design, engineer, improve, lease, maintain, modify, rebuild and repair any facilities and any property utilized in connection with a community antenna television system, or any combination of the foregoing, including all necessary or useful land or rights in land and all necessary or useful furnishings, machinery, vehicles, equipment and parking facilities, all as determined by the Authority, which determination shall be final and not subject to review. Such projects are authorized to promote the expansion and development of the cable communications industry and to enhance employment opportunities throughout Spalding County and to encourage local origination programming by community antenna television systems on one or more channels to include, but not be limited to, public access, government and education programs."

in its entirety and by substituting therefor a new Subparagraph 5(e) of Paragraph D to read as follows:

"D. .5(e) Among the projects which the Authority may undertake shall be the power to finance the acquisition, construction, design, engineering, improvement, leasing, maintaining, modification, rebuilding, and repairing of any facilities and any property utilized in connection with a community antenna television system or any combination of the foregoing, including all necessary or useful land or rights in land and all necessary or useful furnishings, machinery, vehicles, equipment, and parking facilities, all as determined by the Authority, which determination shall be final and not subject to review; such projects are authorized to promote the expansion and development of the cable communication industry, to enhance employment opportunities throughout this state, and to encourage local origination programming by community antenna television systems on one or more channels, to include, but not be limited to, public access, government, and education programs."

(h) Striking Subparagraph 5(f) of Paragraph D which reads as follows:

"D. .(f) Among the projects which the Authority may undertake shall be the power to acquire, construct, improve, or modify any property, real or personal, which shall be suitable for or used as or in connection with:

(A) Sports facilities, including private training and related office and other facilities when authorized by the governing authority of the political subdivision or municipal corporation in which the facility is to be constructed and maintained;

(B) Convention or trade show facilities;

(C) Airports, docks, wharves, mass commuting facilities, parking facilities, or storage or training facilities directly related to any of the foregoing;

(D) Facilities for the local furnishing of electric energy or gas;

(E) Facilities for the furnishing of water, if available, on reasonable demand to members of the general public; and

(F) Facilities for lodging and for providing meals, provided that such facilities are acquired, constructed, improved or modified in connection with and adjacent to sports facilities acquired, constructed, improved or modified pursuant to Subparagraph (A) above or convention or trade show facilities acquired, constructed, improved or modified pursuant to Subparagraph (B) above.”

in its entirety and by substituting therefor a new Subparagraph 5(f) of Paragraph D to read as follows:

“D. . . (f) Among the projects which the Authority may undertake shall be the power to finance the acquisition, construction, improvement, or modification of any property, real or personal, which shall be suitable for or used as or in connection with:

(i) Sports facilities, including private training and related office and other facilities when authorized by the governing authority of the political subdivision or municipal corporation in which the facility is to be constructed and maintained;

(ii) Convention or trade show facilities;

(iii) Airports, docks, wharves, mass commuting facilities, parking facilities, or storage or training facilities directly related to any of the foregoing;

(iv) Facilities for the local furnishing of electric energy or gas;

(v) Facilities for the furnishing of water, if available, on reasonable demand to members of the general public; and

(vi) Hotel and motel facilities for lodging which also may provide meals, provided that such facilities are constructed in connection with and adjacent to convention, sports, or trade show facilities.”

(i) Striking Subparagraph 5(g) of Paragraph D which reads as follows:

“D. . . 5(g) Among the projects which the Authority may undertake shall be the power to acquire or develop land as the site for an industrial park. For purposes of the preceding sentence, the term ‘development of land’ includes the provision of water, sewage, drainage, or similar facilities, or of transportation, power, or communication facilities, which are incidental to use of the site as an industrial park but, except with respect to such facilities, does not include the provision of structures or buildings, cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds or notes issued under the provisions hereunder.”

in its entirety and by substituting therefor a new Subparagraph 5(g) of Paragraph D to read as follows:

“D. . . 5(g) Among the projects which the Authority may undertake shall be the power to finance the acquisition or development of land as the site for an industrial park, provided that for purposes of this sub-

paragraph, the term 'development of land' includes the provision of water, sewage, drainage, or similar facilities or transportation, power, or communication facilities which are incidental to use of the site as an industrial park but, except with respect to such facilities, does not include the provision of structures or buildings."

(j) Striking Subparagraph 5(h) of Paragraph D which reads as follows:

"D. .5(h) Among the projects which the Authority may undertake shall be the power to acquire, construct, lease, or finance (i) an office building facility and related real and personal property for use by any business enterprise which will further the development of trade, commerce, industry, or employment opportunities in Spalding County and which will be adjacent to or used in conjunction with any other existing or proposed project now or hereafter defined in this subsection (e) (which existing or proposed project shall be located within the area of operation of the Authority and which is used or intended to be used by such business enterprise), or (ii) a separate office building facility and related real and personal property for use by any business enterprise which will further the development of trade, commerce, industry, or employment opportunities in Spalding County. No such office building facility as herein defined shall be undertaken by the Authority unless the Authority shall have determined that the business enterprise to use such facility will be the primary tenant."

in its entirety and by substituting therefor a new Subparagraph 5(h) of Paragraph D to read as follows:

"D. .5(h) Among the projects which the Authority may undertake shall be the power to finance the acquisition, construction, or leasing of:

(i) An office building facility and related real and personal property for use by any business enterprise which will further the development of trade, commerce, industry, or employment opportunities in this state and which shall be adjacent to or used in conjunction with any other existing or proposed project defined in this paragraph, which existing or proposed project is located within the area of operation of the Authority and which is used or intended to be used by such business enterprise; or

(ii) A separate office building facility and related real and personal property for use by any business enterprise which will further the development of trade, commerce, industry, or employment opportunities in this state;

No such office building facility as defined in this subparagraph shall be undertaken by the Authority unless the Authority determines that the business enterprise to use such facility will be the primary tenant."

(k) Striking Subparagraph 5(i) of Paragraph D which reads as follows:

"D. .5(i) Among the projects which the Authority may undertake shall be the power to use any one or more buildings or structures for the purpose of skilled nursing home or intermediate care home facilities

subject to regulation and licensure by the Department of Human Resources and all necessary, convenient or related interests in land, machinery, apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping and physical amenities.”

in its entirety and by substituting therefor a new Subparagraph 5(i) of Paragraph D to read as follows:

“D. .5(i) Among the projects which the Authority may undertake shall be the power to finance the use of any one or more buildings or structures for the purpose of skilled nursing home or intermediate care home facilities subject to regulation and licensure by the Department of Human Resources and all necessary, convenient or related interests in land, machinery, apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping and physical amenities.”

(1) Striking Subparagraph 5(j) of Paragraph D which reads as follows:

“D. .5(1) Among the projects which the Authority may undertake shall be the ‘cost of project’ which shall include: all costs of construction, purchase or other form of acquisition; all costs of real or personal property required for the purposes of such project and of all facilities related thereto, including land and any rights or undivided interest therein, easements, franchises, water rights, fees, permits, approvals, licenses and certificates and the securing of such franchises, permits, approvals, licenses and certificates and the preparation of applications therefor; all machinery, equipment, initial fuel and other supplies required for such project; financing charges, interest prior to and during construction and during such additional period as the Authority may reasonably determine to be necessary for the placing of such project in operation; costs of engineering, architectural and legal services; fees paid to fiscal agents for financial and other advice or supervision; cost of plans and specifications and all expenses necessary or incidental to the construction, purchase or acquisition of the completed project or to determining the feasibility or practicability of the project; administrative expenses and such other expenses as may be necessary or incidental to the financing herein authorized. There may also be included, as part of such cost of project, the repayment of any loans made for the advance payment of any part of such cost, including the interest thereon at rates to be determined by the Authority which loans are hereby authorized if made payable solely from the proceeds of such Authority’s bonds or notes or revenues to be received in connection with the leasing, sale or financing of the project. The cost of any project may also include a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, and such other reserves as may be reasonably required by the Authority with respect to the financing and operation of its projects and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any such bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds or notes issued under this Act.”

in its entirety and by substituting therefor a new Subparagraph 5(j) of Paragraph D to read as follows:

"D. .(5)(j) Among the projects which the Authority may undertake shall be the power to finance the acquisition, construction, equipping, improvement, modification, or expanding of any property, real or personal, for use as or in connection with research and development facilities. As used in this subparagraph, the term 'research and development facilities' means any property used in whole or in substantial part in conducting basic and applied research for commercial, industrial, or governmental institutions in connection with institutions of higher education, which research is determined by the Authority to contribute to the development and promotion of trade, commerce, industry, and employment opportunities for the public good and general welfare in furtherance of the purposes for which the Authority was created. The Authority's determination as to such matters shall be final and not subject to review."

(m) Adding new Subparagraphs 5(k), 5(l), 5(m), and 5(n) to Paragraph D to read as follows:

"5(k) Among the projects which the Authority may undertake shall be the power to finance the acquisition, construction, leasing or equipping of new industrial facilities or improve, modify, acquire, expand, modernize, lease, equip, or remodel existing industrial facilities located or to be located within the City of Griffin or Spalding County, Georgia.

5(l) Among the projects which the authority may undertake shall be the power to finance the acquisition, construction, improvement, or modification of any property, real or personal, which any industrial concern might desire to use, acquire, or lease in connection with the operation of any plant or facility located or to be located within the City of Griffin or Spalding County, Georgia.

5(m) Also included in the projects which the Authority may undertake in pursuance of its purpose shall be the power to finance the acquisition, construction, improvement, or modification of any property, real or personal used as air or water pollution control facilities which any federal, state, or local agency having jurisdiction in the premises shall have certified as necessary for the continued operation of the industry or industries which the same is to serve and which is necessary for the public welfare, provided that for the purposes of this subparagraphs, the term 'air pollution control facility' means any property used, in whole or in substantial part, to abate or control atmospheric pollution or contamination by removing, altering, disposing of, or storing atmospheric pollutants or contaminants, if such facility is in furtherance of applicable federal, state, or local standards for abatement or control of atmospheric pollutants or contaminants; and provided, further, that for the purpose hereof, the term 'water pollution control facility' means any property used, in whole or in substantial part, to abate or control water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, including the necessary intercepting sewers, outfall sewers, pumping, power and other equipment, holding ponds, lagoons, and appurtenances thereto, if such facility is in the furtherance

of applicable federal, state, or local standards for the abatement or control of water pollution or contamination;"

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"D. .5(n) Among the projects which the Authority may undertake shall be the 'cost of project' which shall include: all costs of construction, purchase or other form of acquisition; all costs of real or personal property required for the purposes of such project and of all facilities related thereto, including land and any rights or undivided interest therein, easements, franchises, water rights, fees, permits, approvals, licenses and certificates and the securing of such franchises, permits, approvals, licenses and certificates and the preparation of applications therefor; all machinery, equipment, initial fuel and other supplies required for such project; financing charges, interest prior to and during construction and during such additional period as the Authority may reasonably determine to be necessary for the placing of such project in operation; costs of engineering, architectural and legal services; fees paid to fiscal agents for financial and other advice or supervision; cost of plans and specifications and all expenses necessary or incidental to the construction, purchase or acquisition of the completed project or to determining the feasibility or practicability of the project; administrative expenses and such other expenses as may be necessary or incidental to the financing herein authorized. There may also be included, as part of such cost of project, the repayment of any loans made for the advance payment of any part of such cost, including the interest thereon at rates to be determined by the Authority. The cost of any project may also include a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, and such other reserves as may be reasonably required by the Authority with respect to the financing and operation of its projects and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any such bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds or notes issued under this Amendment."

(n) Striking Subparagraph 6 of Paragraph D which reads:

"D. .(6) No building acquired hereunder shall be operated by the Authority but shall be leased or sold to one or more persons, firms or corporations. If sold, the purchase price may be paid at one time or in installments falling due in not more than thirty (30) years from the date of transfer of possession. The lessee or purchaser shall be required to pay all costs of operating and maintaining the building or buildings and to pay rentals or installments sufficient, together with other revenues which may be pledged for the purpose, to retire all bonds, both principal and interest, and to pay all other expenses which the Authority may have incurred in connection with the undertaking."

in its entirety and substituting therefor a new Subparagraph 6 of Paragraph D to read as follows:

"D. .(6) No project acquired under the Amendment shall be operated by the Authority. Such a project shall be leased or sold to one or more persons, firms or private corporations. If revenue bonds or other

obligations are to be issued to pay all or part of the cost of the project, the project must be so leased or the contract for its sale must be entered into prior to or simultaneously with the issuance of the bonds or obligations. If sold, the purchase price may be paid at one time or in installments falling due over not more than 40 years from the date of transfer of possession. The lessee, purchaser or borrower shall be required to pay all costs of operating and maintaining the leased, purchased or financed property and to pay rentals or installments in amounts sufficient to pay the principal of and the interest and premium, if any, on all of its bonds and other obligations as such principal and interest become due. Provided, however, that the acquisition and development of land by the Authority as the site for an industrial park as provided in this Amendment shall not be deemed to be the operation of a project and, notwithstanding anything herein to the contrary, the Authority shall not be required to enter into a lease of such a project or a contract for its sale as a condition to the issuance of bonds or other obligations of the Authority to provide financing therefor."

(o) Adding Subparagraphs 11—18 to Paragraph D to read as follows:

"D. .(11) To extend credit or make loans to any person, firm, corporation, or other industrial entity for the planning, design, construction, acquisition, or carrying out of any project, which credit or loans shall be secured by loan agreements, mortgages, security agreements, contracts, and all other instruments, fees, or charges, upon such terms and conditions as the Authority shall determine reasonable in connection with such loans, including provision for the establishment and maintenance of reserves and insurance funds; and, in the exercise of powers granted by this Amendment in connection with a project for such person, firm, corporation, or other industrial entity, to require the inclusion in any contract, loan agreement, security agreement, or other instrument, of such provisions for guaranty, insurance, construction, use, operation, maintenance, and financing of a project as the Authority may deem necessary or desirable;

(12) To acquire, by purchase, gift, or construction, any real or personal property desired to be acquired as part of any project or for the purpose of improving, extending, adding to, reconstructing, renovating, or remodeling any project or part thereof already acquired or for the purpose of demolition to make room for such project or any part thereof;

(13) To mortgage, convey, pledge, or assign any properties, revenues, income, tolls, charges, or fees owned or received by the Authority;

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

(15) To construct, acquire, own, repair, remodel, maintain, extend, improve, or equip projects located on land or leased by the Authority or land owned or leased by others and to pay all or part of the cost of any such project from the proceeds of revenue bonds of the Authority or from

any contribution or loans by persons, firms, or corporations or any other contribution, all of which the Authority is authorized to receive, accept, and use;

(16) As security for repayment of Authority obligations, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property, real or personal, or such Authority and to execute any trust agreement, indenture, or security agreement containing any provision not in conflict with law, which trust agreement, indenture, or security agreement may provide for foreclosure or forced sale of any property of the Authority upon default, on such obligations, either in payment of principal or interest or in the performance of any term or condition, as are contained in such agreement or indenture. The State of Georgia, on behalf of itself and each county, municipal corporation, political subdivision, or taxing district therein, waives any right which it or such county, municipal corporation, political subdivision, or taxing district may have to prevent the forced sale or foreclosure of any property of the Authority so mortgaged or encumbered, and any such mortgage or encumbrance may be foreclosed in accordance with law and the terms thereof;

(17) To contract with any county or municipal corporation in the state; and any county or municipal corporation in the state is empowered to contract with the Authority to furnish air transportation services where such service is not otherwise in existence;

(18) To sell, lease, exchange, transfer, assign, pledge, mortgage, dispose of, or grant options for any real or personal property or interest therein for any such purposes.”

(p) Striking Paragraph E which reads:

“E. The Authority shall not be authorized to create in any manner any debt, liability or obligation against the State of Georgia or Spalding County or City of Griffin.”

in its entirety and substituting therefor a new Paragraph E to read as follows:

“E. No bonds or other obligations of and no indebtedness incurred by the Authority shall constitute an indebtedness or obligation of the State of Georgia or of any county, municipal corporation, or political subdivision thereof, nor shall any act of the Authority in any manner constitute or result in the creation of an indebtedness of this state or of any such county, municipal corporation, or political subdivision. All such bonds and obligations shall be payable solely from the revenues therein pledged to such payment, including pledged rentals, sales proceeds, insurance proceeds, and condemnation awards; and no holder or holders of any such bonds or obligations shall ever have the right to compel any exercise of the taxing power of this state or of any county, municipal corporation, or political subdivision thereof, nor to enforce the payment thereof against any property of the state or of any such county, municipal corporation, or political subdivision.”

(q) Striking Paragraph F which reads:

"F. The members of the Authority shall receive no compensation for their services to the Authority;"

in its entirety and substituting therefor a new Paragraph F to read as follows:

"F. The members of the Authority shall receive no compensation for their services to the Authority, but shall be reimbursed for their actual expenses incurred in the performance of their duties."

(r) Striking Paragraph G which reads as follows:

"G. In order to finance any undertaking within the scope of its power or to refund any bonds then outstanding, the Authority is hereby authorized to issue bonds bearing rate or rates of interest and maturing at the years and amounts determined by the Authority and the procedure of validation, issuance and delivery shall be in all respects in accordance with the Revenue Bond Law (Ga. L. 1937, p. 761) as amended, Ga. Code Ann. Supp. Chapter 87-8, as if said obligations had been originally authorized to be issued thereunder; provided, however, that any property, real or personal, of the Authority may be pledged, mortgaged, conveyed, assigned, hypothecated or otherwise encumbered as security for any lawful debt of the Authority. The Authority may execute any trust agreement or indenture not in conflict with the provisions of this amendment to provide for foreclosure or forced sale of any property of the Authority upon default on such bonds either in payment of principal or interest or under any term or condition under which such bonds are issued. Nothing herein contained shall be construed to create a right to compel any exercise of the taxing power of Spalding County or the City of Griffin, to pay any such bonds or the interest thereon nor to enforce payment thereof against any property of Spalding County or the City of Griffin."

in its entirety and by substituting therefor a new Paragraph G to read as follows:

"G. (1) The obligations of the Authority evidenced by bonds, bond anticipation notes, trust indentures, deeds to secure obligations, security agreements, or mortgages executed in connection therewith may contain such provisions not inconsistent with law as shall be determined by the board of directors of the Authority. The Authority, in such instruments, may provide for the pledging of all or any part of its revenues, income, or charges and for the mortgaging, encumbering, or conveying of all or any part of its real or personal property; may covenant against pledging any or all of its revenues, income, or charges; and may further provide for the disposition of proceeds realized from the sale of any bonds and bond anticipation notes, for the replacement of lost, destroyed, stolen, or mutilated bonds and bond anticipation notes, and for the payment and redemption of such bonds and bond anticipation notes. Undertakings of the Authority may prescribe the procedure by which bondholders and note-holders may enforce rights against the Authority and may provide for rights upon breach of any covenant, condition, or obligation of the Authority; and bonds, resolutions, trust indentures, mortgages, or deeds to secure obligations executed by the Authority and bond anticipation notes

executed by the Authority may contain such provisions not otherwise contrary to law as the Authority shall deem necessary or desirable.

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(2) The proceeds derived from the sale of all bonds and bond anticipation notes issued by the Authority shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted in this Amendment, all or part of the cost of any project, including the cost of extending, financing, adding to, or improving the project, for the purpose of refunding any bond anticipation notes issued in accordance with this Amendment or refunding any previously issued bonds of the Authority.

(3) All bonds and bond anticipation notes issued by the Authority shall be revenue obligations of the Authority and may be made payable out of any revenues or other receipts, funds, or moneys of the Authority, subject only to any agreements with the holders of other bonds or bond anticipation notes or to particular security agreements pledging any particular revenues, receipts, funds, or moneys.

(4) Issuance by the Authority of one or more series of bonds or bond anticipation notes for one or more purposes shall not preclude it from issuing other bonds or notes in connection with the same project or with any other projects; but the proceeding wherein any subsequent bonds or bond anticipation notes are issued shall recognize and protect any prior pledge or mortgage made in any prior security agreement or made for any prior issue of bonds or bond anticipation notes, unless in the resolution authorizing such prior issue the right is expressly reserved to the Authority to issue subsequent bonds or bond anticipation notes on a parity with such prior issue.

(5) The Authority shall have the power and is authorized, whenever revenue bonds of the Authority have been validated as provided in this Amendment, to issue, from time to time, its notes in anticipation of the issuance of such bonds as validated 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 Authority may issue notes only to provide funds which would otherwise be provided by the issuance of the bonds as validated. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the Authority may sell such notes at public or private sale. Any resolution or resolutions authorizing notes of the Authority or any issue thereof may contain any provisions which the Authority is authorized to include in any resolution or resolutions authorizing bonds of the Authority or any issue thereof; and the Authority may include in any notes any terms, covenants, or conditions which it is authorized to include in any bonds. Validation of such bonds shall be a condition precedent to the issuance of the notes, but it shall not be required that such notes be judicially validated. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which they are to be issued.

(6) The interest rate on or rates to be borne by any bonds, notes, or other obligations issued by the Authority shall be fixed by the Authority. The Authority shall have the power to delegate the power to set the interest rate, within stated parameters, to any person, firm or institution chosen by the Authority. Any limitations with respect to interest rates

found in Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated shall not apply to obligations issued under this Amendment.

(7) All revenue bonds issued by the Authority under this Amendment shall be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, except as provided in subsection G(6) of this Amendment and except as specifically set forth below:

(i) Revenue bonds issued by the Authority may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide;

(ii) Revenue bonds shall bear a certificate of validation. The signature of the clerk of the superior court of Spalding County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state;

(iii) The notice of the district attorney or the Attorney General and the notice to the public of the time, place, and date of the validation hearing need not state the rate of interest the bonds will bear;

(iv) The term 'cost of project' shall have the meaning prescribed in Paragraph D, subparagraph 5(k) of this Amendment whenever referred to in bond resolutions of this Authority, bonds and bond anticipation notes issued by the Authority or notices and proceedings to validate such bonds."

(s) Striking Paragraph H which reads as follows:

"H. The Authority may authorize additional bonds, for extensions and permanent improvements to any industrial building acquired hereunder, to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may become necessary. Bonds so placed in escrow shall, when sold and delivered, have such standing with the bonds of the same issue as may be provided in the authorizing proceedings."

in its entirety and by substituting therefor a new Paragraph H to read as follows:

"H. The purposes of this Amendment are to develop and promote trade, commerce, industry, and employment opportunities, for the public good and the general welfare, and to promote the general welfare of the state and to reduce unemployment to the greatest extent possible within Spalding County and the City of Griffin. No bonds or bond anticipation notes, except refunding bonds, shall be issued by the Authority under this Amendment unless the Authority adopts a resolution finding that the project for which such bonds or notes are to be issued will promote the foregoing objectives. Notwithstanding the foregoing requirement:

(1) Bonds or bond anticipation notes may be issued to finance projects for air and water pollution control facilities and for sewage and solid waste disposal facilities, as provided in this Amendment, without a finding that the project will increase or maintain employment, so long as the appropriate certification described in this Amendment has been secured from the federal, state, or local agency having jurisdiction in the premises; and

(2) Bonds or bond anticipation notes may also be issued by the Authority to finance the acquisition or development of land as the site for an industrial park as provided in this Amendment without a finding that the project will increase or maintain employment if the Authority shall adopt a resolution finding that the tract of land to be included in the project is not intended for use by a single enterprise; will be suitable primarily for use as building sites for a group of enterprises engaged in industrial, distribution, or wholesale businesses; and that either:

(a) The control and administration of the tract is to be vested in the Authority or in another county or municipal or joint county and municipal development authority (or in a corporation organized under the Georgia Nonprofit Corporation Code) having as one of its purposes the development of trade, commerce, industry, and employment opportunities; or

(b) The uses of such tract of land are to be regulated by protective restrictions to be approved by the Authority and determined by the Authority to be appropriate to encourage and facilitate use thereof by business enterprises engaged in industrial, distribution, or wholesale businesses.”

(t) Striking Paragraph I which reads as follows:

“I. No bonds except refunding bonds shall be issued hereunder unless the Authority shall have found and declared that:

(1) The undertaking for which the bonds are to be issued will increase employment in Spalding County and in the City of Griffin.

(2) The lessee or purchaser of the building or buildings involved will not by virtue of establishing operations in said county or in said city, reduce the number of employees employed by said lessee or purchaser elsewhere in the State of Georgia.”

in its entirety and by substituting therefor a new Paragraph I to read as follows:

“I. The Authority may make by-laws and regulations for its governance and may delegate to one or more of its officers, agents, and employees such powers and duties as may be deemed necessary and proper. The Authority shall have perpetual existence.”

(u) Striking Paragraph J which reads as follows:

“J. Except as may be agreed upon from time to time by the Authority and the respective governing Boards of Commissioners of the City

of Griffin and County of Spalding, no moneys derived by the Authority from any source other than gifts and contributions from private individuals, firms or corporations shall at any time be used for entertainment, or other promotional expenses."

in its entirety and by substituting therefor a new Paragraph J to read as follows:

"J. This Amendment shall be liberally construed to effect the purposes hereof, and insofar as this Amendment may be inconsistent with the provisions of any other law, including the charter of any municipal corporation, this Amendment shall be controlling. The sale or issuance of bonds by the Authority shall not be subject to regulation under Chapter 5 of Title 10, the 'Georgia Securities Law,' or any other law. No proceeding or publication not required in this Amendment shall be necessary to the performance of any act authorized in this Amendment, nor shall any such act be subject to referendum."

(v) Striking Paragraph K which reads as follows:

"K. Should said Authority for any reason be dissolved, title to all property of every kind and nature, real and personal, held by the Authority at the time of such dissolution shall revert to the City of Griffin, subject to any mortgages, liens, leases, or other encumbrances outstanding against or in respect to said property at that time."

in its entirety and by striking Paragraph L which reads as follows:

"L. This amendment is adopted for the purpose of promoting and expanding for the public good and welfare industry and trade within Spalding County and the City of Griffin and reducing unemployment to the greatest extent possible, and this amendment and any law enacted with reference to the Authority shall be liberally construed for the accomplishment of these purposes."

in its entirety and by renumbering Sections M and N as Sections K and L respectively.

Section 2. Any project commenced prior to the effective date of this Act may be completed by the Authority hereunder, and Authority members appointed pursuant to this Act shall have full power and authority to take all actions necessary or appropriate to complete all previously commenced projects according to their terms according to the constitutional Amendment creating the Griffin-Spalding County Development Authority as originally ratified or as now amended; nevertheless, all projects commenced after the effective date of this Act shall be in accordance with the constitutional Amendment creating the Griffin-Spalding County Development Authority as now amended.

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Cobb of the 28th offered the following amendment:

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Amend the substitute to SB 288 offered by the Senate Committee on Federal, State and Community Affairs as follows:

By striking on Page 21, line 15, the following:

“(1)”,

and inserting in lieu thereof the following:

“(j)”

On the adoption of the amendment, the yeas were 50, nays 0, and the amendment was adopted.

On the adoption of the substitute, the yeas were 50, nays 0, and the substitute was adopted as amended.

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, the yeas were 50, nays 0.

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

HB 615. By Representatives Milford and Clark of the 13th:

A bill to amend an Act placing the clerk of the superior court and the probate judge of Hart County on an annual salary, so as to provide for the compensation of the probate judge.

The Senate Federal, State, and Community Affairs Committee offered the following substitute to HB 615:

A BILL TO BE ENTITLED AN ACT

To amend an Act placing the clerk of the superior court and the probate judge of Hart County on an annual salary, approved February 28, 1966 (Ga. L. 1966, p. 2285), as amended, so as to provide for the compensation of the probate judge; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act placing the clerk of the superior court and the pro-

bate judge of Hart County on an annual salary, approved February 28, 1966 (Ga. L. 1966, p. 2285), as amended, is amended by striking Section 3 of said Act in its entirety and inserting in lieu thereof a new Section 3 to read as follows:

“Section 3. The judge of the probate court shall receive an annual salary in the same amount as that provided for the sheriff of Hart County pursuant to Code Section 15-16-20 of the O.C.G.A., relating to minimum annual salaries for sheriffs, as now or hereafter amended. This salary shall be payable in equal monthly installments from the funds of Hart County.”

Section 2. This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 50, nays 0, and the 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, the yeas were 50, nays 0.

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

SB 293. By Senator McGill of the 24th:

A bill to amend an Act entitled “An Act to incorporate the city of Crawford; to define its limits; to provide for its government; to define its rights and liabilities; to provide for the issuance of bonds for school and other municipal improvements, and for other purposes.”, as amended, so as to change the terms of the mayor and councilmen; to provide for a change in the elections.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

SB 294. By Senator Bryant of the 3rd:

~~A bill to amend an~~ A bill to amend an Act providing for the appointment and terms of office of members of the Liberty County Industrial Authority, as amended, so as to clarify the definition of the term "project"; to clarify the powers of the authority.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

Senator Bryant of the 3rd moved that SB 294 be immediately transmitted to the House.

On the motion, the yeas were 33, nays 0; the motion prevailed, and SB 294 was immediately transmitted to the House.

HB 409. By Representatives Lee, Benefield, and Johnson of the 72nd and others:

A bill to amend Code Section 48-5-405 of the Official Code of Georgia Annotated, relating to the levy and collection of tax by municipalities for maintenance of independent school systems, so as to repeal a subsection relating to the amount of deductions by county tax officials from school taxes in all counties of this state having a population of not less than 150,300 nor more than 155,000 according to the United States decennial census of 1980 or any future such census.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 611. By Representative Bray of the 91st:

A bill to amend an Act establishing a Board of Commissioners of Talbot County, so as to change the provisions relative to the election of members of the board of commissioners.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 628. By Representatives Ginsberg of the 122nd, Triplett of the 128th, Hamilton of the 124th and others:

A bill to amend an Act relating to the school system of the City of Savannah and Chatham County, so as to correct certain technical errors in the descriptions of the districts from which members of the board of education are elected.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 655. By Representatives Auten of the 156th and McVeigh of the 155th:

A bill to amend an Act creating a board of commissioners of Glynn County, so as to change the composition of the election districts from which the members of the board of commissioners are elected.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 656. By Representatives Birdsong of the 104th and Waldrep of the 80th:

A bill to amend an Act creating a new board of education of Jones County, so as to change the compensation of the chairman and members of the board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 673. By Representatives Wood, Lawson and Jackson of the 9th:

A bill to amend an Act creating the Etowah Water and Sewer Authority, so as to change the qualifications necessary for election to membership on the authority; to change the provisions relative to the filling of vacancies on the authority.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 674. By Representatives Wood, Lawson and Jackson of the 9th:

A bill to amend an Act creating a board of commissioners for Hall County, so as to authorize certain expense allowances for members of said board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

The President called for the morning roll call and the following Senators answered to their names:

Allgood	Foster	McGill
Barker	Garner	McKenzie
Barnes	Gillis	Peavy
Bowen	Greene	Perry
Brannon	Harris	Phillips
Brantley	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coleman	Howard	Tate
Dawkins	Hudgins	Thompson
Deal	Huggins	Timmons
Dean	Kennedy	Trulock
English	Kidd	Turner
Engram	Lester	Tysinger
Fincher	Littlefield	Walker

Those not answering were Senators:

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Bond
Broun of 46th

Coggin
Coverdell

Land

Senator Engram of the 34th introduced the chaplain of the day, Reverend Don Smith, pastor of the First Presbyterian Church of Peachtree City, Peachtree City, Georgia, who offered scripture reading and prayer.

The following resolution of the Senate was read and adopted:

SR 179. By Senators Kennedy of the 4th, Timmons of the 11th and Cobb of the 28th:

A resolution commending the Georgia State Patrol Aviation Unit for receiving the Hughes Law Enforcement Award.

SENATE RULES CALENDAR

Friday, February 25, 1983

THIRTY-SIXTH LEGISLATIVE DAY

- HB 327 Administrative Procedure Act—agency includes Board and Department of Education (SUBSTITUTES) (Gov Op—25th)
- HB 209 Tenancy in Common—interests in property to be partitioned (SUBSTITUTE) (J&CL—33rd)
- HB 627 Airports Owned, Operated by City, County—licenses for sale of alcoholic beverages (SUBSTITUTE) (B&F—44th)
- HB 492 Lands Leased by Counties, Cities—to Private Parties—not for public purposes (FS&CA-G—44th)
- HB 249 Ticket Scalping—change amount charged by ticket agents (AMENDMENT) (Judy—42nd)
- HB 399 Medical Examiners Board—immunity when investigating licensee (Hum R—42nd)
- HB 245 Bad Checks—change certain penalties (AMENDMENT) (Gov Op—30th)
- HB 287 Manufactured Home Licenses—change in manufacturing fees (SUBSTITUTE) (ED&T—10th)
- HB 366 Nonprofit Contractors—annual audit reports to state agencies (I&L—12th)
- HR 154 Baldwin County—conveyance of certain state owned property (Pub U—25th)
- HB 645 Home Buyer Submitting Dishonored Check—retail installment contract fee (I&L—19th)

- SR 119 Mental Health and Mental Retardation Study Committee—create (Hum R—25th)
- HB 129 Scoliosis—screen public school children (AMENDMENT) (Hum R—42nd)
- HB 551 Hospital Liens—nursing home care, treatment, services (Hum R—52nd)
- HB 507 Hospitals—staff membership, privileges to certain psychologists (Hum R—33rd)
- HB 10 Terminally Ill Indigent, Elderly—program of care (Hum R—42nd)

Respectfully submitted,
/s/ Dean of the 31st, Chairman
Senate Rules Committee

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

- HB 327. By Representatives Ross of the 82nd, Murphy of the 18th, Mostiler of the 75th and others:

A bill to amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions under the “Georgia Administrative Procedure Act,” so as to provide that the word “agency” shall mean and include the State Board of Education and the State Department of Education.

Senate Sponsor: Senator Kidd of the 25th.

The Senate Committee on Governmental Operations offered the following substitute on HB 327:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions under the “Georgia Administrative Procedure Act,” so as to provide that the word “agency” shall mean and include the State Board of Education and the State Department of Education for the purpose of making the “Georgia Administrative Procedure Act” applicable to the State Board of Education and the State Department of Education relative to the adoption of rules and regulations; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions under the “Georgia Administrative Procedure Act,” is amended by adding at the end of paragraph (1) a new undesignated paragraph to read as follows:

“It is specifically provided that the word ‘agency’ means and includes the State Board of Education and the State Department of Education for the purpose of making the provisions of this chapter relative to the adoption of rules and regulations applicable to the State Board of Education and the State Department of Education. Rules and regulations of the State Board of Education and the State Department of Education shall be adopted in accordance with the procedures and requirements of this chapter as a condition precedent to any such rule or regulation becoming effective or having any force and effect.”

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 3. This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senators Dawkins of the 45th, Starr of the 44th and Dean of the 31st offered the following substitute to HB 327:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 13 of Title 50 of the Official Code of Georgia Annotated, the “Georgia Administrative Procedure Act,” so as to provide that neither the State Board of Education, the State Department of Education, any state agency, nor any other officer or body of this state which has the power to adopt rules or regulations shall adopt or seek to enforce certain rules or regulations relative to private elementary and secondary schools; to provide for all 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 13 of Title 50 of the Official Code of Georgia Annotated, the “Georgia Administrative Procedure Act,” is amended by adding a new Code Section 50-13-23 to read as follows:

“50-13-23. (a) Neither the State Board of Education, the State Department of Education, any state agency, nor any other officer or body of this state which has the power to adopt rules or regulations shall adopt or seek to enforce any rule or regulation to license, permit, accredit, set standards for, define, or otherwise regulate any private elementary or

secondary schools. The following matters are expressly excepted from the operation of this Code section, but this Code section shall not be construed to except any matters covered by its express terms other than the following exceptions:

(1) Rules or regulations relating to immunization as authorized by Code Section 20-2-771;

(2) Rules or regulations relating to building standards or fire safety, which rules or regulations apply equally to buildings used for schools and similar buildings which are used for other purposes and which rules or regulations do not classify buildings used for private schools separately from similar buildings used for other purposes.

(b) Any rule or regulation adopted in violation of this Code section shall be void."

Section 2. This Act shall become effective on July 1, 1983.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Garner of the 30th offered the following amendment:

Amend the substitute to HB 327 offered by Senators Dawkins of the 45th, Starr of the 44th and Dean of the 31st by renumbering Sections 2 and 3 as Sections 3 and 4 and adding a new Section 2 to read as follows:

"Section 2. The Department of Agriculture and the Georgia Department of Labor shall be exempt from the provisions of the Georgia Administrative Procedure Act."

Senator Kidd of the 25th moved the previous question.

On the motion, the yeas were 31, nays 2; the motion prevailed, and the previous question was ordered.

On the adoption of the amendment offered by Senator Garner of the 30th, the yeas were 2, nays 39, and the amendment was lost.

On the adoption of the substitute to HB 327 offered by the Senate Committee on Governmental Operations, the yeas were 0, nays 43, and the committee substitute was lost.

On the adoption of the substitute to HB 327 offered by Senators Dawkins of the 45th, Starr of the 44th and Dean of the 31st, the yeas were 42, nays 5, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Fincher	Lester
Barnes	Foster	Littlefield
Bowen	Garner	McGill
Brannon	Gillis	McKenzie
Broun of 46th	Greene	Peevy
Brown of 47th	Harris	Phillips
Bryant	Harrison	Scott of 2nd
Burton	Hill	Scott of 36th
Cobb	Holloway	Scott of 43rd
Coggin	Horton	Starr
Coleman	Howard	Thompson
Dawkins	Hudgins	Timmons
Deal	Huggins	Trulock
Dean	Kennedy	Turner
English	Kidd	Tysinger
Ingram	Land	Walker

Those voting in the negative were Senators:

Brantley	Hine	Stumbaugh
Coverdell	Perry	Tate

Not voting were Senators Allgood and Bond.

On the passage of the bill, the yeas were 48, nays 6.

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

Senator Kennedy of the 4th moved that the Senate Rules Calendar for today be changed by adding HB 189 to the Calendar at a position immediately after HB 249.

The President referred the motion to the Senate Committee on Rules.

The President announced that the Senate would stand in recess for five minutes.

The President called the Senate to order at 11:20 A.M.

The following report of a standing committee was read by the Secretary:

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Mr. President:

The Committee on Rules has had under consideration the following motion of the Senator from the 4th to change the Rules Calendar for February 25, 1983, by adding HB 189 after HB 249, and has instructed me to report the same back to the Senate with the following recommendation:

That said motion be adopted.

Respectfully submitted,

Senator Dean of the 31st District, Chairman

On the motion offered by Senator Kennedy of the 4th to change the Senate Rules Calendar for today, the yeas were 32, nays 0; the motion prevailed, and HB 189 was placed on the Senate Rules Calendar immediately after HB 249.

The following bills of the Senate were taken up for the purpose of considering the House substitutes thereto:

SB 204. By Senators Barnes of the 33rd, Gillis of the 20th, Dean of the 31st and others:

A bill to amend Part 6 of Article 5 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the protection of metropolitan rivers, so as to define certain terms.

The House substitute to SB 204 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Part 6 of Article 5 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the protection of metropolitan rivers, so as to define certain terms; to provide additional legislative findings; to provide for duties of the commission; to prohibit certain land and water use; to provide exceptions; to delete certain requirements on applications for certificates; to provide for the powers of the commission with regard to certain land and water use activities; to provide for powers of local governing authorities with regard to certain land and water use activities; to provide for procedures; to provide criteria for applying minimum standards for certificates and recommendations; to provide for appeals; to delete provisions providing for local option coverage; to provide for exceptions; to provide for enforcement; to require certain action by local governing authorities; to provide for enforcement by the state under certain conditions; to provide proce-

dures; to preserve certain powers; to provide for other matters relative thereof; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Part 6 of Article 5 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the protection of metropolitan rivers, is amended by striking Code Section 12-5-441, relating to definitions, in its entirety and inserting in lieu thereof a new Code Section 12-5-441 to read as follows:

“12-5-441. As used in this part, the term:

(1) ‘Applicant’ means any person who requests the issuance of a certificate under this part.

(2) ‘Area’ means a standard metropolitan statistical area recognized by the United States Department of Commerce, Bureau of the Census, and as set forth in Appendix C, County and City Data Book 1977: A Statistical Abstract Supplement, U. S. Department of Commerce, Bureau of the Census, which is located wholly within the State of Georgia and having a population of more than 1,000,000 according to the United States decennial census of 1970 or any future such census.

(3) ‘Board’ means the Board of Natural Resources.

(4) ‘Certificate’ means a building permit or other written authorization issued under this part and shall include, as a part thereof, the application and all documents supplied in support thereof and the approval by the governing authority together with any conditions thereto.

(5) ‘Commission’ means the area planning and development commission or metropolitan area planning and development commission created for any county or group of counties included in each such area pursuant to the authority contained in Article 2 or 4, respectively, of Chapter 8 of Title 50.

(6) ‘Director’ means the director of the Environmental Protection Division of the Department of Natural Resources.

(7) ‘Flood plain’ means that area adjacent to a major stream which is subject to being flooded with a probable frequency of at least once every 100 years. The commission shall delineate the flood plain and in doing so may utilize or adopt studies prepared by the Corps of Engineers, United States Army, or such other studies as the commission deems competent.

(8) ‘Governing authority’ means the governing authority of a political subdivision or, except for the purposes of paragraph (2) of subsection (c) of Code Section 12-5-445, a committee of such governing authority.

(9) ‘Impoundment’ means any body of water, formed by a dam, which is less than 25,000 acres in size.

(10) “Land-disturbing activity’ means scraping, plowing, clearing,

dredging, grading, excavating, transporting, or filling of land or placement of any structure or impervious surface, dam, obstruction, or deposit.

(11) 'Major stream' means any stream or river, whether navigable or nonnavigable, which flows through any area and which is the source of at least 40 percent of the public water supply of any such area.

(12) 'Person' means any individual, partnership, corporation, trust, entity, or authority and shall include the State of Georgia, its political subdivisions, and all its departments, boards, bureaus, commissions, or other agencies.

(13) 'Plan' means the comprehensive plan prepared by the commission pursuant to Code Section 12-5-443.

(14) 'Political subdivision' means a county or a municipality in which the section of the river corridor to be affected or any part thereof is located.

(15) 'Public notice' means a legal notice in a newspaper of general circulation in the political subdivision at least once a week for two consecutive weeks.

(16) 'Stream corridor' means all land in the area in the watercourse, within 2,000 feet of the watercourse, or within the flood plain, whichever is greater.

(17) 'Tributary' means any flowing stream which flows into the major stream at a point which is within the stream corridor.

(18) 'Watercourse' means the banks of a major stream, including any impoundments thereon, in the area as defined by the low-water mark of such stream and any impoundments and including the entire bed of such stream and any impoundments and all islands therein, from the point where the stream enters the area downstream to a line perpendicular across the flow of such stream at the point, within the area, which is the last downstream water supply intake location for any political subdivision in the area."

Section 2. Said part is further amended by striking subsection (b) of Code Section 12-5-442, relating to legislative intent, which reads as follows:

"(b) The purpose of this part is to provide a flexible and practical method whereby political subdivisions in certain metropolitan areas may utilize the police power of the state consistently and in accordance with a comprehensive plan to protect the public water supplies of such political subdivisions and of the area and to prevent floods and flood damage, to control erosion, siltation, and intensity of development adjacent to major streams in such areas for such purposes, and to provide for comprehensive planning for stream corridors in such areas."

and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) The General Assembly finds that the stream corridors of major streams in certain metropolitan areas as set forth in this part are vital

areas within the meaning of Article III, Section VIII, Paragraph IIIA of the Constitution of the State of Georgia of 1976 and Article III, Section VI, Paragraph II of the Constitution of the State of Georgia of 1983. The purpose of this part is to provide a method whereby political subdivisions in certain metropolitan areas shall utilize the police power of the state, in accordance with a comprehensive plan, to protect consistently the water quality of any major stream, the public water supplies of such political subdivision and of the area, recreational values of the major stream, and private property rights of landowners; to prevent activities which contribute to floods and flood damage; to control erosion, siltation, and intensity of development; to provide for the location and design of land uses in such a way as to minimize the adverse impact of development on the major stream and flood plains; and to provide for comprehensive planning for the stream corridor in such areas.”,

and by adding at the end of Code Section 12-5-442 a new subsection (d) to read as follows:

“(d) The General Assembly intends to authorize and require political subdivisions in any such area to enforce this part so as to protect the watercourse and the adjacent stream corridor. The General Assembly further intends that the state have the authority to enforce this part if the appropriate political subdivisions have failed or refused to do so and if the public interest requires it.”

Section 3. Said part is further amended by striking Code Section 12-5-443, relating to land and water use plans, generally, and inserting in lieu thereof a new Code Section 12-5-443 to read as follows:

“12-5-443. The commission shall, consistent with the purposes of this part:

(1) Prepare, adopt, and keep up to date a comprehensive, coordinated land and water use plan for the stream corridor. The plan, as prepared and approved by the commission, shall set land use criteria for flood and flood damage prevention, erosion and siltation control, water quality protection, and intensity of development in the stream corridor. The plan, as adopted by the commission, shall be transmitted to each political subdivision by June 16, 1973. The plan as adopted by the commission for any and all land brought within the stream corridor after March 1, 1983, shall be transmitted to each political subdivision and to the director by July 1, 1983. The commission may, after hearing, utilize or adopt an existing plan or plans as the plan called for by this part. The commission may from time to time revise the plan or portions thereof, and any such revisions of the plan shall be transmitted promptly after adoption. Prior to the adoption of the plan, or of any substantial portion or any revision of the plan, the commission shall hold a public hearing on the proposed plan, or portion or revision thereof, in each county in which any land affected by the plan or, in the case of a portion or revision of the plan, in which any land affected by such portion or revision lies. The commission shall cause notice of the time and place of each such public hearing to be published once a week for two weeks in one or more newspapers of general circulation in each county in which land to be affected lies. Any such land and water use plan shall be prepared in consultation

and with assistance of the county or city governing authority where the land to be affected lies;

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(2) Foster and undertake such studies of water and related land resources problems in the stream corridor as are necessary in the preparation or revision of the plan;

(3) Make such rules and regulations as may be necessary to implement the purposes of this part and to administer and implement this part and all rules, regulations, and orders promulgated under this part; and

(4) Charge a reasonable fee to each applicant for review of any application for a certificate, which fee shall be sufficient to defray all or any portion of the administrative costs of review of the application by the commission and of the cost to the commission of monitoring and inspection of compliance with such certificates.”

Section 4. Said part is further amended by striking Code Section 12-5-444, relating to prohibited land and water use, generally, and inserting in lieu thereof a new Code Section 12-5-444 to read as follows:

“12-5-444. (a) (1) Pending adoption of the plan by the commission, it shall be unlawful for any person to erect, maintain, suffer, or permit any structure, dam, obstruction, deposit, clearing, or excavation in or on the stream corridor which will adversely affect the efficiency of or restrict the capacity of the watercourse or flood plain, appreciably increase runoff or flood heights, adversely affect the control, protection, allocation, or utilization of the water and related land resources of the stream corridor, harmfully obstruct or alter the natural flow of flood waters, or harmfully increase erosion, siltation, or water pollution. In order to prevent undue hardship, the commission may, prior to the adoption of the plan by the commission, issue a letter or written statement signed by the executive director of the commission ruling with respect to any proposed land or water use in any political subdivision that none of the above-listed adverse effects will occur as a result of the proposed use. Nothing in this subsection shall apply to a political subdivision that, on June 30, 1973, has in effect a flood plain ordinance and a sediment control ordinance.

(2) Pending adoption of the plan by the commission as to any land brought within the stream corridor after March 1, 1983, it shall be unlawful for any person to engage in any land-disturbing activity in or on such land within the stream corridor which will adversely affect the efficiency of or restrict the capacity of the watercourse or flood plain, appreciably increase runoff or flood heights, adversely affect the control, protection, allocation, or utilization of the water and related land resources of the stream corridor, harmfully obstruct or alter the natural flow of flood waters, or harmfully increase erosion, siltation, or water pollution. In order to prevent undue hardship, the commission may, prior to the adoption of the plan by the commission as to any land brought within the stream corridor after March 1, 1983, issue a letter or written statement signed by the executive director of the commission, ruling with respect to any proposed land-disturbing activity in or on such land that none of the above-listed adverse effects will occur as a result of the proposed use.

(b) (1) After adoption by the commission of the plan or any portion thereof or any amendment thereto, it shall be unlawful within those areas regulated by the plan or any portion thereof or any amendment thereto for any person to engage in any land-disturbing activity in or on the stream corridor which will be incompatible or inconsistent with the plan or any portion thereof or any amendment thereto. A proposed land or water use shall be deemed to be not in compliance with the plan unless and until the governing authority of the political subdivision issues a certificate for the proposed use pursuant to Code Section 12-5-445.

(2) The governing authority shall, before referring the application to the commission pursuant to Code Section 12-5-445, require the applicant to furnish such detailed information on the proposed land or water use as the governing authority shall reasonably request and as required by the plan and rules and regulations adopted pursuant to this part.

(3) Any land-disturbing activity shall be done strictly in accordance with the certificate issued under this part. Any substantial change or modification of a proposed land-disturbing activity for which a certificate has been issued shall require a new certificate, which must be issued in accordance with the requirements of this part.

(4) The governing authority shall adopt ordinances, regulations, or procedures as necessary to assure that any land-disturbing activity is conducted in compliance with the plan and the certificate.

(c) The governing authority shall give public notice of and shall hold a public hearing before issuing or denying any certificate under this Code section. The form and procedure for such hearings shall be determined by the governing authority involved, provided that all interested persons shall be afforded adequate notice of such hearings and an opportunity to be present and express their views. The information required under paragraph (2) of subsection (b) of this Code section shall be filed in final form and be available for public inspection prior to such hearing.

(d) The governing authority shall delineate and clearly label the stream corridor on the zoning map and the official map of such governing authority."

Section 5. Said part is further amended by striking Code Section 12-5-445, relating to processing and reviewing certificates, and inserting in lieu thereof a new Code Section 12-5-445 to read as follows:

"12-5-445. (a) After receipt of a complete application for a certificate, the governing authority shall transmit to the commission a copy of such complete application and all supporting documents.

(b) (1) If, from the application or from its own investigation, the commission finds that there are inconsistencies between the plan and the land-disturbing activity proposed by the application, the commission may do any one of the following:

(A) Recommend modification of the application in such manner as to be consistent with the plan;

(B) Make a finding that the application, while not consistent with the plan in all respects, will provide a level of land and water resource protection equivalent to an application consistent with the plan; or

(C) Recommend modification of the application in such manner that the application as so modified, while not consistent with the plan in all respects, will provide a level of land and water resource protection equivalent to an application consistent with the plan.

(2) If the commission fails to recommend modification of the application within 60 days from submission of such application to the commission and if the governing authority makes a specific finding that the application is consistent with the plan or makes a specific finding that the application, while not consistent with the plan in all respects, will provide a level of land and water resource protection equivalent to an application consistent with the plan, the governing authority shall be deemed to have complied with this Code section and may issue the certificate.

(c) In any case where the commission has recommended modification of an application, the governing authority may:

(1) Adopt such recommendation, incorporate it as a condition of the certificate, and issue a certificate with such conditions, in which case any land-disturbing activity under the certificate must be strictly in accordance with the recommendation so incorporated;

(2) After making a specific finding that the application is in compliance with the plan or a specific finding that the application, while not consistent with the plan in all respects, will provide a level of land and water resource protection equivalent to an application consistent with the plan, override such recommendation by affirmative vote of a two-thirds' majority of the full membership of the governing body; however, such action by the governing authority is not final unless and until the governing authority:

(A) Following the affirmative vote to override, holds a second public hearing on the application and the proposed override of the commission's recommendation, after giving public notice and after mailing notice to the applicant and to the commission at least five days prior to the hearing;

(B) Gives full consideration to all comments made at the second public hearing; and

(C) Reaffirms the vote to override the commission's recommendation by affirmative vote of a two-thirds' majority of the full membership of the governing authority, after again making a specific finding that the application is in compliance with the plan or a specific finding that the application, while not consistent with the plan in all respects, will provide a level of land and water resource protection equivalent to an application consistent with the plan; or

(3) Request reconsideration of such recommendation by the commission at a public hearing.

If the governing authority fails to take action under either paragraph (1), (2), or (3) of this subsection within 45 days after the submission of the recommendation of the commission to the governing authority, the certificate shall not be issued. Where a public hearing is requested under this subsection, such public hearing shall be held by the commission within 30 days after receipt of such request. Notice stating the time and place of the public hearing shall be mailed at least five days prior to the hearing to the governing authority and to the applicant and public notice shall be given. The commission shall make its final determination with respect to such recommendation within 30 days after such public hearing. The request for a public hearing under this subsection may be made by the applicant or by the governing authority involved.

(d) In making the finding required by subsection (b) of paragraph (2) of subsection (c) of this Code section, the commission and the governing authority shall follow the purposes set forth in this part and the goals set forth by the plan, as amended."

Section 6. Said part is further amended by striking in its entirety Code Section 12-5-446, which reads as follows:

"12-5-446. (a) In order to simplify procedures and avoid delays in the utilization of land or water resources, the commission may prereview any application for a certificate under this part upon written request for such prereview made by the applicant with the written consent of the governing authority of the political subdivision involved, or upon the written request for prereview of an application made by the governing authority of the political subdivision involved. Each such request for prereview shall be accompanied by all of the information required under paragraph (2) of subsection (b) of Code Section 12-5-444, including all information currently required by the governing authority of the political subdivision involved. The commission may, after reviewing the application, make a finding that the proposed land or water use as shown in the application submitted for prereview is consistent with the plan or, if it finds that such land or water use is inconsistent with the plan, recommend modification of the proposed land or water use in such manner that such land or water use will be consistent with the plan. The commission shall transmit its findings or recommendations with respect to the application to the political subdivision involved within 60 days from the date of submission of such request for prereview. Where a request for prereview is made by an applicant, the commission may require payment by the applicant of a reasonable fee, not to exceed \$50.00 for each application, to defray the administrative expenses of such prereview.

(b) Whenever an application for a certificate authorizing a proposed land or water use has been prereviewed by the commission under this Code section, a certificate authorizing such land or water use shall become effective immediately upon issuance by the governing authority involved, without further review by the commission, if:

(1) Where the commission has found that the proposed land or water use as shown by the application submitted to it for prereview is consistent with the plan, the land or water use as authorized by the certificate is substantially identical in all respects; or

(2) Where the commission has recommended modification of a proposed land or water use in such manner that such land or water use will be consistent with the plan, the certificate authorizing the land or water use incorporates every such modification.

Otherwise the certificate must be reviewed by the commission in accordance with Code Section 12-5-445.

(c) When prereviewing an application for a certificate under this part, the commission is authorized and encouraged to consult with the governing authority of the political subdivision involved, the planning or zoning departments of such political subdivision, and other interested persons with regard to the application. Nothing in this part shall preclude any person who is or may be an applicant for a certificate under this part, but who does not desire to use the formal prereview procedure provided by this Code section, from consulting informally with the commission or the staff of the commission with respect to a proposed land or water use in the stream corridor; and the commission is authorized and encouraged to advise and assist every such applicant and potential applicant with respect to compliance with the plan with the fullest extent possible consistent with its limitations of budget and staff.”

an inserting in lieu thereof the following:

“12-5-446. Reserved.”

Section 7. Said part is further amended by striking Code Section 12-5-447, relating to standards for certification, in its entirety and inserting in lieu thereof a new Code Section 12-5-447 to read as follows:

“12-5-447. Every certificate issued by a governing authority and every recommendation of the commission, unless the proposed use is not harmful to the water and land resources of the stream corridor, will not significantly impede the natural flow of floodwaters, and will not result in significant land erosion, stream bank erosion, siltation, or water pollution, shall comply with the following minimum standards:

- (1) No land or water use shall be permitted in the flood plain; and
- (2) No land or water use shall be permitted within 150 horizontal feet of the watercourse.”

Section 8. Said part is further amended by striking Code Section 12-5-448, relating to appeals, in its entirety and inserting in lieu thereof a new Code Section 12-5-448 to read as follows:

“12-5-448. Any person aggrieved by any final determination, cease and desist order, other order, or other final action of the commission or a governing authority under this part and who has exhausted any administrative remedies may take an appeal to the superior court of the county in which all or part of the land affected lies. The appeal shall be filed within 30 days from the date of the final determination, cease and desist order, other order, or other final action of the governing authority or committee of such governing authority or of the commission. Upon failure to file an appeal within 30 days, the decision of the governing author-

ity or committee of such governing authority or of the commission shall be final. The appeal shall be heard by the judge of the superior court without a jury.

Section 9. Said part is further amended by striking in its entirety Code Section 12-5-450, which reads as follows:

“12-5-450. Any county in this state which is contiguous to an area and which would have land in a stream corridor if such county were in an area may, with the consent of the particular commission, elect to come under this part by resolution adopted by its governing authority. Where a county has elected to come under this part as provided in this Code section, any municipality in that county which has any territory in the stream corridor may, with the consent of the commission, elect to come under this part by resolution adopted by its governing authority.”,

and inserting in lieu thereof the following:

“12-5-450. Reserved.”

Section 10. Said part is further amended by striking Code Section 12-5-451, relating to applicability, and inserting in lieu thereof a new Code Section 12-5-451 to read as follows:

“12-5-451. This part shall not apply to the following uses:

(1) Any land or water use for agriculture or animal husbandry as defined in the ordinances adopted by the governing authority, provided that a buffer of natural vegetation is maintained for a distance of 50 horizontal feet from the bank of the watercourse;

(2) Ordinary maintenance and landscaping operations, except for a distance of 50 horizontal feet from the bank of the watercourse and except for the removal of healthy trees over two inches diameter breast height (DBH) anywhere in the stream corridor;

(3) Any land or water use or project which, on March 16, 1973, is approved, pending, or is completed, actually under construction, or which is zoned for such use and where expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning; provided, however, that the construction of the project is actually commenced within 36 months of March 16, 1973; otherwise, a certificate for the project must be obtained pursuant to this part;

(4) (A) With regard to any land included in the stream corridor for the first time after March 1, 1983, any land or water use or land-disturbing activity:

(i) Which, on March 1, 1983, is completed, under construction, fully approved by the governing authority, or for which all requests for approval of construction are pending before the governing authority; or

(ii) Which is to be located on land which, on March 1, 1983, is zoned for such use and where expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zon-

ing; however, prior to March 1, 1984, construction of such land-disturbing activity must have actually commenced and expenditures must have been made in connection with such construction in excess of 10 percent of the estimated cost of the total projected land-disturbing activity, exclusive of the cost of the land, or in excess of \$100,000.00, exclusive of the cost of the land, whichever is less; otherwise a certificate for the project must be obtained pursuant to this part.

(B) Upon request by the owner of any land included in the stream corridor for the first time after March 1, 1983, the commission shall make a determination whether any land or water use or land-disturbing activity on such land satisfies the conditions set forth in this subsection for exclusion from application of this part. Any such request shall be accompanied by any information concerning the land or water use or land-disturbing activity as the commission may reasonably request. If the commission determines that the land or water use or land-disturbing activity fails to satisfy the conditions set forth in this subsection, the commission shall state the reasons therefor. The commission shall be authorized to delegate this authority to its executive director. If such delegation is made, any person aggrieved by any such determination of the executive director may appeal such determination to the commission within 30 days of the issuance of such determination; or

(5) Any land or water use or land-disturbing activity which is undertaken or financed, in whole or in part, by the Department of Transportation of the State of Georgia."

Section 11. Said part is further amended by striking Code Section 12-5-452, relating to violations, and Code Section 12-5-453, relating to jurisdiction, and inserting in lieu thereof a new Code Section 12-5-452 and a new Code Section 12-5-453 to read as follows:

"12-5-452. (a) If a governing authority determines that any person is violating any provision of this part, any rule or regulation adopted pursuant to this part, or the terms and conditions of any certificate issued under this part, the appropriate governing authority shall employ any one or any combination of any or all of the following enforcement methods:

(1) The appropriate governing authority may issue a cease and desist order specifying the provision of this part or the rule or the term or condition of a certificate violated and requiring the person so ordered to cease and desist from such activity and to take corrective action within a reasonable period of time as prescribed in the order. Such corrective action may include, but shall not be limited to, requiring that the affected portion of the stream corridor be returned to its condition prior to the violation insofar as practical. Any such order shall become final unless the person named therein requests in writing a hearing before the governing authority no later than 30 days after the issuance of such order. On the basis of such hearing, the governing authority shall be authorized to continue such order in effect, to revoke the order, or to modify it;

(2) Whenever the appropriate governing authority finds that an emergency exists requiring immediate action to protect the watercourse and the public interest, the governing authority may issue an emergency

cease and desist order, effective immediately, reciting the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Any person against whom such order is directed shall comply therewith immediately but, on application to the governing authority, shall be afforded a hearing within five business days. On the basis of such hearing the governing authority shall be authorized to continue such order in effect, to revoke the order, or to modify it;

(3) The appropriate governing authority may seek injunctive relief pursuant to subsection (b) of this Code section; or

(4) The governing authority shall be authorized to delegate to a responsible official thereof the authority to issue the orders set forth in this subsection.

(b) Any land-disturbing activity in violation of this part, any rule or regulation adopted pursuant to this part, or any certificate issued pursuant to this part shall be a public nuisance; and the creation and maintenance thereof may be enjoined and abated upon an action being filed by the commission, any political subdivision affected, the director, or any person.

(c) Any person who violates this part or any rule or regulation adopted pursuant to this part, any certificate issued pursuant to this part, or any final cease and desist order or emergency order issued pursuant to this part may be fined a civil penalty not to exceed \$1,000.00 for each acre or part thereof on which such violation occurs. Each day on which such violation exists is a separate offense.

(d) The superior court having jurisdiction over an action brought pursuant to this Code section shall have the authority to require that the land within the stream corridor be restored to its original condition prior to the unauthorized land-disturbing activity, if possible and if environmentally appropriate. If such restoration is ordered by the court and not carried out within the time limits set forth in a final court order, the governing authority shall be authorized to carry out total or partial restoration within the stream corridor, and the person or persons responsible for the unauthorized land-disturbing activities shall be liable for the amount expended upon restoration. Such amount shall be recoverable by the governing authority in an action against such person or persons.

12-5-453. (a) On or before January 1, 1984, each governing authority shall adopt ordinances or regulations governing use of all land which is in the drainage basin of any tributary. Such regulations and ordinances shall, at a minimum, include the following:

(1) Buffer areas of adequate width as determined by local governing authorities along all flowing streams in the drainage basin of any tributary, in which areas there will be no land-disturbing activity; and

(2) Soil erosion and sediment control regulations consistent with the 'Erosion and Sedimentation Act of 1975,' Chapter 7 of Title 12 of the Official Code of Georgia Annotated, as now or hereinafter amended.

Requirements of the plan, other than those requirements consistent with the 'Erosion and Sedimentation Act of 1975,' shall not apply in the drainage basin of any tributary outside the stream corridor.

(b) If the governing authority has failed to adopt and enforce buffer area and erosion and sediment control ordinances or regulations which effectively control erosion and sedimentation in a tributary, the commission shall give written notice to the governing authority of its intent to request the director to undertake enforcement of erosion and sediment control regulations in the drainage basin of such tributary. If, after such notice from the commission, the governing authority fails to demonstrate, to the satisfaction of the commission, its intent and ability to enforce buffer area and erosion and sediment control ordinances or regulations in the drainage basin of such tributary, the commission shall request the director to assume enforcement of erosion and sediment control regulations in the drainage basin of such tributary.

(c) Upon notification by the commission of a governing authority's failure to adopt and enforce buffer area and erosion and sediment control ordinances or regulations in the drainage basin of a tributary or upon a determination by the director, after consultation with the commission, that a governing authority has failed to adopt and enforce buffer area and erosion and sediment control ordinances or regulations in the drainage basin of a tributary, the director may revoke the certification of a governing authority as an issuing authority for permits required by the 'Erosion and Sedimentation Act of 1975,' for the land within the drainage basin of such tributary."

Section 12. Said part is further amended by adding at the end thereof a new Code Section 12-5-456 and a new Code Section 12-5-457 to read as follows:

"12-5-456. (a) If the commission has reason to believe that any person is carrying out any land-disturbing activity in or on the stream corridor without a certificate pursuant to this part, in violation of the terms and conditions of a certificate issued pursuant to this part, or in any other respect in violation of this part, the commission shall notify the governing authority of the political subdivision in which such illegal activity is taking place and shall recommend action to correct the situation. A copy of such notice to the governing authority shall be furnished to the director. If the commission has determined that the violation requires immediate enforcement action, the notice to the governing authority shall so state.

(b) If, after notice from the commission, pursuant to subsection (a) of this Code section, of a violation which requires immediate enforcement action, a governing authority has failed to initiate an enforcement action or otherwise secure cessation of the violation within three business days of receipt of such notice, the commission shall so advise the director.

(c) Upon notice from the commission pursuant to subsection (b) of this Code section of a violation of this part which requires immediate enforcement action and as to which the governing authority has failed to initiate enforcement action or otherwise secure cessation of the violation

or upon a determination by the director, after consultation with the commission, that any person is violating any provision of this part, any rule or regulation adopted pursuant to this part, or the terms and conditions of any certificate issued pursuant to this part and that the public interest requires that the state take immediate action, the director shall have the authority to employ any one or any combination of any or all of the following enforcement methods:

(1) The director may issue a cease and desist order specifying the provision of this part or the rule or the term or condition of a certificate violated and requiring the person so ordered to cease and desist from such activity and to take corrective action within a reasonable period of time as prescribed in the order. Such corrective action may include, but shall not be limited to, requiring that the affected portion of the stream corridor be returned to its condition prior to the violation, insofar as practical. Any such order shall become final unless the person named therein requests in writing a hearing before a hearing officer appointed by the board no later than 30 days after the issuance of such order. Review of such order shall be available as provided in subsection (d) of this Code section;

(2) Whenever the director finds that an emergency exists requiring immediate action to protect the watercourse and the public interest, the director may issue an emergency cease and desist order, effective immediately, reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Any person against whom such order is directed shall comply therewith immediately but, on application to the director, shall be afforded a hearing within five business days. On the basis of such hearing, the director shall be authorized to continue such order in effect, to revoke the order, or to modify it. Review of such order shall be available pursuant to subsection (d) of this Code section;

(3) The director may seek injunctive relief pursuant to subsection (b) of Code Section 12-5-452;

(4) Any person who engages in any land-disturbing activity in violation of this part, any rule or regulation adopted pursuant to this part, any certificate issued pursuant to this part, or any final or emergency order of the director shall be subject to a civil penalty not to exceed \$1,000.00 for each acre or part thereof on which such violation occurs. Each day on which such violation exists is a separate offense. Whenever the director has reason to believe that any person has violated this part, any rule or regulation adopted pursuant to this part, any certificate issued pursuant to this part, or any order or emergency order issued pursuant to this part, he may upon written request cause a hearing to be conducted before a hearing officer appointed by the board. Upon finding that such person has violated any provision of this part, any rule or regulation adopted pursuant to this part, any certificate issued pursuant to this part, or any final cease and desist order or emergency order issued pursuant thereto, the hearing officer shall issue his decision imposing civil penalties as provided in this Code section; or

(5) In administrative proceeding or in judicial proceedings, the di-

rector may seek, among other relief, the restoration of the affected portion of the stream corridor to its original condition prior to the unauthorized land-disturbing activity, if possible and if environmentally appropriate. If such restoration is ordered by a final order of the Board of Natural Resources or of the superior court and not carried out within the time limit set forth in the final administrative order or final court order, the director shall be authorized to carry out such restoration, and the person responsible for the unauthorized land-disturbing activities shall be liable for the amount expended upon restoration. Such amount shall be recoverable by the director in an action against such person.

(d) All hearings on and review of contested matters, orders, or other enforcement actions initiated by the director under this part shall be provided and conducted in accordance with subsection (c) of Code Section 12-2-2. The hearing and review procedure of this Code section shall be to the exclusion of all other means of hearings or review.

(e) If, pursuant to this Code section, the director determines that the public interest requires initiation of an enforcement action by the director and if the director, after initiation of such enforcement action, secures cessation of the unauthorized activity or achieves the imposition of a civil penalty and the restoration of the land or is otherwise successful in correcting or penalizing the violation of this part, whether by formal legal action or by settlement, the governing authority within whose jurisdiction such violation occurred shall be liable to the state for the costs incurred by the state in such enforcement action, including the reasonable cost of attorneys' services.

12-5-457. No provision of this part shall repeal, supersede, or preempt any function, power, authority, duty, or responsibility assigned to the Environmental Protection Division of the Department of Natural Resources by any other provision of this Code."

Section 13. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 14. All laws and parts of laws in conflict with this Act are repealed.

Senator Barnes of the 33rd moved that the Senate agree to the House substitute to SB 204.

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

Those voting in the affirmative were Senators:

Barker
Barnes
Brannon
Brantley
Broun of 46th

Brown of 47th
Bryant
Burton
Coggin
Coleman

Coverdell
Dawkins
Deal
Dean
English

Fincher	Hudgins	Scott of 36th
Foster	Huggins	Scott of 43rd
Garner	Kennedy	Starr
Gillis	Kidd	Strumbaugh
Greene	Land	Tate
Harris	Lester	Thompson
Harrison	Littlefield	Timmons
Hill	McGill	Trulock
Hine	McKenzie	Turner
Holloway	Perry	Tysinger
Horton	Phillips	Walker
Howard	Scott of 2nd	

Voting in the negative was Senator Peevy.

Those not voting were Senators:

Allgood	Bowen	Engram
Bond	Cobb	

On the motion, the yeas were 50, nays 1; the motion prevailed, and the Senate agreed to the House substitute to SB 204.

SB 171. By Senators Scott of the 2nd and Coleman of the 1st:

A bill to amend Code Section 21-3-91 of the Official Code of Georgia Annotated, relating to filing of notices of candidacy under the "Georgia Municipal Election Code," so as to provide that a person who ran in a municipal primary and was defeated shall not be qualified to run as an independent candidate in the general election for the same municipal office.

The House substitute to SB 171 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide additional restrictions relative to qualifying with the political party or as an independent candidate for public office; to provide that candidates nominated by nomination petition shall file their notices of candidacy by not later than the last date for filing for party nomination or for filing for nonpartisan nomination in the case of nonpartisan primaries; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by striking in its entirety Code Section 21-2-137.

relating to qualifying for nomination with a political party, and substituting in lieu thereof a new Code Section 21-2-137 to read as follows:

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“21-2-137. No person shall qualify with any political party as a candidate for nomination to any public office when such person has qualified for the same primary with another political party as a candidate for nomination by that party for any public office; nor shall a state executive committee or county executive committee of any political party certify any person as the candidate of that party when such person has previously qualified as a candidate for nomination for any public office for the same primary with another political party. No person shall file a notice of candidacy as an independent or political body candidate for any public office when such person has qualified for the same office to be filled at the same election with any political party; nor shall any person qualify with any political party when such person has filed a notice of candidacy as an independent or political body candidate for the same office to be filled at the same election.”

Section 2. Said title is further amended by striking in its entirety subsection (a) of Code Section 21-3-91, relating to filing notices of candidacy under the “Georgia Municipal Election Code,” and substituting in lieu thereof a new subsection (a) to read as follows:

“(a) Each candidate, except a candidate nominated by nomination petition provided for in subsection (f) of this Code section, or his designee shall file notice of his candidacy in the office of the municipal superintendent of his municipality at least 22 but not more than 52 days prior to the election in the case of a general election and at least 15 but not more than 30 days prior to the election in the case of a special election. The opening and closing dates shall, within the limitations as provided in this Code section, be as set forth in the municipal charter or, if not so specified, then by municipal ordinance. If a run-off primary is held, each candidate nominated therein or his designee shall file notice of his candidacy with the municipal superintendent within three days after the holding of such primary, irrespective of such three-day period’s exceeding a qualification deadline prescribed in this subsection. Notice of the opening and closing dates for candidates to qualify shall be published by the governing authority in a newspaper of general circulation in the municipality at least ten days and not more than 30 days prior to the first date for qualifying.”

Section 3. Said title is further amended by striking in its entirety subsection (f) of said Code Section 21-3-91, which reads as follows:

“(f) Candidates not having been nominated in a party primary may also be required to accompany notice of candidacy with a nominating petition if the municipality’s charter or ordinance so requires.”,

and substituting in lieu thereof a new subsection (f) to read as follows:

“(f) In the case of candidates nominated by nomination petition pursuant to Code Section 21-3-100, the last date for filing notice of candidacy shall be the same as the last date for filing for party nomination as provided in subsection (a) of Code Section 21-3-98, or, in the event a nonpartisan primary election is held, the last date for filing notice of can-

didacy by nomination petition shall be the same as the last date for filing notice of candidacy for the nonpartisan primary as provided in Code Section 21-3-103. A notice of candidacy by a nominating petition shall be accompanied by the nominating petition."

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Scott of the 2nd moved that the Senate agree to the House substitute to SB 171.

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

Those voting in the affirmative were Senators:

Barker	Foster	McGill
Barnes	Gillis	McKenzie
Bowen	Greene	Peevy
Brannon	Harris	Perry
Brantley	Harrison	Phillips
Broun of 46th	Hill	Scott of 2nd
Brown of 47th	Hine	Scott of 43rd
Bryant	Holloway	Starr
Burton	Horton	Tate
Cobb	Howard	Thompson
Coggin	Hudgins	Timmons
Coleman	Huggins	Trulock
Dawkins	Kennedy	Turner
Deal	Kidd	Tysinger
English	Lester	Walker
Fincher		

Those voting in the negative were Senators:

Coverdell	Land	Stumbaugh
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Those not voting were Senators:

Allgood	Engram	Littlefield
Bond	Garner	Scott of 36th
Dean		

On the motion, the yeas were 46, nays 3; the motion prevailed, and the Senate agreed to the House substitute to SB 171.

Senator Greene of the 26th introduced the doctor of the day, Dr. Fred Rankin, of Macon, Georgia.

The following message was received from the House through Mr. Ellard, the Clerk thereof: www.libtool.com.cn

Mr. President:

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

HB 807. By Representatives Pinkston of the 100th, Groover of the 99th and Horne of the 103rd:

A bill to authorize the creation of an intergovernmental relations study commission by the governing authorities of Bibb County and the City of Macon.

HB 818. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act placing the sheriff and clerk of the Superior Court of Wayne County on a salary basis in lieu of a fee basis of compensation, so as to change the provisions relative to the compensation of the clerk of the superior court.

HB 819. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act establishing the Senate Court of Wayne County (formerly the City Court of Jesup in and for the County of Wayne), so as to change the compensation of the judge and the solicitor.

HB 820. By Representatives Waldrep of the 80th, Jones of the 78th and Dunn of the 73rd:

A bill to provide for an investigator for the district attorney of the Flint Judicial Circuit; to provide for the compensation, powers, duties, term of office, and expenses of the investigator.

HB 821. By Representative Balkcom of the 140th:

A bill to amend an Act creating the Board of Commissioners of Early County, so as to provide that the members of the board of commissioners shall be elected for a term of four years.

HB 822. By Representative Balkcom of the 140th:

A bill to amend an Act creating the Senate Court of Early County, so as to authorize the county governing authority to determine the compensation of the judge of the state court.

- IB 823. By Representative Balkcom of the 140th:

A bill to abolish the present mode of compensating the judge of the Probate Court of Early County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

- IB 824. By Representative Balkcom of the 140th:

A bill to amend an Act creating and establishing the Small Claims Court of Early County, so as to abolish the present mode of compensating the judge of the Small Claims Court of Early County, known as the fee system.

- IB 825. By Representatives Randall of the 101st, Lucas of the 102nd, Pinkston of the 100th and Groover of the 99th:

A bill to amend an Act establishing the Board of Public Education and Orphanage for Bibb County, so as to change the composition of the Education Districts from which members of the board are elected.

- IB 826. By Representatives Williams of the 48th, Lawrence of the 49th, Davis of the 45th and others:

A bill to amend an Act creating and establishing a Recorder's Court of DeKalb County, so as to provide for the expiration of terms of the existing chief judge, associate judge, and all other judges and magistrates of that court and provide for a successor chief judge and associate judges.

- IB 827. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating the State Court of Screven County, so as to change the provisions relative to the compensation of the judge and solicitor of said court.

- IB 828. By Representatives Randall of the 101st, Lucas of the 102nd, Groover of the 99th and Horne of the 103rd:

A bill to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to sales of alcoholic beverages during certain hours in certain municipalities and counties, so as to provide that sales of alcoholic beverages by certain establishments may be authorized during certain hours in counties having a population of not less than 140,000 and not more than 150,300 and in municipalities in such counties.

- IB 829. By Representatives Lawler, Darden, and Burruss of the 20th and others:

A bill to amend an Act reincorporating the City of Austell, so as to change the corporate limits of said city.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 209. By Representatives Young of the 134th, Randall of the 101st, Daugherty of the 33rd and others:

A bill to amend Article 7 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to a tenancy in common, so as to provide for the sale of the interests of petitioners for partitioning to other parties in interest in property sought to be partitioned.

Senate Sponsor: Senator Barnes of the 33rd.

The Senate Committee on Judiciary and Constitutional Law offered the following substitute to HB 209:

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 7 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to tenancy in common, so as to provide for the sale of the interests of petitioners for partition to other parties in interest in property sought to be partitioned; to provide for public sales; 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 7 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to tenancy in common, is amended by adding after Code Section 44-6-166 a new Code section to read as follows:

“44-6-166.1. (a) As used in this Code section, the term:

(1) ‘Party in interest’ means any person, other than a petitioner, having an interest in property.

(2) ‘Petitioner’ means any person petitioning for partition of property.

(3) ‘Property’ means lands and tenements sought to be partitioned pursuant to this Subpart 2, relating to statutory partition.

(b) Whenever an application is made for the partition of property and any of the parties in interest convinces the court that a fair and equitable division of the property cannot be made by means of metes and bounds because of improvements made thereon, because the premises are valuable for mining purposes or for the erection of mills or other machinery, or because the value of the entire property will be depreciated by the partition applied for, the court shall proceed pursuant to this Code section.

(c) The court shall appoint three qualified persons to make appraisals of the property. The average of the three appraisals shall consti-

tute the appraised price of the property for purposes of this Code section. Notice of the amount of the appraised price shall be served on the petitioners and all parties in interest within five days after the appraised price is established.

(d) Within 15 days after the appraised price is established, upon request to the court and grant thereof, any petitioner may withdraw as petitioner in the partition action and become a party in interest and any party in interest may become a petitioner in the action. Any petitioner remaining as such after the fifteenth day may be paid, pursuant to this Code section, his respective share of the appraised price corresponding to his respective share of the property. This payment shall constitute complete satisfaction of all of that petitioner's claims to and interest in that property. If no petitioner remains in the partition action after that fifteenth day, the proceeding shall be dismissed, and the petitioners who have withdrawn shall be liable for the costs of the action, including but not limited to the appraisal costs.

(e) (1) No sooner than 16 days and no later than 90 days after the appraised price is established, the parties in interest shall tender to the court sufficient sums to pay to petitioners their shares of the appraised price, as determined by their respective shares in the property, or the property shall be subject to public sale pursuant to Code Section 44-6-167. If the property is subject to such public sale, the petitioner and the parties in interest shall be liable for appraisal costs under this Code section in proportion to their respective interests in the property.

(2) Each party in interest may pay toward the amount required to purchase any petitioners' shares of the appraised price an amount in proportion to that party's share of the total shares of property of all parties in interest, unless one party in interest authorizes another party in interest to pay some or all of his proportionate share of the shares available for sale. The share of each party in interest in the property shall be increased by the share that party pays toward the purchase of petitioners' shares in the property.

(f) Within 95 days after the appraised price is established, unless the property becomes subject to public sale pursuant to paragraph (1) of subsection (e) of this Code section, the petitioners shall execute title to the parties in interest for the property in return for payment to the petitioners, from sums tendered to court under subsection (e) of this Code section, of their respective shares of the appraised price. Petitioners and parties in interest shall be liable for costs of the sale and proceedings relating thereto under this Code section in proportion to their respective shares in the property prior to that sale."

Section 2. Said article is further amended by striking Code Section 44-6-167, relating to when land is subject to public sale, and inserting in its place a new Code section to read as follows:

"44-6-167. In the event lands and tenements sought to be partitioned are not sold pursuant to Code Section 44-6-166.1, the court shall order a public sale of such lands and tenements. The court shall appoint three discreet persons as commissioners to conduct such sale under such

regulations and upon such just and equitable terms as it may prescribe. The sale shall take place on the first Tuesday in the month, shall be at the place of public sales in the county in which the land is located, and shall be advertised in some public newspaper once a week for four weeks. This Code section shall not be construed to change the place of sale in those counties where by law sheriffs' sales are required to take place at the courthouse."

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 29, nays 0, and the 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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Foster	McKenzie
Barnes	Garner	Peevy
Bowen	Gillis	Perry
Brannon	Harris	Phillips
Brantley	Harrison	Scott of 2nd
Broun of 46th	Hill	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Bryant	Holloway	Starr
Burton	Horton	Stumbaugh
Cobb	Howard	Tate
Coggin	Huggins	Thompson
Coverdell	Kennedy	Timmons
Dawkins	Kidd	Trulock
Deal	Land	Turner
Dean	Lester	Tysinger
English	Littlefield	Walker
Ingram	McGill	

Those not voting were Senators:

Allgood	Coleman	Greene
Bond	Fincher	Hudgins

On the passage of the bill, the yeas were 50, nays 0.

The bill, having received the requisite constitutional majority, was passed by substitute www.libtool.com.cn

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

HB 278. By Representatives Bishop of the 94th, Atkins of the 21st, Aaron of the 56th and others:

A bill to amend Code Section 12-3-235 of the Official Code of Georgia Annotated, relating to the powers of the Jekyll Island State Park Authority generally, so as to authorize the park authority to sell alcoholic beverages for consumption on the premises only upon certain property operated and controlled by the park authority after obtaining a license from the Department of Revenue.

Senator Littlefield of the 6th moved that the Senate recede from the Senate amendment to HB 278.

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

Those voting in the affirmative were Senators:

Barker	Foster	Lester
Barnes	Garner	Littlefield
Bowen	Gillis	McGill
Brantley	Greene	McKenzie
Broun of 46th	Harris	Peevy
Brown of 47th	Harrison	Perry
Bryant	Hill	Phillips
Cobb	Hine	Scott of 2nd
Coggin	Holloway	Scott of 43rd
Coverdell	Horton	Starr
Dawkins	Howard	Tate
Deal	Huggins	Trulock
Dean	Kennedy	Turner
English	Kidd	Tysinger
Engram	Land	Walker

Those voting in the negative were Senators:

Burton	Stumbaugh	Thompson
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Those not voting were Senators:

Allgood	Coleman	Scott of 36th
Bond	Fincher	Timmons
Brannon	Hudgins	

On the motion, the yeas were 45, nays 3; the motion prevailed, and the Senate receded from the Senate amendment on HB 278.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 627 By Representative Marcus of the 26th:

A bill to amend Code Section 3-8-1 of the Official Code of Georgia Annotated, relating to the regulation and taxation of the sale and storage of alcoholic beverages at airports owned and operated by counties or municipalities, so as to authorize the issuance of licenses for and the sale, storage, and distribution of alcoholic beverages within the boundaries of airports owned or operated or both by counties or municipalities.

Senate Sponsor: Senator Starr of the 44th.

Senators Starr of the 44th, Coggin of the 35th and Engram of the 34th offered the following substitute to HB 627:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 3-8-1 of the Official Code of Georgia Annotated, relating to the regulation and taxation of the sale and storage of alcoholic beverages at airports owned and operated by counties or municipalities, so as to authorize the issuance of licenses for and the sale, storage, and distribution of alcoholic beverages within the boundaries of airports owned or operated or both by counties or municipalities that shall have lawfully authorized the sale of such beverages within all or part of such counties or municipalities; to authorize the regulation of, and exercise of, the lease powers over, the sale, the storage and distribution of such alcoholic beverages by the county or municipality owning or operating such airports; to prohibit other counties or municipalities from regulating or exercising police powers over the sale, storage, and distribution of such alcoholic beverages within such airport boundaries; to allow the county otherwise authorized by law to do so to impose and collect taxes on the sale, storage, and distribution of alcoholic beverages at such airports; 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 3-8-1 of the Official Code of Georgia Annotated, relating to the regulation and taxation of the sale and storage of alcoholic beverages at airports owned and operated by counties or municipalities, is amended by striking said Code section in its entirety and substituting in lieu thereof a new Code Section 3-8-1 to read as follows:

“3-8-1. (a) The issuance of licenses for the package sale, sale by the drink, storage, and distribution of alcoholic beverages within the boundaries of any airport owned or operated, or both, by a county or municipality may be approved by a proper resolution or ordinance of the county or municipal governing authority owning or operating the airport. A license for such sales, storage, and distribution of distilled spirits may be issued only by the governing authority of a municipality or county in which the sale of alcoholic beverages is lawful.

(b) This Code section shall apply regardless of the location of the airport.

(c) For the purposes of regulating the sale, storage, and distribution of alcoholic beverages, but not for the purposes of taxation, the airport boundaries of an airport owned or operated, or both, by a county or municipality shall be treated:

(1) If the airport is owned or operated, or both, by a county, as though the airport boundaries were located entirely within the boundaries of the county which owns or operates, or owns and operates, the airport; or

(2) If the airport is owned or operated, or both, by a municipality, as though the airport boundaries were located entirely within the corporate limits of that municipality and entirely within the boundaries of the county in which the greater portion of the municipality owning or operating, or owning and operating, the airport lies.

(d) No county or municipality may control, license, regulate, or exercise police powers over the sale, storage, or distribution of alcoholic beverages within the boundaries of an airport owned or operated, or both, by another municipality or county which has lawfully approved the sale in any fashion or storage of any alcoholic beverages within all or part of the municipality or county.

(e) The county or municipality authorized by law to impose and collect taxes on the sale, storage, and distribution of alcoholic beverages at the airport may impose and collect such taxes, unaffected by this Code section; and the county or municipality owning or operating, or both, the airport shall not impose or collect such taxes. The proceeds of the taxes which the county and the municipality are authorized by law to impose and collect on the sale, storage, and distribution of alcoholic beverages at the airport shall be equally divided between the county and the municipality.

(f) The county or municipality which issues the license pursuant to subsection (a) of this Code section may impose, collect, and receive licensing fees generally paid in connection with the licensing of the sale, storage, and distribution of alcoholic beverages; and any county or municipality that would, apart from the Code section, otherwise license or regulate, or both, the sale, storage, and distribution of alcoholic beverages at the airport shall not impose or receive any such licensing fees unless it is the county or municipality issuing the license.”

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Foster	McGill
Barnes	Garner	McKenzie
Bowen	Gillis	Peevy
Brannon	Greene	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Bryant	Hill	Scott of 43rd
Burton	Hine	Starr
Cobb	Holloway	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Kennedy	Timmons
Dawkins	Kidd	Trulock
Dean	Land	Turner
English	Lester	Tysinger
Engram	Littlefield	Walker

Voting in the negative was Senator Perry.

Those not voting were Senators:

Allgood	Deal	Hudgins
Bond	Fincher	Huggins
Brown of 47th		

On the passage of the bill, the yeas were 48, nays 1.

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

Senator Kennedy of the 4th, President Pro Tempore, assumed the Chair.

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HB 492. By Representatives Benefield, Bailey, and Holcomb of the 72nd and others:

A bill to amend Code Section 6-3-21 of the Official Code of Georgia Annotated, relating to the declaration of property for public governmental and municipal purposes, so as to provide that lands leased by counties, municipalities, or other political subdivisions to private parties are declared not to be leased for public purposes.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Foster	McGill
Barnes	Garner	McKenzie
Bowen	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 43rd
Bryant	Hine	Starr
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Howard	Thompson
Coleman	Huggins	Trulock
Coverdell	Kidd	Turner
Dawkins	Land	Tysinger
English	Lester	Walker
Engram	Littlefield	

Those not voting were Senators:

Allgood	Dean	Kennedy (presiding)
Bond	Fincher	Scott of 36th
Deal	Hudgins	Timmons

On the passage of the bill, the yeas were 47, nays 0.

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

HB 249. By Representatives Logan of the 67th, Argo of the 68th, Wilson of the 20th and others:

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A bill to amend Article 12 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to ticket scalping, so as to change the amount which may be charged by authorized ticket agents.

Senate Sponsors: Senators Howard of the 42nd and Broun of the 46th.

The Senate Committee on Judiciary offered the following amendment:

Amend HB 249 by adding on line 17 of Page 1 after the word "or" the following:

"tennis or"

On the adoption of the amendment, the yeas were 32, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Garner	McKenzie
Barnes	Gillis	Peevy
Bowen	Greene	Perry
Brannon	Harris	Phillips
Brantley	Harrison	Scott of 2nd
Broun of 46th	Hill	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Bryant	Holloway	Starr
Burton	Horton	Stumbaugh
Cobb	Howard	Tate
Coggin	Huggins	Thompson
Coverdell	Kidd	Timmons
Dawkins	Land	Trulock
Deal	Lester	Turner
English	Littlefield	Tysinger
Engram	McGill	Walker
Foster		

Those not voting were Senators:

Allgood	Dean	Hudgins
Bond	Fincher	Kennedy (presiding)
Coleman		

On the passage of the bill, the yeas were 49, nays 0.

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

The President resumed the Chair.

The following general bill of the House, having been read the third time and lost on February 24, and reconsidered on February 25, was put upon its passage:

HB 189. By Representatives Walker of the 115th, Evans of the 84th, Smyre of the 92nd and Murphy of the 18th:

A bill to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials, so as to change the salaries of certain officials.

Senate Sponsor: Senator Kennedy of the 4th.

The substitute to HB 189 offered by the Senate Committee on Appropriations which was adopted as amended by the amendment offered by Senator Coleman of the 1st on February 24 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries and allowances of certain state officials, so as to change certain of such salaries and allowances; to provide for matters relative thereto; 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 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials, is amended by striking paragraphs (2), (4), (7), (11), and (14) of subsection (a) in their entirety and inserting in lieu thereof the following:

“(2)	Lieutenant Governor	39,900.00
(4)	Commissioner of Agriculture	49,900.00
(7)	Commissioner of Insurance	49,900.00
(11)	Each member of the Public Service Commission	49,900.00
(14)	Secretary of State	49,900.00”

Section 2. Said Code section is further amended by striking the first

undesigned paragraph of paragraph (22) of subsection (a) in its entirety and inserting in lieu thereof the following:

“Each member of the General Assembly shall also receive the allowances provided by law, except that each member shall receive an expense allowance in the sum of \$59.00 per day and shall receive the same mileage allowance for the use of a personal car when devoted to official business as that received by other state officials and employees.”

Section 3. Said Code section is further amended by striking the second undesigned paragraph of paragraph (22) of subsection (a) in its entirety and inserting in lieu thereof the following:

“In addition to any other compensation and allowances authorized for members of the General Assembly, each member shall be reimbursed for actual expenses incurred in the performance of duties within the state as a member of the General Assembly in an amount not to exceed \$5,200.00 per year. For the purposes of the preceding sentence, a year shall be construed to begin on the convening date of the General Assembly in regular session and end on the last day of December in that calendar year. These expenses shall be limited to one or more of the following purposes: rents, district office or offices, office supplies and materials, office equipment, secretarial assistance, utilities, postage (which shall not be used for a political newsletter), communications, stationery, lodging, meals, travel, and per diem differential. Per diem differential shall be the difference between the daily expense allowance authorized for members of the General Assembly and the federal per diem rate in effect for the state capital as specified by the General Services Administration. Such expenses shall be reimbursed upon the submission of sworn vouchers to the legislative fiscal office.”

Section 4. This Act shall become effective July 1, 1983.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

Amend the substitute to HB 189 offered by the Senate Committee on Appropriations as follows:

By inserting between lines 17 and 18 on Page 1 the following:

“(12) State Revenue Commissioner	49,900.00”
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The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On passage of the bill, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Barker	Gillis	McKenzie
Bowen	Greene	Perry
Brannon	Harris	Phillips
Brown of 47th	Hill	Scott of 2nd
Bryant	Holloway	Scott of 36th
Cobb	Hudgins	Scott of 43rd
Coggin	Huggins	Tate
Coleman	Kennedy	Thompson
Dean	Kidd	Timmons
English	Lester	Trulock
Engram	Littlefield	Turner
Garner	McGill	Walker

Those voting in the negative were Senators:

Barnes	Deal	Land
Brantley	Foster	Peevy
Broun of 46th	Harrison	Starr
Burton	Hine	Stumbaugh
Coverdell	Horton	Tysinger
Dawkins	Howard	

Those not voting were Senators:

Allgood	Bond	Fincher
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On the passage of the bill, the yeas were 36, nays 17.

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

The following bill of the Senate was taken up for the purpose of considering the use amendment thereto:

8. By Senators Cobb of the 28th, Stumbaugh of the 55th, Turner of the 8th and others:

A bill to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance, expiration, and renewal of licenses, so as to eliminate the authority of the Department of Public Safety to issue duplicate licenses and permits.

The House amendment was as follows:

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Amend SB 8 on line 8, Page 1, line 4, Page 2, and on line 7, Page 2, by changing the figure "18" to "19"

Senator Cobb of the 28th moved that the Senate agree to the House amendment to SB 8.

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

Those voting in the affirmative were Senators:

Barker	Foster	McGill
Barnes	Garner	McKenzie
Bowen	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Hill	Scott of 2nd
Brown of 47th	Hine	Scott of 36th
Bryant	Holloway	Scott of 43rd
Burton	Horton	Starr
Cobb	Howard	Strumbaugh
Coggin	Hudgins	Tate
Coleman	Huggins	Thompson
Coverdell	Kennedy	Timmons
Dawkins	Kidd	Trulock
Deal	Land	Turner
Dean	Lester	Tysinger
English	Littlefield	Walker
Engram		

Those not voting were Senators:

Allgood	Fincher	Harrison
Bond		

On the motion, the yeas were 52, nays 0: the motion prevailed, and the Senate agreed to the House amendment to SB 8.

Senator Kennedy of the 4th, President Pro Tempore, resumed the Chair.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 399. By Representative Phillips of the 125th:

A bill to amend Code Section 43-34-37 of the Official Code of Georgia Annotated, relating to the authority of the Composite State Board of Medical Examiners to refuse to issue licenses and to suspend licenses, to hearings before the board, and to immunity of witnesses for giving testimony so as to change the provisions relating to immunity from civil and criminal liability

relative to certain investigations and the giving of testimony in certain instances.

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Senate Sponsor: Senator Howard of the 42nd.

Senator Howard of the 42nd offered the following substitute to HB 399:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 43-34-37 of the Official Code of Georgia Annotated, relating to the authority of the Composite State Board of Medical Examiners to refuse to issue licenses and to suspend licenses, to hearings before the board, and to immunity of witnesses for giving testimony, so as to include among these grounds certain conduct relating to drugs, treatment, or procedures detrimental to patients; to change the provisions relating to immunity from civil and criminal liability relative to certain investigations and the giving of testimony in certain instances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 43-34-37 of the Official Code of Georgia Annotated, relating to the authority of the Composite State Board of Medical Examiners to refuse to issue licenses and to suspend licenses, to hearings before the board, and to immunity of witnesses for giving testimony, is amended by striking paragraph (7) of subsection (a) thereof and inserting in its place a new paragraph (7) to read as follows:

“(7) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term ‘unprofessional conduct’ shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimal standards of acceptable and prevailing medical practice or by rule of the board;”

Section 2. Said Code section is further amended by striking subsection (h) in its entirety and inserting in lieu thereof a new subsection (h) to read as follows:

“(h) A person, partnership, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of subsection (a) of this Code section or any other provisions of law relating to a licensee’s or applicant’s fitness to practice medicine or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith without fraud or malice. Any person who testifies in good faith without fraud or malice before the board in any proceeding involving a

violation of subsection (a) of this Code section or any other law relating to licensee's or applicant's fitness to practice medicine, or who makes a recommendation to the board in the nature of peer review, shall be immune from civil and criminal liability for so testifying."

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Garner	McKenzie
Bowen	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Burton	Hine	Scott of 43rd
Cobb	Holloway	Starr
Coggin	Horton	Stumbaugh
Coverdell	Howard	Tate
Dawkins	Huggins	Thompson
Deal	Kidd	Timmons
Dean	Land	Trulock
English	Lester	Turner
Engram	Littlefield	Tysinger
Foster	McGill	Walker

Those not voting were Senators:

Allgood	Bryant	Hudgins
Barnes	Coleman	Kennedy (presiding)
Bond	Fincher	

On the passage of the bill, the yeas were 48, nays 0.

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

The following resolutions of the Senate were read and adopted:

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SR 180. By Senator Dean of the 31st:

A resolution commending the Optimist Club of Cedartown, Georgia.

SR 181. By Senator Dean of the 31st:

A resolution commending the Rotary Club of Bremen, Georgia.

SR 182. By Senator Dean of the 31st:

A resolution commending the Women's Club of Cartersville, Georgia.

SR 183. By Senator Dean of the 31st:

A resolution commending the Cartersville-Bartow County Chamber of Commerce.

SR 184. By Senator Dean of the 31st:

A resolution commending the Rockmart Chamber of Commerce.

SR 185. By Senator Dean of the 31st:

A resolution commending the Polk County Business and Professional Women's Club.

SR 186. By Senator Dean of the 31st:

A resolution commending the Cartersville Business and Professional Women's Club.

SR 187. By Senator Dean of the 31st:

A resolution commending the Dallas-Paulding County Chamber of Commerce.

SR 188. By Senator Dean of the 31st:

A resolution commending the Cedartown Chamber of Commerce.

SR 189. By Senator Dean of the 31st:

A resolution commending the Cedartown Business and Professional Women's Club.

SR 190. By Senator Dean of the 31st:

~~www.resolution.com~~ A resolution commending the New Georgia Ruritan Club.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 245. By Representatives Shepard of the 71st, Johnson of the 70th, Parham of the 105th and Moore of the 139th:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to issuance of bad checks, so as to change certain penalties and a definition.

Senate Sponsor: Senator Garner of the 30th.

The Senate Committee on Governmental Operations offered the following amendment:

Amend HB 245 by adding in the title on line 4 of Page 1, immediately preceding the words "to repeal", the following:

"to provide that the extender of credit is entitled to a bad check charge under certain circumstances; to provide for the amount of such bad check charge;"

By renumbering Section 2 on Page 1 as Section 3 and inserting a new Section 2 to read as follows:

"Section 2. Said Code section is further amended by adding at the end thereof a new subsection, to be designated subsection (i), to read as follows:

'(i) Notwithstanding paragraph (2) of subsection (a) of this Code section or any other law on usury, charges, or fees on loans or credit extensions, any lender of money or extender of other credit who receives a check, draft, negotiable order of withdrawal, or like instrument drawn on a bank or other depository institution given by any person in full or partial repayment of a loan, installment payment, or other extension of credit may, if such instrument is not paid or is dishonored by such institution, charge and collect from the borrower or person to whom the credit was extended a bad check charge of not more than the greater of either \$12.00 or an amount equal to the actual charge made to the creditor by the depository institution for the return of the unpaid or dishonored instrument. This charge shall not be deemed interest or a finance or other charge made as an incident to or as a condition to the granting of the loan or other extension of credit and shall not be included in determining the limit on charges which may be made in connection with the loan or extension of credit or any other law of this state.' "

On the adoption of the amendment, the yeas were 32, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Foster	McGill
Barnes	Garner	McKenzie
Bowen	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Strumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Timmons
Dawkins	Kidd	Trulock
Deal	Land	Turner
Dean	Lester	Tysinger
English	Littlefield	Walker
Ingram		

Those not voting were Senators:

Allgood	Fincher	Kennedy (presiding)
Bond		

On the passage of the bill, the yeas were 52, nays 0.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House adheres to its insistence on its amendment and has appointed a Com-

mittee of Conference on the part of the House to confer with a like committee on the part of the Senate on the following bill of the Senate:

SB 238. By Senator Kidd of the 25th:

A bill to amend an Act creating a new charter for the City of Milledgeville, approved December 15, 1900 (Ga. L. 1900, p. 345), as amended, so as to change the provisions relating to the election and terms of office of the Mayor and aldermen; to repeal conflicting laws.

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

Representatives Parham of the 105th, Moore of the 139th and Matthews of the 145th.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 163. By Senators Howard of the 42nd, Allgood of the 22nd and Starr of the 44th:

A bill to amend Chapter 25 of the Title 33 of the Official Code of Georgia Annotated, relating to life insurance, so as to provide for interest rates on life insurance policy loans.

The House substitute to SB 163 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 25 of Title 33 of the Official Code of Georgia Annotated, relating to life insurance, so as to provide for policy loan interest rates on certain life insurance policies; to provide for construction and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Chapter 25 of Title 33 of the Official Code of Georgia Annotated, relating to life insurance, is amended by adding a new Code section immediately following Code Section 33-25-3, to be designated Code Section 33-25-3.1, to read as follows:

“33-25-3.1. (a) As used in this Code section, the term:

(1) ‘Policy’ means a contract of life insurance, a life benefit certificate issued by a fraternal benefit society, or an annuity contract.

(2) ‘Policyholder’ means the owner of the policy or the person des-

ignated on the records of the company as the person responsible to pay the premiums.

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(3) 'Policy loan' means a cash loan or a premium loan made by an insurer on a policy in accordance with the provisions of this title.

(4) 'Policy loan interest rate' means the interest rate charged on a policy loan made in accordance with the provisions of this title including the interest rate charged on reinstatement of a policy loan for the period during and after any lapse of the policy.

(5) 'Published monthly average' means:

(A) Moody's Corporate Bond Yield Average — Monthly Average Corporates as published by Moody's Investors Service, Inc., or by any successor thereto; or

(B) In the event that Moody's Corporate Bond Yield Average — Monthly Average Corporates, or any successor thereto, is no longer published, 'published monthly average' means any substantially similar average which the Commissioner shall, by rule or regulation, designate to be used in its place.

(b) No policy of life insurance which provides for policy loans shall be issued, delivered, or issued for delivery in this state on or after July 1, 1983, unless it contains one of the following provisions relating to policy loan interest rates:

(1) A provision permitting a specified rate of interest on policy loans, not to exceed 8 percent per annum, in accordance with the provisions of paragraph (5) of subsection (a) of Code Section 33-25-3 and the rules and regulations promulgated by the Commissioner pursuant thereto; or

(2) A provision permitting an adjustable maximum policy loan interest rate established from time to time by the insurer in accordance with subsection (c) of this Code section.

(c) If the policy provides for an adjustable maximum policy loan interest rate as allowed under paragraph (2) of subsection (b) of this Code section, the insurer shall also be required to comply with the following requirements:

(1) The policy loan interest rate charged shall not exceed the higher of the following:

(A) The published monthly average for the calendar months ending two months before the date on which the rate is determined; or

(B) The rate used to calculate the cash surrender values under the policy during the applicable period plus 1 percent per annum.

(2) The policy shall contain a provision setting forth the frequency at which the policy loan interest rate is to be determined for that policy;

(3) The maximum policy loan interest rate for each policy must be

determined at regular intervals at least once every 12 months, but not more frequently than once in any three-month period;

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(4) At the intervals specified in the policy:

(A) The policy loan interest rate being charged may be increased whenever such increase as determined by this Code section would increase the policy loan interest rate by $\frac{1}{2}$ percent or more per annum; and

(B) The policy loan interest rate being charged must be reduced whenever such reduction as determined in this Code section would reduce the policy loan interest rate by $\frac{1}{2}$ percent or more per annum;

(5) The insurer shall:

(A) Notify the policyholders, at the time a cash loan is made, of the initial policy loan interest rate applicable to the loan;

(B) Notify the policyholder who makes a premium loan of the initial policy loan interest rate as soon as it is reasonably practical to do so after the making of the initial loan. Notice need not be given to the policyholder when a further premium loan is made unless there is an increase in the policy loan interest rate, in which case notice shall be given in accordance with subparagraph (C) of this paragraph;

(C) Send policyholders with policy loans reasonable advance notice of any increase in the policy loan interest rate; and

(D) Include in the notice required to be sent under subparagraph (C) of this paragraph a statement concerning the applicable policy loan interest rate and the frequency at which such rate is determined; and

(6) A statement concerning the applicable policy loan interest rate and the frequency at which such rate is determined shall be included in the policy.

(d) Notwithstanding any provisions of this title which might be construed to the contrary, no policy shall terminate in a policy year as the sole result of a change in the interest rate during that policy year and the life insurer shall maintain coverage during that policy year until the time at which it would otherwise have terminated if there had been no change during that policy year.

(e) Notwithstanding any provisions of the laws of this state which might be construed to the contrary, the maximum rate of interest which may be charged on a policy loan shall be governed exclusively by the provisions of this Code section unless such other laws are specifically made applicable to policy loans.

(f) No insurer shall be permitted to issue policies with adjustable maximum policy loan interest rates as allowed under paragraph (2) of subsection (b) of this Code section unless such insurer also makes available policies, which may or may not be on the same type of policy form,

with specified rates of interest on policy loans in accordance with the provisions of paragraph (1) of subsection (b) of this Code section.

(g) The provisions of this Code section shall not apply to any policy issued before July 1, 1983, unless the policyholder agrees in writing to the applicability of such provisions in accordance with such requirements as may be established by the Commissioner."

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Howard of the 42nd moved that the Senate agree to the House substitute SB 163.

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

Those voting in the affirmative were Senators:

Barker	Foster	McGill
Barnes	Garner	McKenzie
Bowen	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Timmons
Dawkins	Kidd	Trulock
Deal	Land	Turner
Dean	Lester	Tysinger
English	Littlefield	Walker
Engram		

Those not voting were Senators:

Allgood	Fincher	Kennedy (presiding)
Bond		

On the motion, the yeas were 52, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 163.

The President resumed the Chair.

The following general bills of the House, favorably reported by the committee were read the third time and put upon their passage:

HB 287 By Representative Mostiler of the 75th:

A bill to amend Code Section 8-2-135 of the Official Code of Georgia Annotated, relating to licenses for manufactured homes, so as to provide for change in manufacturing fees.

Senate Sponsor: Senator Trulock of the 10th.

The Senate Committee on Economic Development and Tourism offered the following substitute to HB 287:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 8-2-135 of the Official Code of Georgia Annotated, relating to licenses for manufactured homes, so as to provide for change in manufacturing fees; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

Section 1. Code Section 8-2-135 of the Official Code of Georgia Annotated, relating to licenses for manufactured homes, is amended by striking subsection (f) of said Code section and inserting in lieu thereof a new subsection (f) to read as follows:

“(f) During such time as the Commissioner’s office is acting as primary inspection agency pursuant to Section 623 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., or the regulations issued thereunder, every manufacturer who manufactures manufactured homes in Georgia shall pay the Commissioner a manufacturing fee for each manufactured home manufactured in Georgia, irrespective of whether the manufactured home is offered for sale in this state. This manufacturing fee shall be applied as follows: \$15.00 for each single-wide unit; \$25.00 for each double-wide unit, with two transportable sections; and \$35.00 for each triple-wide unit, with three transportable sections.”

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Broun of the 46th moved the previous question.

On the motion, the yeas were 42, nays 0; the motion prevailed, and the previous question was ordered.

Senators Barnes of the 33rd and Trulock of the 10th offered the following amendment: www.libtool.com.cn

Amend HB 287 by adding after “ ” on line 24, Page 1, the following:

“For any reinspection \$8.00 additional fee shall be charged.”

On the adoption of the amendment, Senator English of the 21st called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Garner	Land
Brantley	Greene	Lester
Broun of 46th	Harris	Phillips
Burton	Harrison	Scott of 2nd
Cobb	Hill	Scott of 43rd
Coverdell	Hine	Stumbaugh
Dawkins	Holloway	Thompson
Dean	Horton	Trulock
Engram	Howard	Tysinger

Those voting in the negative were Senators:

Barker	Foster	McKenzie
Bowen	Gillis	Peevy
Brannon	Hudgins	Perry
Brown of 47th	Huggins	Scott of 36th
Coggin	Kennedy	Tate
Coleman	Kidd	Timmons
Deal	Littlefield	Turner
English	McGill	Walker

Those not voting were Senators:

Allgood	Bryant	Starr
Bond	Fincher	

On the adoption of the amendment, the yeas were 27, nays 24, and the amendment was adopted.

On the adoption of the substitute, Senator Barnes of the 33rd called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

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Barnes	Garner	Peevy
Brantley	Greene	Phillips
Broun of 46th	Harrison	Stumbaugh
Burton	Hine	Thompson
Coverdell	Horton	Trulock
Dawkins	Howard	Tysinger
Engram	Lester	

Those voting in the negative were Senators:

Barker	Gillis	McGill
Bowen	Harris	McKenzie
Brannon	Hill	Perry
Brown of 47th	Holloway	Scott of 2nd
Cobb	Hudgins	Scott of 36th
Coggin	Huggins	Scott of 43rd
Coleman	Kennedy	Tate
Deal	Kidd	Timmons
Dean	Land	Turner
English	Littlefield	Walker
Foster		

Those not voting were Senators:

Allgood	Bryant	Starr
Bond	Fincher	

On the adoption of the substitute, the yeas were 20, nays 31, and the substitute was lost.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Coleman	Greene
Barnes	Coverdell	Harris
Bowen	Dawkins	Harrison
Brannon	Deal	Hill
Brantley	Dean	Hine
Broun of 46th	English	Holloway
Brown of 47th	Engram	Horton
Burton	Foster	Howard
Cobb	Garner	Hudgins
Coggin	Gillis	Huggins

Kennedy	Perry	Tate
Kidd	Phillips	Thompson
Land	Scott of 2nd	Timmons
Lester	Scott of 36th	Trulock
McGill	Scott of 43rd	Turner
McKenzie	Starr	Tysinger
Peavy	Stumbaugh	Walker

Those not voting were Senators:

Allgood	Bryant	Littlefield
Bond	Fincher	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 366. By Representative Pinkston of the 100th:

A bill to amend Code Section 50-20-3 of the Official Code of Georgia Annotated, relating to required reports and agreements by nonprofit contractors, so as to provide for the information to be included in annual audit reports submitted to state agencies by nonprofit contractors.

Senate Sponsor: Senator Holloway of the 12th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Deal	Horton
Barnes	Dean	Howard
Bowen	English	Hudgins
Brannon	Engram	Huggins
Brantley	Foster	Kennedy
Broun of 46th	Garner	Kidd
Brown of 47th	Gillis	Land
Burton	Greene	Lester
Cobb	Harris	Littlefield
Coggin	Harrison	McGill
Coleman	Hill	McKenzie
Coverdell	Hine	Peavy
Dawkins	Holloway	Perry

Phillips	Starr	Trulock
Scott of 2nd	Stumbaugh	Turner
Scott of 36th	Tate	Tysinger
Scott of 43rd	Thompson	Walker

Those not voting were Senators:

Allgood	Bryant	Timmons
Bond	Fincher	

On the passage of the bill, the yeas were 51, nays 0.

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

The following bills of the House were read the first time and referred to committee:

HB 807. By Representatives Pinkston of the 100th, Groover of the 99th and Horne of the 103rd:

A bill to authorize the creation of an intergovernmental relations study commission by the governing authorities of Bibb County and the City of Macon.

Referred to Committee on Federal, State and Community Affairs.

HB 818. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act placing the sheriff and clerk of the Superior Court of Wayne County on a salary basis in lieu of a fee basis of compensation, so as to change the provisions relative to the compensation of the clerk of the superior court.

Referred to Committee on Federal, State and Community Affairs.

HB 819. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act establishing the State Court of Wayne County (formerly the City Court of Jesup in and for the County of Wayne), so as to change the compensation of the judge and the solicitor.

Referred to Committee on Federal, State and Community Affairs.

HB 820. By Representatives Waldrep of the 80th, Jones of the 78th and Dunn of the 73rd:

A bill to provide for an investigator for the district attorney of the Flint Judicial Circuit; to provide for the compensation, powers, duties, term of office, and expenses of the investigator.

Referred to Committee on Federal, State and Community Affairs.

HB 821. By Representative Balkcom of the 140th:

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A bill to amend an Act creating the Board of Commissioners of Early County, so as to provide that the members of the board of commissioners shall be elected for a term of four years.

Referred to Committee on Federal, State and Community Affairs.

HB 822. By Representative Balkcom of the 140th:

A bill to amend an Act creating the State Court of Early County, so as to authorize the county governing authority to determine the compensation of the judge of the state court.

Referred to Committee on Federal, State and Community Affairs.

HB 823. By Representative Balkcom of the 140th:

A bill to abolish the present mode of compensating the judge of the Probate Court of Early County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

Referred to Committee on Federal, State and Community Affairs.

HB 824. By Representative Balkcom of the 140th:

A bill to amend an Act creating and establishing the Small Claims Court of Early County, so as to abolish the present mode of compensating the judge of the Small Claims Court of Early County, known as the fee system.

Referred to Committee on Federal, State and Community Affairs.

HB 825. By Representatives Randall of the 101st, Lucas of the 102nd, Pinkston of the 100th and Groover of the 99th:

A bill to amend an Act establishing the Board of Public Education and Orphanage for Bibb County, so as to change the composition of the Education Districts from which members of the board are elected.

Referred to Committee on Federal, State and Community Affairs.

HB 826. By Representatives Williams of the 48th, Lawrence of the 49th, Davis of the 45th and others:

A bill to amend an Act creating and establishing a Recorder's Court of DeKalb County, so as to provide for the expiration of terms of the existing chief judge, associate judge, and all other judges and magistrates of that court and provide for a successor chief judge and associate judges.

Referred to Committee on Federal, State and Community Affairs.

HB 827 By Representatives Lane of the 111th and Godbee of the 110th:

~~A bill to amend an Act creating the State Court of Screven County, so as to change the provisions relative to the compensation of the judge and solicitor of said court.~~

Referred to Committee on Federal, State and Community Affairs.

HB 828. By Representatives Randall of the 101st, Lucas of the 102nd, Groover of the 99th and Horne of the 103rd:

A bill to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to sales of alcoholic beverages during certain hours in certain municipalities and counties, so as to provide that sales of alcoholic beverages by certain establishments may be authorized during certain hours in counties having a population of not less than 140,000 and not more than 150,300 and in municipalities in such counties.

Referred to Committee on Federal, State and Community Affairs.

HB 829. By Representatives Lawler, Darden, and Burruss of the 20th and others:

A bill to amend an Act reincorporating the City of Austell, so as to change the corporate limits of said city.

Referred to Committee on Federal, State and Community Affairs.

The following general resolutions and bill of the House and Senate, favorably reported by the committees, were read the third time and put upon their passage:

HR 154. By Representative Parham of the 105th:

A resolution authorizing the conveyance of certain state owned properties located in Baldwin County, Georgia.

Senate Sponsor: Senator Kidd of the 25th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Cobb	Engram
Bowen	Coggin	Foster
Brannon	Coverdell	Garner
Brantley	Dawkins	Gillis
Broun of 46th	Deal	Greene
Brown of 47th	Dean	Harris
Burton	English	Harrison

Hill	Lester	Scott of 43rd
Hine	Littlefield	Stumbaugh
Holloway	McGill	Tate
Horton	McKenzie	Thompson
Howard	Peevy	Trulock
Hudgins	Perry	Turner
Huggins	Phillips	Tysinger
Kennedy	Scott of 2nd	Walker
Kidd	Scott of 36th	

Those not voting were Senators:

Allgood	Bryant	Land
Barnes	Coleman	Starr
Bond	Fincher	Timmons

On the adoption of the resolution, the yeas were 47, nays 0.

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

HB 645. By Representatives Byrd of the 153rd, Watson of the 114th and Kilgore of the 42nd:

A bill to amend Article 1 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to retail installment and home solicitation sales, so as to provide that a retail installment contract may provide for a fee to be charged to a buyer who submits a check, draft, or order for the payment of money which is dishonored by the drawee.

Senate Sponsor: Senator Walker of the 19th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Dawkins	Harrison
Bowen	Dean	Hine
Brannon	English	Holloway
Brantley	Ingram	Horton
Broun of 46th	Foster	Howard
Brown of 47th	Garner	Hudgins
Burton	Gillis	Huggins
Cobb	Greene	Kennedy
Coggin	Harris	Kidd

Land	Phillips	Thompson
Lester	Scott of 2nd	Trulock
Littlefield	Scott of 36th	Turner
McGill	Scott of 43rd	Tysinger
McKenzie	Stumbaugh	Walker
Perry	Tate	

Voting in the negative were Senators Deal and Peevy.

Those not voting were Senators:

Allgood	Coleman	Hill
Barnes	Coverdell	Starr
Bond	Fincher	Timmons
Bryant		

On the passage of the bill, the yeas were 44, nays 2.

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

SR 119. By Senators Kidd of the 25th and Kennedy of the 4th:

A resolution creating the Mental Health and Mental Retardation Study Committee.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Deal	Howard
Barnes	Dean	Hudgins
Bowen	Engram	Huggins
Brannon	Foster	Kennedy
Brantley	Garner	Kidd
Broun of 46th	Greene	Land
Brown of 47th	Harris	Lester
Burton	Harrison	Littlefield
Cobb	Hill	McGill
Coggin	Hine	Peevy
Coverdell	Holloway	Perry
Dawkins	Horton	Phillips

Scott of 2nd
Scott of 36th
Scott of 43rd
Starr

Tate
Thompson
Trulock

Turner
Tysinger
Walker

Those not voting were Senators:

Allgood
Bond
Bryant
Coleman

English
Fincher
Gillis

McKenzie
Stumbaugh
Timmons

On the adoption of the resolution, the yeas were 46, nays 0.

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

The following resolution of the House was read and put upon its adoption:

HR 304. By Representative Murphy of the 18th:

A resolution relative to adjournment by the General Assembly at 5:00 o'clock P.M. on Friday, February 25, and to reconvene at 10:00 o'clock A.M. on Monday, February 28.

On the adoption of the resolution, the yeas were 34, nays 0.

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

The following communication from Honorable Max Cleland, Secretary of State, was received and read by the Secretary:

Secretary of State
214 State Capitol
Atlanta
30334

February 25, 1983

The Honorable Hamilton McWhorter, Jr.
Secretary of the Senate
State Capitol
Atlanta, Georgia 30334

Dear Mr. McWhorter:

I am transmitting to you herewith a certified list of those persons, who

have registered in the Docket of Legislative Appearance for the 1983 Regular Session of 3:00 P.M. on February 25, 1983. The list is numbered 555 through 568.

Sincerely,

/s/ Max Cleland
Secretary of State

STATE OF GEORGIA
Office of Secretary of State

I, Max Cleland, Secretary of State of the State of Georgia, do hereby certify that the attached list contains the names and addresses of those persons, numbered 555 through 568, who have registered in the Docket of Legislative Appearance as of February 25, 1983, 3:00 P.M., in accordance with the Georgia Laws 1970 pp. 695, as the same appears of file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 25th day of February, in the year of our Lord One Thousand Nine Hundred and Eighty-three and of the Independence of the United States of America the Two Hundred and Seven.

/s/ Max Cleland
Secretary of State

- 555. Neil Herring
Georgia Association of Railroad Passengers
581 Greenwood Avenue
Atlanta, Georgia 30308
- 556. Jack S. Schroder, Jr.
Georgia Hospital Association
75 Poplar Street
Atlanta, Georgia 30335
- 557. Wesley Anderson, N.D.
Georgia Naturopathic Association
1260 Blackstone Drive
Decatur, Georgia 30033
- 558. Patricia S. Koonce
Georgia Naturopathic Association
1260 Blackstone Drive
Decatur, Georgia 30033
- 559. Laurence H. Hamblen
Georgia Naturopathic Association
1852 Georgianan Drive, N.E.
Atlanta, Georgia 30329

560. Jeanne Maxwell
ISKCON Inc.
1287 Ponce de Leon Avenue
Atlanta, Georgia 30306
561. James H. Jones, Sr.
Hancock County Board of Commissioners
Route 1, Box 260
Devereux, Georgia 31087
562. Ruthie M. Williams
Justice of the Peace—Dist. 112
40 Ogeechee Estate
Sparta, Georgia 31087
563. Sheila Toops
Self
4511 N. Shallowford Road, #M-3
Dunwoody, Georgia
564. Henry G. Irby, Sr.
Calvary Temple
2594 Sylvan Road
East Point, Georgia 30344
565. Michael N. Iles
Calvary Temple
139 Rhodesia Avenue, S.E.
Atlanta, Georgia 30315
566. Mark Boatner
Boatner Rehabilitation
Rehabilitation Counseling Co.
1956 Black's Bluff Road
Rome, Georgia 30161
567. David John Renkes
Georgia Home Furnishings Assn.
305 Chaffin Ridge Court
Roswell, Georgia 30075
568. Mark D. Jarrett
Citizens Concerned
1275 Timberland Drive, S.E.
Marietta, Georgia 30067

Senator Kennedy of the 4th moved that the Senate stand in recess from 12:55 o'clock P.M. until 5:00 o'clock P.M. and thereafter stand adjourned pursuant to HR 4, adopted previously, until 10:00 o'clock A.M. on Monday, February 28.

The motion prevailed, and the Senate stood in recess from 12:55 o'clock P.M. until 5:00 o'clock P.M. and thereafter stood adjourned pursuant to HR 304, adopted previously, until 10:00 A.M. on Monday, February 28.

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Senate Chamber, Atlanta, Georgia

Monday, February 28, 1983

Thirty-seventh Legislative Day

The Senate met pursuant to adjournment at 10:00 o'clock A. M. today and was called to order by the President.

Senator Barker of the 18th reported that the Journal of the proceedings of Friday, February 25, had been read and found correct.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

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

SB 41. By Senators Kennedy of the 4th and Garner of the 30th:

A bill to amend Chapter 10 of Title 42 of the Official Code of Georgia Annotated, relating to correctional industries, so as to prohibit the administration from compensating inmates employed in correctional industries.

SB 137. By Senators McGill of the 24th, Walker of the 19th, Kennedy of the 4th and others:

A bill to amend Chapter 45 of Title 43 of the Official Code of Georgia Annotated, relating to the business of structural pest control, so as to provide that the Commissioner of Agriculture shall serve as a secretary of the State Structural Pest Control Commission.

SB 194. By Senators Perry of the 7th and Cobb of the 28th:

A bill to amend Code Section 16-13-31 of the Official Code of Georgia Annotated, relating to trafficking in cocaine, illegal drugs, or marijuana, so as to change the provisions relating to possession of the drug methaqualone.

SB 207. By Senator Kennedy of the 4th:

A bill to amend Code Section 15-18-14 of the Official Code of Georgia Annotated, relating to staff for district attorneys, so as to provide that certain prior state employment of an assistant district attorney shall be considered

as prior employment as an assistant district attorney for purposes of computing his or her compensation.

210. By Senator Timmons of the 11th:

A bill to repeal an Act relating to the jurisdiction of a probate judge of Chattahoochee County and the compensation of the clerk of the superior court when serving as clerk of the probate court; said Act being contingent upon the enactment of an act providing for the compensation of the superior court clerk including special provisions where 50 percent of the population resides on United States government property.

211. By Senator Timmons of the 11th:

A bill to abolish the present mode of compensating the clerk of the Superior Court of Chattahoochee County, known as the fee system; to provide in lieu thereof an annual salary.

255. By Senators Gillis of the 20th, Bryant of the 3rd and Walker of the 19th:

A bill to amend Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to public authorities, by adding immediately following Part 6 a new part to be designated Part 7, so as to create the Sapelo Island Heritage Authority; to provide a short title.

264. By Senator Dawkins of the 45th:

A bill to amend an Act creating the Magistrate Court of Rockdale County, as amended, so as to require that trials shall be conducted without a jury.

266. By Senator Bowen of the 13th:

A bill to amend an Act creating a new charter for the City of Pinehurst, so as to change the provisions relating to the election of the mayor and city council.

The House has passed, as amended, by the requisite constitutional majority the wing bills of the Senate:

273. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Jones County; to provide for terms of office.

219. By Senators Phillips of the 9th and Peevy of the 48th:

A bill to amend an Act relating to education districts for the election of members of the Board of Education of Gwinnett County, so as to provide

for new and different districts and the election of members therefrom; to provide for all related matters; to provide effective dates.

SB 162. By Senators Lester of the 23rd and Gillis of the 20th:

A bill to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to authorize the Department of Banking and Finance to suspend from office any director, officer, or employee of any financial institution who shall have been indicted for a crime involving moral turpitude or breach of trust or who shall have filed bankruptcy in an individual capacity or in the name of any majority owned corporate interest.

The House has adopted, as amended, by the requisite constitutional majority the following resolution of the Senate:

SR 49. By Senators Allgood of the 22nd and Lester of the 23rd:

A resolution authorizing the placing of a portrait of Honorable Richard A. Dent in the State Capitol Building.

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

HB 230. By Representatives Murphy of the 18th, Burruss of the 20th, Collins of the 144th and others:

A bill to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation in general, so as to provide for preferential assessment of tangible real property which is devoted to bona fide agricultural purposes.

The following resolution of the Senate was introduced, read the first time and referred to committee:

SR 191. By Senator Scott of the 43rd:

A resolution creating an Urban County and Municipal Study Committee.
Referred to Committee on Federal, State and Community Affairs.

The following reports of standing committees were read by the Secretary:

Mr. President:

The Committee on Education has had under consideration the following resolution of the House and has instructed me to report the same back to the Senate with the following recommendation:

HR 156. Do pass as amended.

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Respectfully submitted,

Senator Foster of the 50th District, Chairman

Mr. President:

The Committee on Federal, State and Community Affairs has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 298.	Do pass by substitute.	HB 757.	Do pass.
SB 303.	Do pass.	HB 759.	Do pass.
SB 305.	Do pass.	HB 760.	Do pass.
SB 306.	Do pass.	HB 761.	Do pass.
SB 307.	Do pass.	HB 767.	Do pass.
SB 308.	Do pass.	HB 778.	Do pass.
HB 350.	Do pass.	HB 794.	Do pass.
HB 556.	Do pass.	HB 795.	Do pass.
HB 676.	Do pass.	HB 797.	Do pass.
HB 688.	Do pass.	HB 798.	Do pass.
HB 710.	Do pass.	HB 799.	Do pass.
HB 736.	Do pass.	HB 801.	Do pass.
HB 739.	Do pass.	HB 802.	Do pass.
HB 749.	Do pass.	HB 804.	Do pass.
HB 750.	Do pass.	HB 809.	Do pass.
HB 751.	Do pass.	HB 810.	Do pass.
HB 755.	Do pass.		

Respectfully submitted,

Senator Scott of the 43rd District, Chairman

Mr. President:

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

HB 326. Do pass by substitute.

www.libtool.com.cn Respectfully submitted,

Senator Deal of the 49th District, Chairman

Mr. President:

The Committee on Judiciary and Constitutional Law has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 206. Do pass.

HB 580. Do pass by substitute.

HB 476. Do pass.

Respectfully submitted,

Senator Greene of the 26th District, Chairman

Mr. President:

The Committee on Natural Resources and Environmental Quality has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 566. Do pass.

HB 567. Do pass by substitute.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

The following bills and resolution of the Senate and House were read the second time:

HB 326. By Representative Evans of the 84th:

A bill to amend Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to forfeiture proceedings for bonds or recognizances, so as to repeal certain provisions relating to institution of forfeiture proceedings generally.

HB 566. By Representatives Walker of the 115th, Evans of the 84th, Phillips of the 120th and others:

A bill to amend Article 2 of Chapter 17 of Title 50 of the Official Code of Georgia Annotated known as the "Georgia State Financing and Investment

Commission Act," so as to enable the use of guaranteed revenue bonds to finance local water and sewer projects through a special purpose state authority.

- HB 567.** By Representatives Walker of the 115th, Evans of the 84th, Phillips of the 120th and others:

A bill to amend Chapter 10 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Development Authority, so as to revise extensively the provisions relating to the Georgia Development Authority.

- HR 156.** By Representatives Adams of the 16th, Ross of the 82nd, Phillips of the 93rd and others:

A resolution creating the Blue Ribbon Committee on School Climate.

- HB 476.** By Representatives Thomas of the 69th, Karrh of the 109th and Darden of the 20th:

A bill to amend Code Section 36-35-6 of the Official Code of Georgia Annotated, relating to limitations on home rule powers of municipal corporations, so as to redefine actions defining criminal offenses.

- HB 580.** By Representatives Chambless of the 133rd, Snow of the 1st, Horne of the 103rd and others:

A bill to amend Chapter 2 of Title 15 of the Official Code of Georgia Annotated, relating to the Supreme Court, so as to provide that the Supreme Court may extend its terms by rule or order.

- HB 206.** By Representatives Horne of the 103rd and Randall of the 101st:

A bill to amend Article 5 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to earned-time allowances of inmates, so as to provide that inmates serving sentences for armed robbery shall not be entitled to earned-time allowances under certain conditions.

- SB 298.** By Senator Greene of the 26th:

A bill to amend an Act providing a new charter for the City of Macon, as amended, so as to change the corporate limits of said city.

- SB 303.** By Senator Barnes of the 33rd:

A bill to amend an Act known as the "South Cobb Development Authority Act," to as to provide for the enlargement of the South Cobb Development Area.

SB 305. By Senators Phillips of the 9th and Peevy of the 48th:

~~A bill to amend an~~ A bill to amend an Act providing for districts for the election of the Board of Education of Gwinnett County, as amended, so as to change the compensation of the board and provide for expense allowances.

SB 306. By Senator Engram of the 34th:

A bill to provide for the Magistrate Court of Fayette County; to state legislative intent.

SB 307. By Senator Brannon of the 51st:

A bill to amend an Act providing for the office of Commissioner of Gordon County, as amended, so as to change the provisions relative to the county administrator.

SB 308. By Senator Coggin of the 35th:

A bill to create and establish the East Point Building Authority, a body corporate and politic and an instrumentality of the State of Georgia.

HB 350. By Representative Crosby of the 150th:

A bill to amend an Act creating the office of commissioner of Atkinson County, so as to change the compensation of the chairman and the other members of the board.

HB 556. By Representatives Auten of the 156th and McVeigh of the 155th:

A bill to amend an Act creating the Brunswick-Glynn County Charter Commission, so as to extend the time within which said commission shall complete its work.

HB 676. By Representative Lord of the 107th:

A bill to amend an Act creating a new charter for the Town of Oconee, so as to change the fines and punishments which may be imposed by the mayor or recorder's court.

HB 688. By Representatives Darden and Thompson of the 20th:

A bill to amend an Act creating a new charter for the City of Kennesaw, so as to change the corporate limits of the city.

HB 710. By Representatives Lambert of the 66th and Dobbs of the 74th:

A bill to amend an Act relating to jurisdiction of the Newton County probate court over violations of ordinances of Newton County, so as to provide that prosecutions shall be commenced by a citation completed and served by any authorized agent of the county.

- 1B 736. By Representative Carter of the 146th:

A bill to amend an Act creating a board of commissioners for Cook County, so as to change the provisions relating to the compensation of the members of the board of commissioners.

- 1B 739. By Representatives Clark and Milford of the 13th:

A bill to amend an Act amending, consolidating, and superseding the several Acts incorporating the City of Colbert and creating a new charter for said city, so as to change the punishment that may be imposed by the person holding and presiding over the police court of said city for violations of the charter or ordinances of said city.

- 1B 749. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act creating a board of commissioners of Jeff Davis County, so as to change the composition of the districts from which members of the board of commissioners are elected.

- 1B 750. By Representatives Brown of the 154th and Chance of the 129th:

A bill to amend an Act establishing the State Court of Liberty County (formerly the City Court of Hinesville), so as to change the compensation of the judge and solicitor of the said court.

- 1B 751. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act providing for the election of the board of education of Jeff Davis County, so as to change the composition of the education districts from which the members of the board of education are elected.

- 1B 755. By Representatives Ginsberg of the 122nd, Triplett of the 128th, Hamilton of the 124th and others:

A bill to amend an Act creating and organizing the Board of Commissioners of Chatham County, so as to change the provisions relating to the commissioner districts of the county.

- 1B 757. By Representatives Patten of the 149th, Collins of the 144th, Reaves of the 147th and others:

A bill to amend an Act providing for a supplement to the compensation of a judge of the Superior Courts of the Southern Judicial Circuit, so as to change the amount of such supplement paid by Brooks, Colquitt, Echols, and Lowndes Counties.

- 1B 759. By Representatives Barger of the 108th and Godbee of the 110th:

A bill to abolish the present mode of compensating the probate judge of Burke County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

HB 760. By Representatives Bargeron of the 108th and Godbee of the 110th:

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A bill to amend an Act creating the board of commissioners of Burke County, so as to provide for the election of the members of the board of commissioners from districts.

HB 761. By Representatives Bargeron of the 108th and Ross of the 82nd:

A bill to abolish the mode of compensating the probate judge of Jefferson County known as the fee system; to provide in lieu thereof an annual salary for said officer.

HB 767. By Representatives Dobbs of the 74th and Lambert of the 66th:

A bill to specify what homestead exemptions from Newton County and Newton County School District ad valorem taxation shall be available to residents of Newton County.

HB 778. By Representative Auten of the 156th:

A bill to amend an Act placing the clerk of the Superior Court and judge of the Probate Court of Glynn County on an annual salary, so as to change the provisions relative to the personnel of the office of the judge of the probate court.

HB 794. By Representative Hanner of the 131st:

A bill to amend an Act providing a new charter for the City of Leary in Calhoun, so as to change the corporate limits of the City.

HB 795. By Representative Murphy of the 18th:

A bill to amend an Act creating the office of county commissioner of Haralson County, so as to change the compensation of the county commissioner of Haralson County.

HB 797. By Representative Russell of the 64th:

A bill to authorize the governing authority of Barrow County to provide for supplemental compensation for the judge of the superior court in the Piedmont Judicial Circuit.

HB 798. By Representative Russell of the 64th:

A bill to provide that the board of commissioners of Barrow County shall have the right and power to assess and collect license fees and taxes from all persons, firms, and corporations doing business in the unincorporated areas of Barrow County.

HB 799. By Representative Jones of the 78th:

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A bill to amend an Act to provide that the grand jury selecting members of the county board of education of Butts County shall be authorized to select two members from certain militia districts, so as to provide an additional procedure to be used in the selection of members of the county board of education.

HB 801. By Representatives Chambless of the 133rd, Young of the 134th, White of the 132nd and Balkcom of the 140th:

A bill to amend an Act creating a board of commissioners of Dougherty County, so as to change the commission districts; to clarify that elections and terms under the changed districts shall remain the same as under these districts as formerly described.

HB 802. By Representative Reaves of the 147th:

A bill to abolish the method of compensating the judge of the Probate Court of Brooks County known as the fee system; to provide in lieu thereof an annual salary.

HB 804. By Representatives Twiggs and Colwell of the 4th:

A bill to amend an Act placing the sheriff of Towns County on an annual salary, so as to change the compensation of the sheriff; to change the provisions relating to deputies.

HB 809. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act providing for a Board of Commissioners of Fannin County, so as to change the provisions relating to the compensation of the chairman and members of the board.

HB 810. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act providing an annual salary for the coroner of Fannin County, so as to change the compensation of the coroner.

The following local, uncontested bills of the Senate and House, favorably reported by the committee, were read the third time and put upon their passage:

SB 295. By Senator Hine of the 52nd:

A bill to amend an Act creating a new charter for the City of Rome, as amended, so as to provide for an additional member of the board of education; to provide for qualifications for election to the board of education.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

Senator Hine of the 52nd moved that SB 295 be immediately transmitted to the House.

On the motion, the yeas were 30, nays 0; the motion prevailed, and SB 295 was immediately transmitted to the House.

SB 296. By Senator Bowen of the 13th:

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Dooly County into the office of tax commissioner of Dooly County, as amended, so as to change the compensation provisions relating to the tax commissioner.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

SB 299. By Senator Kidd of the 25th:

A bill to amend an Act establishing a new charter for the City of Milledgeville, as amended, so as to change the compensation of the mayor and aldermen of said city.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

SB 300. By Senator Engram of the 34th:

A bill to amend an Act creating a new charter for the Town of Tyrone, so as to provide the terms of the councilmen and to provide for their election.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

SB 301. By Senators Scott of the 2nd, Coleman of the 1st and Bryant of the 3rd:

A bill to amend the several Acts relating to and incorporating the Mayor and Aldermen of the City of Savannah, so as to provide that there shall be eight aldermen of the City of Savannah; to provide for filling vacancies on the Board of Aldermen of the City of Savannah.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

Senator Scott of the 2nd moved that SB 301 be immediately transmitted to the House.

On the motion, the yeas were 36, nays 0; the motion prevailed, and SB 301 was immediately transmitted to the House.

SB 302. By Senator Greene of the 26th:

A bill to amend an Act providing a new charter for the City of Macon, so as to provide that the president pro tempore of the city council shall be selected from the full body of council by majority vote of all members of council; to provide for filling a vacancy of the presidency.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 614. By Representatives Matthews of the 145th and Collins of the 144th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment, which authorizes the use by the Colquitt County School System of the proceeds of any local sales and use tax levied within Colquitt County.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 48, nays 0.

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

HB 642. By Representatives Twiggs and Colwell of the 4th:

A bill to abolish the present mode of compensating the judge of the Probate Court of Towns County, known as the fee system; to provide in lieu thereof an annual salary.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 643. By Representatives Twiggs and Colwell of the 4th:

A bill to amend an Act creating the "Georgia Mountain Fair Authority of Towns County Act," so as to change the qualifications of the members of the authority; to define further the term "project"

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 660. By Representative Jackson of the 65th:

A bill to amend an Act placing the sheriff of Walton County on a salary in lieu of the fee system of compensation, so as to change certain provisions relative to the personnel of the sheriff.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

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IB 668. By Representatives Twiggs and Colwell of the 4th:

A bill to amend an Act creating the board of commissioners of Rabun County, so as to change the compensation of the chairman and members of the board of commissioners.

The report of the committee, which was favorable to the passage of the bill, was greed to.

On the passage of the bill, the yeas were 48, nays 0.

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

IB 677. By Representatives Snow and Hays of the 1st and Crawford of the 5th:

A bill to amend an Act placing the probate judge of Walker County on a salary, so as to change the maximum amount of compensation of personnel.

The report of the committee, which was favorable to the passage of the bill, was greed to.

On the passage of the bill, the yeas were 48, nays 0.

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

IB 678. By Representatives Snow and Hays of the 1st and Crawford of the 5th:

A bill to amend an Act creating the office of tax commissioner of Walker County, so as to change the compensation of the personnel of the tax commissioner's office.

The report of the committee, which was favorable to the passage of the bill, was greed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 679. By Representatives Snow and Hays of the 1st and Crawford of the 5th:

~~A bill to amend an~~ A bill to amend an Act placing the clerk of superior court of Walker County on an annual salary, so as to change the maximum compensation of personnel of the clerk's office.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 682. By Representative Hanner of the 131st:

A bill to amend an Act creating a board of commissioners of Clay County, so as to change the commissioner districts in said county.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 699. By Representatives Ramsey of the 3rd and Peters of the 2nd:

A bill to amend an Act placing the judge of the Probate Court of Catoosa County and the clerk of the Superior Court of Catoosa County on an annual salary in lieu of fees, so as to increase the salary of said clerk; to increase the clerical help allowance for the judge of the probate court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 700. By Representatives Ramsey of the 3rd and Peters of the 2nd:

A bill to amend an Act creating the office of tax commissioner of Catoosa County, so as to increase the amount payable for clerical help in that office.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 48, nays 0.

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

HB 701. By Representative Godbee of the 110th:

A bill to amend an Act incorporating Brooklet in Bulloch County, so as to increase the maximum punishment for violations of city ordinances to provide for jurisdiction of the city court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 708. By Representative Lambert of the 66th:

A bill to create and incorporate the City of Watkinsville in the County of Oconee and grant a charter to that municipality under that corporate name and style; to prescribe and define the corporate limits thereof.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 709. By Representative Lambert of the 66th:

A bill to amend an Act creating the board of commissioners of Oconee County, so as to change the compensation of the chairman and other members of the board of commissioners of Oconee County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

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HB 713. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act placing the judge of the Probate Court of Carroll County upon an annual salary, so as to change the compensation of the judge of the probate court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 714. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act placing the clerk of the Superior Court of Carroll County on a salary basis, so as to change the compensation of the clerk of the Superior Court of Carroll County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 716. By Representatives Colwell and Twiggs of the 4th:

A bill to provide for the election of the members of the Board of Education of Union County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 718. By Representative Hanner of the 131st:

A bill to amend an Act creating the office of tax commissioner of Clay County, so as to abolish the present mode of compensating the tax commissioner of Clay County, known as the fee system.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 720. By Representative Hanner of the 131st:

A bill to amend an Act placing the sheriff of Clay County on an annual salary, so as to provide that the sheriff shall not receive a salary above a certain maximum.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 721. By Representative Hanner of the 131st:

A bill to abolish the present mode of compensating the clerk of the Superior Court of Clay County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 722. By Representative Jones of the 78th:

A bill to amend an Act creating a new charter for the City of Jackson, so as to provide a procedure for declaring vacant the seat of a mayor or councilman who removes from his ward or the city.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 48, nays 0.

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

HB 730. By Representative Collins of the 144th:

A bill to amend an Act providing a new charter for the City of Doerun in Colquitt County, so as to correct an error; to provide for the time of election of the mayor and council members.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 731. By Representatives Dunn of the 73rd and Jones of the 78th:

A bill to amend an Act placing the sheriff, probate judge, clerk of the superior court, and tax commissioner of Henry County on an annual salary, so as to change the compensation of said officers.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 737 By Representative Karrh of the 109th:

A bill to amend an Act establishing the State Court of Candler County, so as to authorize the governing authority of Candler County to fix the annual salary of the judge and solicitor of said court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

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HB 738. By Representative Crawford of the 5th:

A bill to create the State Court of Chattooga County; to specify the location of the court; to provide jurisdiction of the court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 741. By Representative Adams of the 16th:

A bill to amend an Act creating a new charter for the City of Rome, so as to change and extend the corporate limits of said city.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 742. By Representative Adams of the 16th:

A bill to amend an Act creating a new charter for the City of Rome, so as to change the provisions relating to the election of the city commission.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 743. By Representatives Adams of the 16th and Childers and McKelvey of the 15th:

A bill to amend an Act creating the Board of Commissioners of Floyd County, so as to provide for a county manager; to provide for his powers, duties, and responsibilities.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the yeas were 48, nays 0.

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

HB 744. By Representatives Adams of the 16th and Childers and McKelvey of the 15th:

A bill to amend an Act known as the "Floyd County Merit System Act," so as to provide an additional exemption from coverage under the merit system; to change who certifies the results of certain elections for members of the board of the merit system.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 745. By Representatives Adams of the 16th and Childers and McKelvey of the 15th:

A bill to amend an Act establishing compensation and allowances for the Clerk of the Superior Court of Floyd County and the Judge of the Probate Court of Floyd County, so as to change the compensation of said clerk.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 754. By Representative Cummings of the 17th:

A bill to amend an Act creating a new charter for the City of Aragon, so as to change certain fines.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

- B 756. By Representatives Patten of the 149th, Collins of the 144th, Reaves of the 147th and others:

A bill to provide that each county in this state having a population of not less than 38,000 and not more than 39,000 shall pay a specified supplement to the judge of superior court of the county.

The report of the committee, which was favorable to the passage of the bill, was read to.

On the passage of the bill, the yeas were 48, nays 0.

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

- B 764. By Representatives Adams of the 16th and McKelvey and Childers of the 15th:

A bill to amend an Act creating the Board of Commissioners of Floyd County, so as to authorize the Board of Commissioners of Floyd County to enact ordinances including, but not limited to, traffic ordinances and garbage and solid waste disposal ordinances for the governing and policing of the unincorporated areas of said county and the enforcement of all duties and powers now or hereafter vested in such board.

The report of the committee, which was favorable to the passage of the bill, was read to.

On the passage of the bill, the yeas were 48, nays 0.

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

- B 765. By Representative Oliver of the 121st:

A bill to abolish the present mode of compensating the judge of the Probate Court of Tattnall County, known as the fee system; to provide in lieu thereof an annual salary.

The report of the committee, which was favorable to the passage of the bill, was read to.

On the passage of the bill, the yeas were 48, nays 0.

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

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HB 766. By Representative Balkcom of the 140th:

A bill to create a board of commissioners in and for Miller County; to provide that the newly created board shall be the successor to all the rights powers, duties, and obligations of the heretofore existing board of commissioners.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 768. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to allocate the proceeds of the sales and use tax imposed by Bulloch County under Article 2 of Chapter 8 of Title 48 of the O.C.G.A. to the Bulloch County school system.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 769. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act placing the coroner of Bulloch County on an annual salary, so as to change the compensation of the coroner; to provide that this Act shall become effective January 1, 1985.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 770. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating the board of commissioners of Bulloch County, so as to change the compensation of the chairman and other members of the board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 771. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act creating a board of commissioners of Bulloch County, so as to change the provisions relative to the compensation of the clerks.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 772. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act placing the judge of the probate court of Bulloch County upon an annual salary, so as to change the compensation of the clerk.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 773. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act placing the clerk of the Superior Court of Bulloch County upon an annual salary, so as to change the compensation of the clerk's employees.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the yeas were 48, nays 0.

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

HB 774. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act placing the sheriff of Bulloch County upon an annual salary, so as to change the compensation of the sheriff's deputies and office clerk.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 775. By Representatives Godbee of the 110th and Lane of the 111th:

A bill to amend an Act creating the office of tax commissioner of Bulloch County, so as to change the compensation of the tax commissioner's assistants.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 776. By Representatives Ramsey of the 3rd and Peters of the 2nd:

A bill to amend an Act creating the office of commissioner of Catoosa County, so as to change the compensation and allowances of the commissioner and provide for an automobile for the commissioner's use on county business.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

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B 777. By Representatives Ramsey of the 3rd and Peters of the 2nd:

A bill to amend an Act providing for the fiscal administration of the office of sheriff of Catoosa County, so as to provide for a change in fiscal year for the sheriff's office.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

B 781. By Representatives Snow and Hays of the 1st and Crawford of the 5th:

A bill to amend an Act creating a new charter for the City of LaFayette, so as to define and place limitations on the authority to lease real property.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

B 782. By Representatives Kilgore of the 42nd, Watts of the 41st and Johnson of the 70th:

A bill to amend an Act creating the Magistrate's Court of Douglas County, so as to provide that any vacancy in the office of magistrate shall be filled by appointment by the judges of the superior court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

HB 783. By Representatives Kilgore of the 42nd, Watts of the 41st and Johnson of the 70th:

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A bill to create the Douglas County Airport Authority; to declare the need for such airport authorities; to declare the purposes and objectives of this Act.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

SB 221. By Senator Howard of the 42nd:

A bill to amend an Act providing a supplement to the compensation, expenses, and allowances of the judges of the superior court of the Stone Mountain Judicial Circuit, so as to change that supplement for certain purposes and to delete certain references to Rockdale County; to provide an effective date.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to SB 221:

A BILL TO BE ENTITLED AN ACT

To amend an Act providing a supplement to the compensation, expenses, and allowances of the judges of the superior court of the Stone Mountain Judicial Circuit, approved March 21, 1974 (Ga. L. 1974, p. 391), so as to change that supplement for certain purposes and to delete certain references to Rockdale County; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act providing a supplement to the compensation, expenses, and allowances of the judges of the superior court of the Stone Mountain Judicial Circuit, approved March 21, 1974 (Ga. L. 1974, p. 391), is amended by striking Section 1, which reads as follows:

“Section 1. In addition to the compensation, salary, expenses and allowances presently being received by the judges of the superior court of the Stone Mountain Judicial Circuit from the State of Georgia, or any other source, the judges of the superior court of said circuit shall receive a supplement to such compensation from the funds of DeKalb and Rockdale Counties in the amount of \$6,000.00 per annum for each such judge. Said supplementary salary shall be paid in equal monthly installments. The division of payment among the two counties shall be pro rata

based upon their respective population as shown in the 1970 United States Decennial Census or any future such census.”

and inserting in its place a new Section 1 to read as follows:

“Section 1. In addition to the compensation, salary, expenses, and allowances presently being received by the judges of the superior court of the Stone Mountain Judicial Circuit from the state of Georgia, or any other source, the judges of the superior court of said circuit shall receive a supplement to such compensation from the funds of DeKalb County in the amount of \$9,000.00 per annum for each such judge. Said supplementary salary shall be paid in equal monthly installments.”

Section 2. This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 48, nays 0, and the substitute was opted.

The report of the committee, which was favorable to the passage of the bill by bstitute, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

The bill, having received the requisite constitutional majority, was passed by bstitute.

3 227. By Senator Allgood of the 22nd:

A bill to provide that the governing authority of Richmond County shall be a board of commissioners consisting of nine members; to provide that the board of commissioners shall also exercise the rights, powers, and duties of the City of Augusta as the governing authority of said city; to designate the board as the commission-council of Richmond County and the City of Augusta.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to SB 227:

A BILL TO BE ENTITLED AN ACT

To provide that the governing authority of Richmond County shall be a board of commissioners consisting of nine members; to provide that the board of commissioners shall also exercise the rights, powers, and duties of

the City of Augusta as the governing authority of said city; to designate the board as the commission-council of Richmond County and the City of Augusta; to designate the members of the board as commissioners-councilmen; to provide for the election of the members of the commission-council; to provide for commission-council districts; to provide for qualifications of commissioners-councilmen; to define the term "House District"; to provide for the election of the members of the commission-council by a majority vote of the voters voting within each respective commission-council district; to provide for the terms of office of certain members of the board of commissioners of Richmond County for the period beginning January 1, 1985 and ending December 31, 1986; to provide that no election shall be conducted in 1986 or thereafter to elect members of the board of commissioners of Richmond County; to provide for the terms of office of members of the City Council of Augusta for the periods beginning January 1, 1985, and January 1, 1986, and ending December 31, 1986; to provide that no election shall be conducted in 1986 or thereafter to elect members of the City Council of Augusta; to provide that the mayor of Augusta elected at the regular municipal election in 1984 shall serve for a term of office beginning January 1, 1985, and ending December 31, 1987; to provide that no election shall be conducted in 1986 or thereafter to elect a mayor of the City of Augusta; to provide for the election of a chairman of the commission-council who shall serve until a mayor-chairman is elected; to create the office of mayor-chairman of the commission-council; to provide for the election and term of office of the mayor-chairman; to provide that the mayor-chairman shall be the chief executive officer of Richmond County and the City of Augusta; to provide for the executive and administrative powers and duties of the mayor-chairman; to provide for filling vacancies in the office of commissioner-councilman; to provide for filling a vacancy in the office of mayor-chairman; to provide for a quorum; to provide for the payment of bonded indebtedness of the City of Augusta and Richmond County; to continue in full force and effect certain Acts of the General Assembly except as modified by this Act; to provide that the commission-council shall constitute the governing authority of both Richmond County and the City of Augusta; to create an Urban Services District and a Suburban Services District; to provide that such districts shall continue in existence until the commission-council modifies or abolishes such districts by ordinance; to provide for the continuation of existing ordinances and resolutions of the board of commissioners of Richmond County; to provide for the continuation of existing ordinances and resolutions of the City Council of Augusta; to provide for a budget and tax levy by the board of commissioners of Richmond County and the City Council of Augusta for calendar year 1987; to provide that tax assessments made by the board of tax assessors of Richmond County and the City of Augusta shall constitute the basis for the assessment and collection of taxes of the commission-council for calendar year 1987; to provide that the 1987 tax levy for the City of Augusta shall be levied by the commission-council only within the Urban Services District; to provide for amendments to the budget for calendar year 1987; to provide for that any special services district existing in Richmond County or the City of Augusta in 1986 shall continue to exist until modified or abolished by the commission-council; to provide for the retention of pension rights; to provide that this Act shall not result with and shall not be implemented to result with the termination of any employees of Richmond County or the City of Augusta; to provide that the sheriff of Richmond County shall be the chief law enforcement officer of the commission-council; to provide for equal opportunities for employment

and promotion to all persons regardless of race, sex, religion, creed, color, or national origin; to create a transition task force; to provide for the duties and responsibilities of the transition task force; to provide for cooperation of all officers, officials, and employees of Richmond County and the City of Augusta with the transition task force; to provide for the examination of all records, files, and other data of Richmond County and the City of Augusta by the transition task force; to provide that the transition task force shall be authorized to receive and expend appropriations from the board of commissioners of Richmond County and from the mayor and City Council of Augusta; to provide that members of the transition task force shall receive no compensation for their services as such members; to provide for construction of certain Acts; to provide for other matters relative to the foregoing; to provide for a referendum; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. The governing authority of Richmond County shall be a board of commissioners of said county consisting of nine members. In addition to exercising the rights, powers, and duties of Richmond County as the governing authority of said county, the board shall also exercise the rights, powers, and duties of the City of Augusta as the governing authority of said city. Said board is designated the Commission-Council of Richmond County and the City of Augusta, hereinafter referred to as the commission-council, and the members of said board are designated as commissioners-councilmen. The commission-council shall be elected as provided in Section 2 of this Act and shall become the governing authority of Richmond County and the City of Augusta on January 1, 1987

Section 2. (a) For the purpose of electing members of the commission-council, Richmond County is divided into nine commission-council districts as follows:

Commission-Council District 1—That portion of Richmond County lying within House District 85.

Commission-Council District 2—That portion of Richmond County lying within House District 86.

Commission-Council District 3—That portion of Richmond County lying within House District 87.

Commission-Council District 4—That portion of Richmond County lying within House District 88.

Commission-Council District 5—That portion of Richmond County lying within House District 89.

Commission-Council District 6—That portion of Richmond County lying within House District 90.

Commission-Council District 7—That portion of Richmond County lying within House Districts 85 and 88.

Commission-Council District 8—That portion of Richmond County lying within House Districts 86 and 89.

Commission-Council District 9—That portion of Richmond County lying within House Districts 87 and 90.

(b) No person shall be eligible to serve as a commissioner-councilman unless he or she: (1) has been a resident of the commission-council district from which elected for a period of one year immediately prior to the date of the election; (2) continues to reside within the commission-council district from which elected during his or her term of office; (3) is a registered and qualified elector of Richmond County; and (4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

(c) As used in subsection (a) of this section, "House District" means representative districts of the Georgia House of Representatives specified in Code Section 28-2-1 of the O.C.G.A., as such Code section existed on July 1, 1983.

Section 3. (a) At the general election conducted in November of 1986, nine members of the commission-council shall be elected. The members of the commission-council elected to represent commission-council districts 1, 3, 5, 7, and 9 shall be elected for terms of office for four years each beginning on January 1, 1987, and until their successors are elected and qualified. The members of the commission-council elected to represent commission-council districts 2, 4, 6, and 8 shall be elected for initial terms of office of two years each beginning on January 1, 1987, and until their successors are elected and qualified. Thereafter, successors to members of the commission-council shall be elected at the general election immediately preceding the expiration of their respective terms of office and shall take office on the first day of January immediately following their election for terms of office of four years each and until their successors are elected and qualified.

(b) Each member of the commission-council shall be elected by a majority of the voters voting within each respective commission-council district. All members of the commission-council shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

(c) The members of the board of commissioners of Richmond County who are elected at the general election in 1984 pursuant to an Act creating a board of commissioners for the County of Richmond, approved August 19, 1907 (Ga. L. 1907, p. 324), as amended, shall each serve for a term of office beginning January 1, 1985, and ending December 31, 1986. No election shall be conducted in 1986 or thereafter pursuant to said Act to elect members of the board of commissioners of Richmond County, and effective January 1, 1987, the board of commissioners of Richmond County heretofore existing pursuant to said Act shall stand abolished.

(d) The members of the City Council of Augusta who are elected at the regular municipal elections in 1984 pursuant to an Act chartering the City of Augusta as the "City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended, shall each serve for a term of office beginning January 1, 1985, and ending December 31, 1986. The members of the City Council of Augusta who are elected at the regular municipal elections in 1985 pursuant to said Act chartering the City of Augusta as the

"City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended, shall each serve for a term of office beginning January 1, 1986, and ending December 31, 1986. No election shall be conducted in 1986 or thereafter pursuant to said Act to elect members of the City Council of Augusta, and effective January 1, 1987, the city council of the City of Augusta heretofore existing pursuant to said Act shall stand abolished.

Section 4. (a) The mayor of the City of Augusta elected at the regular municipal election in 1984 shall serve for a term of office beginning January 1, 1985, and ending December 31, 1987. For the period beginning on January 1, 1987, and ending on December 31, 1987, the mayor of the City of Augusta shall continue to serve in that capacity. No election shall be conducted in 1986 or thereafter pursuant to an Act chartering the City of Augusta as the "City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended, to elect a mayor of the City of Augusta, and effective January 1, 1988, the office of mayor heretofore existing pursuant to said Act shall stand abolished.

(b) At the first regular meeting of the commission-council held in January, 1987, the commission-council shall elect from among its members a chairman who shall serve until a mayor-chairman is elected as provided in Section 5 of this Act. The chairman shall be elected by majority vote of the full membership of the commission-council.

Section 5. (a) There is created the office of mayor-chairman of the commission-council. Said officer shall serve as the mayor of the City of Augusta and as chairman of the board of commissioners of Richmond County. The mayor-chairman shall be elected from among the membership of the commission-council by the majority vote of the full membership of the commission-council as hereinafter provided in this section. The mayor-chairman shall be a full voting member of the commission-council.

(b) The first mayor-chairman shall be elected at the first regular meeting of the commission-council held in January, 1988. The mayor-chairman so elected shall serve until a successor is elected at the first regular meeting of the commission-council which is held in January, 1989. Beginning with the mayor-chairman elected in January, 1989, the mayor-chairman shall serve for a term of office of two years and until a successor is elected at the first regular meeting of the commission-council which is held in January of each odd-numbered year.

Section 6. The mayor-chairman who is elected at the first regular meeting of the commission-council held in January, 1988, and successors in that office shall be the chief executive officer of Richmond County and the City of Augusta. The mayor-chairman shall possess and exercise the following executive and administrative powers and duties:

- (1) To preside at all meetings of the commission-council;
- (2) To serve as the official head of Richmond County and the City of Augusta for the service of process and for ceremonial purposes;
- (3) To administer oaths and to take affidavits;
- (4) To sign all written contracts entered into by the commission-

council on behalf of Richmond County and the City of Augusta and all other contracts and instruments executed by the county and city which by law are required to be in writing;

(5) To ensure that all laws, ordinances, and resolutions of Richmond County and the City of Augusta are faithfully executed; and

(6) To exercise such other powers and perform such other duties as may be required by ordinance or resolution of the commission-council.

Section 7. (a) A vacancy which occurs in the membership of the commission-council by death, resignation, removal from the commission-council district, or for any other reason shall be filled by the remaining members of the commission-council appointing a qualified person to serve for the unexpired term, unless the unexpired term exceeds 28 calendar months, in which event, the commission-council shall appoint a qualified person to serve until a successor is elected to serve for the unexpired term as hereinafter provided. When the unexpired term exceeds 28 calendar months, a special election shall be held on the same date as the next succeeding general election to elect a successor for the unexpired term. Any such special election shall be called, held, and conducted in accordance with the applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

(b) No person shall fill a vacancy for an unexpired term by appointment of the commission-council unless that person receives a majority of the votes of the full commission-council.

(c) In the event the office of commissioner-councilman who serves as mayor-chairman becomes vacant for any reason, the commission-council shall elect from its own membership a successor to serve for the unexpired term. The election to fill such vacancy shall be by the affirmative vote of at least five members of the commission-council. The vacancy in the office of the commissioner-councilman who was serving as mayor-chairman shall be filled as provided in this section.

Section 8. Five members of the commission-council shall constitute a quorum for the transaction of ordinary business, but the affirmative vote of at least five members shall be required for the commission-council to take official action. Official action of the commission-council shall be entered upon its minutes. Any member of the commission-council shall have the right to request a roll-call vote.

Section 9. (a) The bonded indebtedness of the City of Augusta which is outstanding on January 1, 1987, shall become the debt and obligation of a special tax district which shall correspond to and be coterminous with the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1986. The ad valorem taxes imposed by the City of Augusta prior to January 1, 1987, to retire such bonded indebtedness shall continue to be imposed by the commission-council within the special tax district in the same manner and to the same extent that such ad valorem taxes were heretofore imposed by the City of Augusta in accordance with the terms of the obligations of such bonded indebtedness. The commission-council, as the governing authority of the City of Augusta, shall be the successor to the heretofore existing governing authority of the City of Augusta for all pur-

poses relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

(b) The bonded indebtedness of Richmond County outstanding on January 1, 1987, shall not be affected by this Act, and the commission-council, as the governing authority of Richmond County, shall become the successor to the heretofore existing governing authority of Richmond County for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

Section 10. (a) The following Acts of the General Assembly of Georgia are continued in full force and effect except as modified by the provisions of sections 1, 2, 3, and 4 of this Act:

(1) An Act creating a board of commissioners for the County of Richmond, approved August 19, 1907 (Ga. L. 1907, p. 324), as amended.

(2) An Act chartering the City of Augusta as the "City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended.

(b) The commission-council shall constitute the governing authority of both Richmond County and the City of Augusta for all purposes under the Acts continued in force and effect by subsection (a) of this section. The commission-council shall exercise and be subject to all of the rights, powers, duties, and obligations heretofore or hereafter applicable to the governing authorities of Richmond County and the City of Augusta by the Acts continued in force and effect by subsection (a) of this section and by any general laws, local laws, or constitutional provisions applicable to or effective within Richmond County and the City of Augusta.

Section 11. (a) There is created an Urban Services District which shall correspond to and be coterminous with the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1986.

(b) There is created a Suburban Services District which shall correspond to and be coterminous with the unincorporated area of Richmond County as the unincorporated area of Richmond County existed on December 31, 1986. In addition, the Suburban Services District shall also include the territory embraced within the corporate limits of Hephzibah and the corporate limits of Blythe, exclusive of any territory in Burke County lying and being in the Town of Blythe, as said corporate limits existed on December 31, 1986.

(c) The Urban Services District and the Suburban Services District created by this section shall continue in existence until the commission-council modifies or abolishes such districts by ordinance duly adopted by the commission-council.

Section 12. (a) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments or agencies thereof not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the commis-

sion-council and as rules and regulations of the appropriate department or agency thereof until they are modified or repealed.

(b) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments and agencies of Richmond County which, by their terms or by their operation, were applicable prior to January 1, 1987, throughout the territorial limits of Richmond County shall continue to be effective throughout the territorial limits of Richmond County until such time as the commission-council, by resolution or ordinance, modifies or repeals such ordinances, resolutions, or regulations.

(c) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments and agencies of Richmond County which, by their terms or by their operation, were applicable prior to January 1, 1987, only within the unincorporated area of Richmond County shall be effective only in the suburban services district described in subsection (b) of Section 11 of this Act until such time as the commission-council, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations.

(d) Existing ordinances and resolutions of the City Council of Augusta which are not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the commission-council until they are modified or repealed.

(e) Existing ordinances and resolutions of the City Council of Augusta and existing rules and regulations of departments and agencies of the City of Augusta shall be applicable only within the urban services district described in subsection (a) of Section 11 of this Act until such time as the commission-council, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations.

Section 13. (a) The budget and tax levy of the board of commissioners of Richmond County and the City Council of Augusta, adopted for calendar year 1987, shall serve as the budget and tax levy of the commission-council for calendar year 1987.

(b) The tax assessments made by the board of tax assessors of Richmond County and the City of Augusta as of January 1, 1987, shall constitute the basis for the assessment and collection of taxes of the commission-council for calendar year 1987.

(c) Amendments to the budget for calendar year 1987 provided by subsection (a) of this section may be made by resolution or ordinance duly adopted by the commission-council during calendar year 1987.

(d) Any special services district existing in Richmond County or the City of Augusta in 1986 shall continue to exist until it is modified or abolished by the commission-council.

(e) In assessing ad valorem taxes, the commission-council shall assess within the Urban Services District such additional millage as the governing body shall determine, and which shall be imposed on account of governmental services available therein that are not furnished in the Suburban Services

District. As the commission-council shall from time to time expand these governmental services to areas within the Suburban Services District, such areas shall be included in the Urban Services District and taxed accordingly.

(f) For purposes of this section, governmental services shall include fire protection of a higher class, garbage pickup, city water and sewer services, and such other services as may be provided only in the Urban Services District.

(g) The commission-council may further divide the Suburban Services District into special service districts wherever additional governmental service or services are furnished but not to the extent as in the Urban Services District. Property within said special service districts shall be assessed with such additional ad valorem taxes as the commission-council may determine on account of said services.

(h) It is the purpose of this section that property shall be subject to taxation in relation to services received or available.

Section 14. (a) All employees and former employees of Richmond County and the City of Augusta and of every agency, instrumentality, commission, or authority thereof shall retain those pension rights which had accrued to them prior to January 1, 1987, under any pension plan adopted by law or by ordinance or resolution by the board of commissioners of Richmond County or the mayor and City Council of Augusta. The commission-council shall assume on January 1, 1987, all obligations arising under all such pension plans, but the assumption of such obligations by the commission-council shall not create any obligations on the part of the commission-council or create any right which did not exist prior to January 1, 1987.

(b) This Act shall not result with and shall not be implemented to result with the termination of employment of any employees of Richmond County or the City of Augusta or of any agency, instrumentality, commission, or authority thereof, but this limitation shall not create or be construed to create any right to continued employment or create any employment contract which did not exist prior to January 1, 1987.

Section 15. The chief law enforcement officer of the commission-council shall be the sheriff of Richmond County.

Section 16. The commission council shall afford equal opportunities for employment and promotion to all persons regardless of race, sex, religion, creed, color, or national origin. No reorganization of the delivery of services shall be undertaken that results in reduced employment or employment opportunities for any minority group.

Section 17. (a) After their election but prior to their taking office on January 1, 1987, the first commissioners-councilmen elected under Section 3 of this Act and the mayor of the City of Augusta shall constitute a transition task force for the purpose of planning and preparing for the assumption of governmental powers by the commission-council on January 1, 1987. The mayor of the City of Augusta shall serve as the chairman of the transition task force. The transition task force shall meet on the call of its chairman

for the purpose of planning for and scheduling the initial organization of the government in accordance with the applicable provisions of this Act.

(b) The transition task force shall be authorized to make such recommendations as it deems appropriate for the assumption of governmental powers by the commission-council on January 1, 1987. The transition task force is specifically charged with the responsibility of developing proposed ordinances, including ordinances relating to the creation of special service tax districts, which should be considered for adoption by the commission-council at its first regular meeting held in January, 1987, or at a regular meeting of the commission-council held as soon thereafter as practicable.

(c) All officers, officials, and employees of Richmond County and the City of Augusta shall cooperate with and assist the transition task force. The transition task force shall be entitled to examine all records, files, and other data in the possession of Richmond County and the City of Augusta and all officers, officials, and employees and departments thereof. Richmond County and the City of Augusta shall, to the extent possible, provide working areas and facilities for the transition task force.

(d) The transition task force shall be authorized to receive and expend appropriations from the board of commissioners of Richmond County and from the mayor and City Council of Augusta for the purpose of carrying out its duties, but members of the transition task force shall receive no compensation for their services as such members.

Section 18. Nothing contained in this Act shall be construed so as to amend, modify, or repeal an Act incorporating the Town of Blythe, Georgia, approved August 3, 1920 (Ga. L. 1920, p. 748), or an Act creating a new charter for the City of Hephzibah, approved April 13, 1982 (Ga. L. 1982, p. 4801).

Section 19. After the date of the approval of this Act by the Governor, or after its otherwise becomes law, it shall be the duty of the election superintendent of Richmond County to issue the call for an election for the purpose of submitting this Act to the electors of Richmond County for approval or rejection. The superintendent shall set the date of such election for Tuesday, May 3, 1983. The superintendent shall issue the call for such election at least 30 days but not more than 60 days prior to the date of the election. 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 Richmond County. The ballot shall have written or printed thereon the words:

“[] YES Shall the Act providing for a unified government for the
[] NO City of Augusta and Richmond County be approved?”

All persons desiring to vote for approval of the Act shall vote “Yes,” and those persons desiring to vote for rejection of the Act shall vote “No.” If more than one-half of the votes cast on such question are for approval of

the Act, it shall become of full force and effect; otherwise it shall be void and of no force and effect.

The expense of such election shall be borne by Richmond County. It shall be the duty of the superintendent to hold and conduct such election. It shall be his further duty to certify the result thereof to the Secretary of State.

Section 20. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 48, nays 0, and the 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, the yeas were 48, nays 0.

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

Senator Allgood of the 22nd moved that SB 227 be immediately transmitted to the House.

On the motion, the yeas were 33, nays 0; the motion prevailed, and SB 227 was immediately transmitted to the House.

HB 719. By Representative Hanner of the 131st:

A bill to abolish the present mode of compensating the judge of the Probate Court of Clay County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

The Senate Committee on Federal, State and Community Affairs offered the following amendment:

Amend HB 719 by striking lines 23 and 24 on Page 3 in their entirety and substituting in lieu thereof the following:

“Section 6. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.”

On the adoption of the amendment, the yeas were 48, nays 0, and the amendment was adopted.

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The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, the yeas were 48, nays 0.

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

The President called for the morning roll call, and the following Senators answered to their names:

Allgood	Garner	Littlefield
Barker	Gillis	McGill
Barnes	Harris	McKenzie
Brannon	Harrison	Peevy
Broun of 46th	Hill	Perry
Brown of 47th	Hine	Phillips
Bryant	Holloway	Scott of 2nd
Burton	Horton	Scott of 36th
Cobb	Howard	Starr
Coleman	Hudgins	Stumbaugh
Dawkins	Huggins	Timmons
Deal	Kennedy	Trulock
English	Kidd	Turner
Engram	Land	Tysinger
Fincher	Lester	Walker
Foster		

Those not answering were Senators:

Bond	Coverdell	Scott of 43rd
Bowen	Dean	Tate
Brantley	Greene	Thompson
Coggin		

Senator Phillips of the 9th introduced the chaplain of the day, Reverend Robert Woodall, pastor of Mountain Park Baptist Church, Stone Mountain, Georgia, who offered scripture reading and prayer.

SENATE RULES CALENDAR

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Monday, February 28, 1983

THIRTY-SEVENTH LEGISLATIVE DAY

- HB 163 Appropriations, 1983-84—provide (SUBSTITUTE) (App—12th)
- HB 648 MARTA—construction, completion and operation priority (Trns—12th)
- HB 675 Garnishment—when pension, retirement subject to (Judy—15th)
- HB 439 Architecture Applicants—delete certain provisions on examinations (I&L—19th)
- HB 129 Scoliosis—screen public school children (AMENDMENT) (Hum R—42nd)
- HB 266 Employees' Retirement System—redefine "annuity savings fund" (Ret—8th)
- HB 363 Group Life Insurance—increase maximum coverage for debtors (Ins—54th)
- HB 373 Corporations—name not exceed 80 characters (Judy— 22nd)
- HB 400 Medical Intern—no regular exam before year as intern (Hum R—42nd)
- HB 356 Hotel-Motel Tax—additional exemption (B&F— 40th)
- HB 149 Garnishment—in certain cases garnishee immediately answer summons (Judy—2nd)
- HB 219 Public Retirement System Standards Law—provide (SUBSTITUTE) (Ret—8th)
- HR 158 Academy Creek Wastewater Treatment Facility—property easement for construction (Pub U—6th)
- HB 365 Mechanics' and Materialmen's Liens—change effective date in Code (AMENDMENT) (Judy—12th)
- HB 324 Public Utility Company—covering, conveying after-acquired property (SUBSTITUTE) (Judy—52nd)
- HB 633 Board of Public Safety—change composition (Pub Saf—33rd)
- HB 505 Certain Inmates—no earned-time allowances (Off R—33rd)
- HB 273 Employees' Retirement System—redefine "employee" (SUBSTITUTE) (Ret—8th)
- HB 608 Administrative Services Department—financial provisions for seminars, lectures (Gov Op—25th)
- HB 180 Prescription Drugs—tax relief, 62 year olds for sales tax paid (SUBSTITUTE) (B&F—23rd)
- HB 585 Hospitals—approved disaster preparedness plan (Hum R—27th)
- HB 424 Constitutional Executive Office—powers when executive officer disabled (SUBSTITUTE) (J&CL—26th)

- HB 507 Hospitals—staff membership, privileges to certain psychologists (SUBSTITUTE) (Hum R—33rd)
- HB 375 Trademark or Service Mark—increase renewal fee (Judy—22nd)
- HB 385 License to Carry Certain Firearms—requirements for search of records (Judy—35th)
- HB 429 Sexual Exploitation of Child—redefine “minor” (AMENDMENT) (J&CL—26th)
- HB 532 Capital Outlay Funds for Education—average daily attendance projections (SUBSTITUTE) (Ed—44th)
- HB 45 Probate in Solemn Form—mail service of notice of petition (J&CL—48th)
- HB 485 Richmond County—elections in Augusta (Gov Op—23rd)
- HR 106 Augusta—conveyance of state owned property (Pub U—22nd)
- HB 80 Emergency Medical Technicians—render certain services in hospitals (AMENDMENT) (Hum R—10th)
- HB 436 Superior Court Clerks—change provisions on additional training (Gov Op—10th)
- HR 15 Bartow County—conveyance of state owned property (Pub U—31st)
- HR 246 Pleasant Theodore McCutchen, Sr., Bridge—designate (Trns—12th)
- HB 437 Nursing—provide for reinstatement (Hum R—25th)
- HB 121 Magistrate Court—provide in each county (SUBSTITUTE) (Judy—49th)

Respectfully submitted,

/s/ Dean of the 31st, Chairman
Senate Rules Committee

Senator Starr of the 44th assumed the Chair at the direction of the President.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 163. By Representatives Murphy of the 18th, McDonald of the 12th, Walker of the 115th and others:

A bill to make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984.

Senate Sponsor: Senator Holloway of the 12th.

The Senate Committee on Appropriations offered the following substitute to HB
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**A BILL TO BE ENTITLED
AN ACT**

To make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984; to make and provide such appropriations for the operation of the State government, its departments, boards, bureaus, commissions, institutions, and other agencies, and for the university system, common schools, counties, municipalities, political subdivisions and for all other governmental activities, projects and undertakings authorized by law, and for all leases, contracts, agreements, and grants authorized by law; to provide for the control and administration of funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

That the sums of money hereinafter provided are appropriated for the State fiscal year beginning July 1, 1983, and ending June 30, 1984, as prescribed hereinafter for such fiscal year, from funds from the Federal Government, and the General Funds of the State including unappropriated surplus and a revenue estimate of \$4,018,000,000 for State fiscal year 1984.

PART I.

LEGISLATIVE BRANCH

Section 1. Legislative Branch.

Budget Unit: Legislative Branch	\$ 15,160,922
Operations	\$ 15,160,922
Total Funds Budgeted	\$ 15,160,922
State Funds Budgeted	\$ 15,160,922
 Budget Unit Object Classes:	
Operations	\$ 15,160,922

For compensation, expenses, mileage, allowances, travel and benefits for members, officials, committees and employees of the General Assembly and each House thereof; for operating the offices of Lieutenant Governor and Speaker of the House of Representatives; for membership in the National Conference of Commissioners on Uniform State Laws; for membership in the Council of State Governments, the National Conference of State Legislatures and the National Conference of Insurance Legislators and other legislative organizations, upon approval of the Legislative Services Committee; for membership in the Marine Fisheries Compact and other Compacts, upon approval of the Legislative Services Committee; for the maintenance, repair, construction, reconstruction, furnishing and refurbishing of space and other facilities for the Legislative Branch; for the Legislative Services Committee, the Office of Legislative Coun-

sel and the Office of Legislative Budget Analyst; for the operation of the Legislative Educational Research Council; for compiling, publishing and distributing the Acts of the General Assembly and the Journals of the Senate and the House of Representatives; for Code Revision; for the annual report of the State Auditor to the General Assembly; for equipment, supplies, furnishings, repairs, printing, services and other expenses of the Legislative Branch of Government; and for payments to Presidential Electors. The provisions of any other law to the contrary notwithstanding, such payments to Presidential Electors shall be paid from funds provided for the Legislative Branch of Government, and the payment and receipt of such allowances shall not be in violation of any law.

The Legislative Services Committee shall seek to determine ways to effect economies in the expenditure of funds appropriated to the Legislative Branch of Government. The Committee is hereby authorized to promulgate rules and regulations relative to the expenditure of funds appropriated to the Legislative Branch which may include that no such funds may be expended without prior approval of the Committee. The Committee shall also make a detailed study of all items and programs which are paid for from funds appropriated to the Legislative Branch of Government with a view towards determining which are legitimate legislative expenses and which should be paid for from other appropriations.

Section 2. Department of Audits.

Budget Unit: Department of Audits	\$	5,828,100
1. Operations	\$	6,012,430
Total Funds Budgeted	\$	6,012,430
State Funds Budgeted	\$	5,478,100
2. Tax Ratio Study	\$	350,000
Total Funds Budgeted	\$	350,000
State Funds Budgeted	\$	350,000
Budget Unit Object Classes:		
Operations	\$	6,012,430
Tax Ratio Study	\$	350,000
Authorized Motor Vehicles		28
Total Positions Budgeted		165

PART II.

JUDICIAL BRANCH

Section 3. Supreme Court.

Budget Unit: Supreme Court	\$	2,696,070
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For the cost of operating the Supreme Court of the State of Georgia, including salaries of Justices and the employees of the Court, and their retirement contributions. Provided, however, that the sum of \$7,500 shall be allocated for the payment of attorneys' fees and legal expenses for indigent defendants in criminal cases on appeal as provided in Georgia Laws 1953, Nov.-Dec. Session, pp. 478-481 (Code Sections 17-12-60 through 17-12-62).

Provided, however, that the sum of \$10,500 shall be allocated for the cost of Georgia's pro rata share for the operation of the National Center for State Courts.

Total Positions Budgeted

59

Section 4. Superior Courts.

Budget Unit: Superior Courts	\$ 21,765,000
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For the cost of operating the Superior Courts of the State of Georgia, including payment of Judges' salaries, contingent expense allowances authorized by law, the payment of mileage authorized by law and such other salaries and expenses as may be authorized by law.

For payment of salaries, the payment of mileage and other expenses as may be authorized by law for the District Attorneys, Assistant District Attorneys, and District Attorneys Emeritus.

For the cost of operating the Judge Sentence Review Panel as created by 1974 Georgia Laws, p. 358 (Code Section 17-10-6).

Provided, however, that the listed appropriation shall be increased by the amount of \$27,078 per annum for each additional Judge Emeritus position established during the fiscal year, and by the amount of \$17,000 per annum for each additional District Attorney Emeritus position established during the fiscal year.

Provided, further, that the listed appropriation shall be increased by the amount of \$97,000 per annum for each judgeship created by law during the Regular Session of the General Assembly immediately preceding this State Fiscal Year.

Provided, however, that the listed appropriation shall be increased by the amount of \$5,000 per annum for the cost of the habeas corpus clerk.

Provided, that of the above appropriation relating to Superior Courts, \$473,394 is designated and committed

for the Prosecuting Attorneys' Council for operations and \$98,121 is designated and committed for the Sentence Review Panel.

Provided, however, of the above appropriation \$10,000 is designated and committed to permit Judges with less than five years of experience to attend the Judicial College.

Total Positions Budgeted	544
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Section 5. Court of Appeals.

Budget Unit: Court of Appeals	\$ 2,978,800
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For the cost of operating the State Court of Appeals, including salaries and retirement contributions of judges and employees of the Court and for the Emeritus Judges of the Court. Provided, however, that the listed appropriation shall be increased by the amount of \$12,000 per annum for each additional Emeritus position established during the fiscal year.

Total Positions Budgeted	59
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Section 6. Administrative Office of the Courts.

Budget Unit: Administrative Office of the Courts	\$ 698,600
Administrative Office of the Courts	\$ 400,000
Case Counting	\$ 68,600
Institute for Continuing Judicial Education	\$ 230,000
Total Funds Budgeted	\$ 698,600
State Funds Budgeted	\$ 698,600
Total Positions Budgeted	20

For the cost of operating the Administrative Office of the Courts, case counting and for the cost of operating the Institute for Continuing Judicial Education.

Section 7 Appellate Court Reports.

Budget Unit: Court Reports	\$ 193,100
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For the cost of purchasing and distributing the reports (decisions) of the appellate courts to Judges, Dis-

strict Attorneys, Clerks and others as required by Art. 2,
Chap. 18 of Title 50.

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Total Positions Budgeted 0

Section 8. Judicial Qualifications
Commission.

Budget Unit: Judicial Qualifications
Commission \$ 50,000

For the cost of operating the Judicial Qualifications
Commission.

Total Positions Budgeted 0

Section 9. Board of Court Reporting.

Budget Unit: \$ 16,040

For the cost of operating the Board of Court Report-
ing.

Total Positions Budgeted 1

Section 10. Council of Juvenile
Court Judges.

Budget Unit: \$ 107,200

For the cost of operating the Council of Juvenile
Court Judges.

Total Positions Budgeted 3

Section 11. Georgia Justice Courts
Training Council.

Budget Unit: \$ 15,060

For the cost of operating the Georgia Justice Courts
Training Council.

Total Positions Budgeted 0

Section 12. Georgia Judicial Administrative
Districts.

Budget Unit: \$ 500,000

For the cost of operating the Georgia Judicial Administrative Districts.
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Provided, however, that the sum of \$50,000 shall be allocated to each district.

Total Positions Budgeted	20
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PART III.

EXECUTIVE BRANCH

Section 13. Department of Administrative Services.

A. Budget Unit: Department of Administrative Services	\$ 11,802,128
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1. State Properties Commission Budget:

Personal Services	\$ 225,163
Regular Operating Expenses	\$ 6,645
Travel	\$ 2,500
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 500
Equipment Purchases	\$ —0—
Computer Charges	\$ —0—
Real Estate Rentals	\$ 15,750
Telecommunications	\$ 3,827
Per Diem, Fees and Contracts	\$ 17,000
Total Funds Budgeted	\$ 271,385
State Funds Budgeted	\$ 271,385
Total Positions Budgeted	6

2. Departmental Administration Budget:

Personal Services	\$ 1,120,891
Regular Operating Expenses	\$ 132,031
Travel	\$ 14,545
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 12,470
Equipment Purchases	\$ 1,283
Computer Charges	\$ 30,000
Real Estate Rentals	\$ 231,927
Telecommunications	\$ 21,354
Per Diem, Fees and Contracts	\$ —0—
Direct Payments of Georgia Building Authority for Capital Outlay	\$ —0—

Direct Payments to Georgia Building Authority for Operations	\$	—0—
Direct Payments to Georgia Building Authority for Floyd Building Operations	\$	—0—
Direct Payments to Georgia Building Authority for Authority Lease Rentals	\$	850,000
Total Funds Budgeted	\$	2,414,501
State Funds Budgeted	\$	2,194,501
Total Positions Budgeted		42

Provided, the Department is authorized to utilize \$220,000 of previously appropriated funds for the purpose of the above expenditures.

3. Treasury and Fiscal
Administration Budget:

Personal Services	\$	868,821
Regular Operating Expenses	\$	99,718
Travel	\$	6,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	9,500
Equipment Purchases	\$	1,576
Computer Charges	\$	5,667,756
Real Estate Rentals	\$	83,576
Telecommunications	\$	15,574
Per Diem, Fees and Contracts	\$	34,700
Public Safety Officers Indemnification Fund	\$	608,800
Total Funds Budgeted	\$	7,396,021
State Funds Budgeted	\$	4,938,359
Total Positions Budgeted		29

4. Central Supply Administration
Budget:

Personal Services	\$	248,634
Regular Operating Expenses	\$	333,156
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	1,450
Computer Charges	\$	—0—
Real Estate Rentals	\$	79,654
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	800
Materials for Resale	\$	6,517,830
Utilities	\$	—0—
Total Funds Budgeted	\$	7,181,524

Total Expenditures Authorized	\$	7,181,524
State Funds Budgeted	\$	—0—
Total Positions Budgeted		15

5. Procurement Administration Budget:

Personal Services	\$	1,180,577
Regular Operating Expenses	\$	116,592
Travel	\$	7,250
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	35,500
Equipment Purchases	\$	1,325
Computer Charges	\$	220,000
Real Estate Rentals	\$	195,362
Telecommunications	\$	37,135
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	1,793,741
State Funds Budgeted	\$	1,793,741
Total Positions Budgeted		50

6. General Services Administration Budget:

Personal Services	\$	319,752
Regular Operating Expenses	\$	8,192
Travel	\$	6,550
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	10,300
Equipment Purchases	\$	200
Computer Charges	\$	19,747
Real Estate Rentals	\$	39,153
Telecommunications	\$	23,366
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	427,260
Total Expenditures Authorized	\$	427,260
State Funds Budgeted	\$	—0—
Total Positions Budgeted		13

7. Space Management
Administration Budget:

Personal Services	\$	257,766
Regular Operating Expenses	\$	8,066
Travel	\$	1,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	400
Equipment Purchases	\$	1,000
Computer Charges	\$	5,000
Real Estate Rentals	\$	25,650
Telecommunications	\$	5,018
Per Diem, Fees and Contracts	\$	—0—
Materials for Resale	\$	—0—
Total Funds Budgeted	\$	304,400
State Funds Budgeted	\$	304,400
Total Positions Budgeted		10

8. Data Processing Services Budget:

Personal Services	\$ 16,882,374
Regular Operating Expenses	\$ 1,457,448
Travel	\$ 60,000
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 361,000
Equipment Purchases	\$ 160,745
Computer Charges	\$ 305,000
Rents and Maintenance Expense	\$ 17,598,727
Real Estate Rentals	\$ 1,768,080
Telecommunications	\$ 311,779
Payments to DOAS Fiscal	
Administration	\$ 2,457,662
Per Diem, Fees and Contracts	\$ 433,800
Total Funds Budgeted	\$ 41,796,615
Total Expenditures Authorized	\$ 41,796,615
State Funds Budgeted	\$ 2,299,242
Total Positions Budgeted	661

9. Motor Pool Services Budget:

Personal Services	\$ 382,258
Regular Operating Expenses	\$ 1,485,418
Travel	\$ —0—
Motor Vehicle Equipment Purchases	\$ 279,500
Publications and Printing	\$ —0—
Equipment Purchases	\$ 27,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ 720
Telecommunications	\$ —0—
Per Diem, Fees and Contracts	\$ —0—
Total Funds Budgeted	\$ 2,174,896
Total Expenditures Authorized	\$ 2,174,896
State Funds Budgeted	\$ —0—
Total Positions Budgeted	22

10. Communication Services Budget:

Personal Services	\$ 2,500,074
Regular Operating Expenses	\$ 378,661
Travel	\$ 11,000
Motor Vehicle Equipment	
Purchases	\$ 68,770
Publications and Printing	\$ 58,770
Equipment Purchases	\$ 56,000
Computer Charges	\$ 164,606
Real Estate Rentals	\$ 186,528
Telecommunications	\$ 385
Per Diem, Fees and Contracts	\$ 5,000
Telephone Billings	\$ 29,101,171
Total Funds Budgeted	\$ 32,530,965
Total Expenditures Authorized	\$ 32,530,965

State Funds Budgeted	\$	—0—
Total Positions Budgeted		108

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11. Printing Services Budget:

Personal Services	\$	1,413,798
Regular Operating Expenses	\$	1,555,797
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	115,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	158,209
Telecommunications	\$	—0—
Materials for Resale	\$	400,000
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	3,642,804
Total Expenditures Authorized	\$	3,642,804
State Funds Budgeted	\$	—0—
Total Positions Budgeted		69

12. Surplus Property Services Budget:

Personal Services	\$	736,104
Regular Operating Expenses	\$	275,487
Travel	\$	24,349
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	17,500
Equipment Purchases	\$	3,600
Computer Charges	\$	1,500
Real Estate Rentals	\$	6,000
Telecommunications	\$	13,758
Materials for Resale	\$	25,000
Per Diem, Fees and Contracts	\$	12,000
Utilities	\$	27,512
Total Funds Budgeted	\$	1,142,810
State Funds Budgeted	\$	—0—
Total Positions Budgeted		39

13. Mail and Courier Services Budget:

Personal Services	\$	164,486
Regular Operating Expenses	\$	118,845
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	10,000
Publications and Printing	\$	—0—
Equipment Purchases	\$	1,660
Computer Charges	\$	—0—
Real Estate Rentals	\$	11,997
Telecommunications	\$	—0—
Materials for Resale	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	306,988
Total Expenditures Authorized	\$	306,988

State Funds Budgeted	\$	—0—
Total Positions Budgeted		10

14. Self-Insurance Services Budget:

Personal Services	\$	543,432
Regular Operating Expenses	\$	24,506
Travel	\$	24,500
Motor Vehicle Equipment Purchases	\$	7,000
Publications and Printing	\$	3,000
Equipment Purchases	\$	2,900
Computer Charges	\$	73,000
Real Estate Rentals	\$	63,829
Telecommunications	\$	15,052
Materials for Resale	\$	—0—
Per Diem, Fees and Contracts	\$	20,000
Total Funds Budgeted	\$	777,219
Total Expenditures Authorized	\$	777,219
State Funds Budgeted	\$	—0—
Total Positions Budgeted		22

Budget Unit Object Classes:

Personal Services	\$	26,844,130
Regular Operating Expenses	\$	6,000,562
Travel	\$	158,194
Motor Vehicle Equipment Purchases	\$	365,270
Publications and Printing	\$	508,940
Equipment Purchases	\$	373,739
Computer Charges	\$	6,486,609
Real Estate Rentals	\$	2,866,435
Telecommunications	\$	447,248
Per Diem, Fees and Contracts	\$	523,300
Rents and Maintenance Expense	\$	17,598,727
Utilities	\$	27,512
Payments to DOAS Fiscal Administration	\$	2,457,662
Direct Payments to Georgia Building Authority for Operations	\$	—0—
Direct Payments to Georgia Building Authority for Capital Outlay	\$	—0—
Direct Payments to Georgia Building Authority for Authority Lease Rentals	\$	850,000
Direct Payments to Georgia Building Authority for Floyd Building Operations	\$	—0—
Telephone Billings	\$	29,101,171
Materials for Resale	\$	6,942,830
Public Safety Officers Indemnity Fund	\$	608,800

Total Positions Budgeted	1,096
Authorized Motor Vehicles	285

It is the intent of this General Assembly that the Office of Planning and Budget and all other agencies of State government utilize federal funds wherever possible in connection with Workers' Compensation and Unemployment Compensation payments, and that no such payments shall be made to or on behalf of anyone other than bona fide State employees.

It is the intent of this General Assembly that income to the Department of Administrative Services from user agencies shall not exceed the maximum amounts listed below for each service activity:

General Services	\$ 427,260
Data Processing Service	\$ 39,496,873
Motor Pool Service	\$ 2,174,896
Communication Services	\$ 32,530,965
Printing Services	\$ 3,642,804
Total	\$ 78,272,798

except to provide general salary increases authorized for all State employees, or unless there is a corresponding fund availability, with prior budgetary approval, in the appropriate object class or classes of user agency or agencies for which the Department provides service.

Provided further, the State Auditor shall report any exceptions or violations of this intent in the annual financial audit of the Department of Administrative Services.

Provided, it is the intent of this General Assembly that the Department shall not purchase, lease, or lease-purchase any additional computer hardware other than that which is authorized in this appropriations Act, unless funds are available for this purpose in the user agencies.

B. Budget Unit: Georgia Building Authority

\$ —0—

**Georgia Building Authority
Budget:**

Personal Services	\$ 11,247,283
Regular Operating Expenses	\$ 3,003,425
Travel	\$ 4,000
Motor Vehicle Equipment	
Purchases	\$ 18,140
Publications and Printing	\$ 22,000
Equipment Purchases	\$ 86,053

Computer Charges	\$	—0—
Real Estate Rentals	\$	44,052
Telecommunications	\$	59,000
Per Diem, Fees and Contracts	\$	87,500
Capital Outlay	\$	—0—
Authority Lease Rentals	\$	653,234
Utilities	\$	6,290,000
Facilities Renovations and Repairs	\$	—0—
Total Funds Budgeted	\$	21,514,687
State Funds Budgeted	\$	—0—
Total Positions Budgeted		518

Budget Unit Object Classes:

Personal Services	\$	11,247,283
Regular Operating Expenses	\$	3,003,425
Travel	\$	4,000
Motor Vehicle Equipment		
Purchases	\$	18,140
Publications and Printing	\$	22,000
Equipment Purchases	\$	86,053
Computer Charges	\$	—0—
Real Estate Rentals	\$	44,052
Telecommunications	\$	59,000
Per Diem, Fees and Contracts	\$	87,500
Capital Outlay	\$	—0—
Authority Lease Rentals	\$	653,234
Utilities	\$	6,290,000
Facilities Renovations and Repairs	\$	—0—
Total Positions Budgeted		518
Authorized Motor Vehicles		39

The Authority is authorized to increase the amount budgeted for Facilities Renovations and Repairs by such amounts as are approved for other Agencies or Authorities of the State by the Office of Planning and Budget, and by such amounts as are received from other sources for renovations or repairs.

Section 14. Department of Agriculture.

A. Budget Unit: Department of Agriculture	\$	22,117,100
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1. Plant Industry Budget:

Personal Services	\$	3,421,000
Regular Operating Expenses	\$	312,910
Travel	\$	110,000

Motor Vehicle Equipment Purchases	\$	58,448
Publications and Printing	\$	26,000
Equipment Purchases	\$	43,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	2,553
Telecommunications	\$	43,234
Per Diem, Fees and Contracts	\$	800
Total Funds Budgeted	\$	4,017,945
State Funds Budgeted	\$	3,540,678
Total Positions Budgeted		168

2. Animal Industry Budget:

Personal Services	\$	1,251,000
Regular Operating Expenses	\$	128,170
Travel	\$	40,000
Motor Vehicle Equipment Purchases	\$	44,072
Publications and Printing	\$	9,000
Equipment Purchases	\$	400
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	51,227
Per Diem, Fees and Contracts	\$	75,000
Athens Veterinary Laboratory		
Contract	\$	451,492
Tifton Veterinary Laboratory		
Contract	\$	832,059
Poultry Veterinary Diagnostic		
Laboratories in Canton, Dalton,		
Douglas, Oakwood, Royston,		
Statesboro and Tifton	\$	987,850
Veterinary Fees	\$	525,000
Indemnities	\$	75,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	4,470,270
State Funds Budgeted	\$	4,115,414
Total Positions Budgeted		56

3. Marketing Budget:

Personal Services	\$	963,000
Regular Operating Expenses	\$	163,660
Travel	\$	46,000
Motor Vehicle Equipment Purchases	\$	7,365
Publications and Printing	\$	12,000
Equipment Purchases	\$	4,083
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	39,180
Per Diem, Fees and Contracts	\$	27,000
Advertising	\$	60,000
Major Repairs and Maintenance		
Projects at Minor Markets	\$	—0—
Total Funds Budgeted	\$	1,322,288

State Funds Budgeted	\$	1,317,288
Total Positions Budgeted		40

4. Major Markets Budget:

Personal Services	\$	1,823,000
Regular Operating Expenses	\$	788,797
Travel	\$	11,000
Motor Vehicle Equipment Purchases	\$	14,640
Publications and Printing	\$	6,000
Equipment Purchases	\$	9,900
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	41,463
Advertising	\$	35,000
Per Diem, Fees and Contracts	\$	20,200
Renovation, Construction, Repairs and Maintenance Projects at Major and Minor Markets.	\$	100,000
Total Funds Budgeted	\$	2,850,000
State Funds Budgeted	\$	50,000
Total Positions Budgeted		103

5. General Agricultural Field
Forces Budget:

Personal Services	\$	2,055,000
Regular Operating Expenses	\$	111,010
Travel	\$	171,200
Motor Vehicle Equipment Purchases	\$	70,532
Publications and Printing	\$	4,000
Equipment Purchases	\$	2,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	3,600
Telecommunications	\$	17,022
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	2,434,364
State Funds Budgeted	\$	2,434,364
Total Positions Budgeted		108

6. Internal Administration Budget:

Personal Services	\$	1,317,000
Regular Operating Expenses	\$	276,027
Travel	\$	25,000
Motor Vehicle Equipment Purchases	\$	29,224
Publications and Printing	\$	13,000
Equipment Purchases	\$	6,000
Computer Charges	\$	166,099
Real Estate Rentals	\$	579,593
Telecommunications	\$	33,588
Per Diem, Fees and Contracts	\$	1,000

Contract—Federation of Southern Cooperatives	\$	20,000
Payments to Georgia Agrirama Development Authority	\$	277,700
Total Funds Budgeted	\$	2,744,231
State Funds Budgeted	\$	2,664,013
Total Positions Budgeted		54

7 Information and Education Budget:

Personal Services	\$	152,000
Regular Operating Expenses	\$	14,300
Travel	\$	550
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	421,960
Equipment Purchases	\$	1,550
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	6,781
Per Diem, Fees and Contracts	\$	—0—
Market Bulletin Postage	\$	676,000
Total Funds Budgeted	\$	1,273,141
State Funds Budgeted	\$	1,273,141
Total Positions Budgeted		9

8. Fuel and Measures Standards
Budget:

Personal Services	\$	1,310,000
Regular Operating Expenses	\$	253,465
Travel	\$	85,100
Motor Vehicle Equipment Purchases	\$	32,194
Publications and Printing	\$	6,000
Equipment Purchases	\$	12,800
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	16,077
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	1,715,636
State Funds Budgeted	\$	1,711,636
Total Positions Budgeted		71

9. Consumer Services Budget:

Personal Services	\$	738,000
Regular Operating Expenses	\$	65,790
Travel	\$	13,000
Motor Vehicle Equipment Purchases	\$	51,555
Publications and Printing	\$	3,800
Equipment Purchases	\$	900
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	19,679
Per Diem, Fees and Contracts	\$	1,500

Total Funds Budgeted	\$	894,224
State Funds Budgeted	\$	894,224
Total Positions Budgeted		29

10. Consumer Protection Field
Forces Budget:

Personal Services	\$	3,180,000
Regular Operating Expenses	\$	129,790
Travel	\$	150,000
Motor Vehicle Equipment Purchases	\$	51,555
Publications and Printing	\$	7,000
Equipment Purchases	\$	12,520
Computer Charges	\$	—0—
Real Estate Rentals	\$	6,800
Telecommunications	\$	35,717
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	3,573,382
State Funds Budgeted	\$	2,880,350
Total Positions Budgeted		126

11. Meat Inspection Budget:

Personal Services	\$	2,665,000
Regular Operating Expenses	\$	78,936
Travel	\$	145,000
Motor Vehicle Equipment Purchases	\$	58,920
Publications and Printing	\$	2,000
Equipment Purchases	\$	942
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	20,212
Per Diem, Fees and Contracts	\$	118,970
Total Funds Budgeted	\$	3,089,980
State Funds Budgeted	\$	1,235,992
Total Positions Budgeted		122

12. Seed Technology and Development:

Personal Services	\$	185,681
Regular Operating Expenses	\$	3,700
Travel	\$	4,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	193,381
State Funds Budgeted	\$	—0—
Total Positions Budgeted		8

Budget Unit Object Classes:

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Personal Services	\$	19,060,681
Regular Operating Expenses	\$	2,326,555
Travel	\$	800,850
Motor Vehicle Equipment		
Purchases	\$	418,505
Publications and Printing	\$	510,760
Equipment Purchases	\$	94,095
Computer Charges	\$	166,099
Real Estate Rentals	\$	592,546
Telecommunications	\$	324,180
Per Diem, Fees and Contracts	\$	244,470
Market Bulletin Postage	\$	676,000
Fire Ant Bait (approved by Federal Government)	\$	—0—
Athens Veterinary Laboratory		
Contract	\$	451,492
Tifton Veterinary Laboratory		
Contract	\$	832,059
Poultry Veterinary Diagnostic Laboratories in Canton, Dalton, Douglas, Oakwood, Royston, Statesboro and Tifton	\$	987,850
Veterinary Fees	\$	525,000
Indemnities	\$	75,000
Advertising Contract	\$	95,000
Payments to Georgia Agrirama Development Authority for Operations	\$	277,700
Repairs and Maintenance		
Projects at Minor Markets	\$	—0—
Renovation, Construction, Repairs and Maintenance		
Projects at Major Markets	\$	100,000
Contract—Federation of Southern Cooperatives	\$	20,000
Capital Outlay	\$	—0—
Total Positions Budgeted		894
Authorized Motor Vehicles		259

Provided, that of the above appropriation relative to Regular Operating Expenses, \$45,000 is designated and committed for livestock shows relating to research and promoting and \$10,000 is designated and committed for poultry shows relating to research and promoting.

Provided, that of the above appropriation, the Department is authorized and directed to notify dairy farmers of milk-sample test results after each test.

Provided, that of the above appropriation relating to Repairs to Major and Minor Markets, no expenditure

shall be made without prior approval of the Georgia Building Authority (Markets).

It is the intent of this General Assembly that the Department of Agriculture shall not increase farmers market gate fees for Georgia farmers and that no new fees be imposed on Georgia farmers.

Provided however, of the above appropriated amount, \$25,000 is designated and committed for "on-farm" testing for brucellosis in cattle to be transported out of Georgia.

Provided, that the Athens and Tifton Veterinary Laboratories are authorized to charge reasonable testing fees only for export swine and cattle.

B. Budget Unit: Georgia Agrirama
Development Authority \$ —0—

Georgia Agrirama Development
Authority Budget:

Personal Services	\$	433,156
Regular Operating Expenses	\$	100,039
Travel	\$	6,850
Motor Vehicle Equipment Purchases	\$	9,265
Publications and Printing	\$	5,775
Equipment Purchases	\$	1,600
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,800
Per Diem, Fees and Contracts	\$	47,822
Capital Outlay	\$	—0—
Goods for Resale	\$	82,000
Total Funds Budgeted	\$	692,307
State Funds Budgeted	\$	—0—
Total Positions Budgeted		27

Budget Unit Object Classes:

Personal Services	\$	433,156
Regular Operating Expenses	\$	100,039
Travel	\$	6,850
Motor Vehicle Equipment Purchases	\$	9,265
Publications and Printing	\$	5,775
Equipment Purchases	\$	1,600
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,800
Per Diem, Fees and Contracts	\$	47,822
Capital Outlay	\$	—0—
Goods for Resale	\$	82,000
Total Positions Budgeted		27
Authorized Motor Vehicles		5

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Provided, the Authority is hereby authorized to budget additional agency income for the purpose of providing a retirement plan for its employees.

Section 15. Department of Banking
and Finance.

Budget Unit: Department of Banking
and Finance \$ 3,372,762

Administration and Examination Budget:

Personal Services	\$ 2,781,000
Regular Operating Expenses	\$ 154,147
Travel	\$ 252,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 19,550
Equipment Purchases	\$ 5,700
Computer Charges	\$ 300
Real Estate Rentals	\$ 127,800
Telecommunications	\$ 30,265
Per Diem, Fees and Contracts	\$ 2,000
Total Funds Budgeted	\$ 3,372,762
State Funds Budgeted	\$ 3,372,762
Total Positions Budgeted	102

Budget Unit Object Classes:

Personal Services	\$ 2,781,000
Regular Operating Expenses	\$ 154,147
Travel	\$ 252,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 19,550
Equipment Purchases	\$ 5,700
Computer Charges	\$ 300
Real Estate Rentals	\$ 127,800
Telecommunications	\$ 30,265
Per Diem, Fees and Contracts	\$ 2,000
Total Positions Budgeted	102
Authorized Motor Vehicles	21

Section 16. Department of Community
Affairs.

A. Budget Unit: Department of
Community Affairs \$ 4,413,420

1. Executive and Administrative Budget:

Personal Services	\$ 540,793
Regular Operating Expenses	\$ 38,100
Travel	\$ 10,000
Motor Vehicle Equipment Purchases	\$ —0—

Publications and Printing	\$	6,750
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	39,297
Telecommunications	\$	11,220
Per Diem, Fees and Contracts	\$	12,500
Capital Felony Expenses	\$	50,000
Multi-State Transportation Board	\$	—0—
Grants to Area Planning and Development Commissions	\$	1,282,500
Grants for Revitalization Projects	\$	50,000
Local Assistance Grants	\$	25,000
Total Funds Budgeted	\$	2,066,160
State Funds Budgeted	\$	2,015,109
Total Positions Budgeted		18

2. Technical Assistance Budget:

Personal Services	\$	687,550
Regular Operating Expenses	\$	24,775
Travel	\$	39,250
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	8,900
Equipment Purchases	\$	400
Computer Charges	\$	1,000
Real Estate Rentals	\$	52,396
Telecommunications	\$	20,650
Per Diem, Fees and Contracts	\$	23,925
Juvenile Justice Grants (Federal)	\$	1,000,000
Total Funds Budgeted	\$	1,858,846
State Funds Budgeted	\$	795,079
Total Positions Budgeted		24

3. Community and Economic
Development Budget:

Personal Services	\$	895,075
Regular Operating Expenses	\$	23,545
Travel	\$	52,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	10,000
Equipment Purchases	\$	350
Computer Charges	\$	—0—
Real Estate Rentals	\$	65,495
Telecommunications	\$	24,900
Per Diem, Fees and Contracts	\$	5,000
Appalachian Regional Commission Assessment	\$	89,777
Appalachian Regional Commission Matching Grants	\$	25,000
Economic Development Grants	\$	270,000

Appalachian Regional Commission	
Grants (Federal)	\$ 8,500,000
Community Development Block	
Grants (Federal)	\$ 42,000,000
Total Funds Budgeted	\$ 51,961,642
State Funds Budgeted	\$ 1,179,694
Total Positions Budgeted	29

4. Intergovernmental Assistance Budget:

Personal Services	\$ 461,775
Regular Operating Expenses	\$ 11,868
Travel	\$ 16,710
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 18,450
Equipment Purchases	\$ —0—
Computer Charges	\$ 5,600
Real Estate Rentals	\$ 30,565
Telecommunications	\$ 13,100
Per Diem, Fees and Contracts	\$ 3,180
Total Funds Budgeted	\$ 561,248
State Funds Budgeted	\$ 423,538
Total Positions Budgeted	14

Budget Unit Object Classes:

Personal Services	\$ 2,585,193
Regular Operating Expenses	\$ 98,288
Travel	\$ 118,460
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 44,100
Equipment Purchases	\$ 750
Computer Charges	\$ 6,600
Real Estate Rentals	\$ 187,753
Telecommunications	\$ 69,870
Per Diem, Fees and Contracts	\$ 44,605
Capital Felony Expenses	\$ 50,000
Grants to Area Planning and	
Development Commissions	\$ 1,350,000
Local Assistance Grants	\$ 25,000
Grants to Revitalization	
Projects	\$ 50,000
Appalachian Regional Commission	
Matching Grants	\$ 25,000
Economic Development Grants	\$ 270,000
Appalachian Regional Commission	
Assessment	\$ 89,777
Multi-State Transportation Board	\$ —0—
Appalachian Regional Commission	
Grants (Federal)	\$ 8,500,000
Community Development Block	
Grants (Federal)	\$ 42,000,000

Juvenile Justice		
Grants (Federal)	\$	1,000,000
Total Positions Budgeted		85
Authorized Motor Vehicles		4

B. Budget Unit: Georgia Residential Finance Authority	\$	—0—
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Georgia Residential Finance
Authority Budget:

Personal Services	\$	1,900,951
Regular Operating Expenses	\$	219,738
Travel	\$	76,836
Motor Vehicle Equipment		
Purchases	\$	47,000
Publications and Printing	\$	46,441
Equipment Purchases	\$	108,610
Computer Charges	\$	14,600
Real Estate Rentals	\$	138,486
Telecommunications	\$	280,078
Per Diem, Fees and Contracts	\$	66,599
Rental Assistance Payments	\$	11,000,000
Grants to Housing Sponsors	\$	500,000
Total Funds Budgeted	\$	14,399,339
State Funds Budgeted	\$	—0—
Total Positions Budgeted		78
Authorized Motor Vehicles		29

Budget Unit Object Classes:

Personal Services	\$	1,900,951
Regular Operating Expenses	\$	219,738
Travel	\$	76,836
Motor Vehicle Equipment		
Purchases	\$	47,000
Publications and Printing	\$	46,441
Equipment Purchases	\$	108,610
Computer Charges	\$	14,600
Real Estate Rentals	\$	138,486
Telecommunications	\$	280,078
Per Diem, Fees and Contracts	\$	66,599
Rental Assistance Payments	\$	11,000,000
Grants to Housing Sponsors	\$	500,000
Total Positions Budgeted		78
Authorized Motor Vehicles		29

Section 17. Office of Comptroller
General.

Budget Unit: Office of Comptroller General	\$	5,965,686
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1. Internal Administration Budget:

Personal Services	\$	527,805
Regular Operating Expenses	\$	98,537
Travel	\$	6,109
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	7,000
Equipment Purchases	\$	—0—
Computer Charges	\$	108,304
Real Estate Rentals	\$	114,189
Telecommunications	\$	21,893
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	883,837
State Funds Budgeted	\$	871,837
Total Positions Budgeted		20

2. Insurance Regulation Budget:

Personal Services	\$	1,023,255
Regular Operating Expenses	\$	67,891
Travel	\$	5,683
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	95,000
Equipment Purchases	\$	1,000
Computer Charges	\$	44,768
Real Estate Rentals	\$	144,925
Telecommunications	\$	24,909
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	1,407,431
State Funds Budgeted	\$	1,321,437
Total Positions Budgeted		46

3. Industrial Loans Regulation Budget:

Personal Services	\$	370,104
Regular Operating Expenses	\$	20,572
Travel	\$	14,810
Motor Vehicle Equipment Purchases	\$	24,000
Publications and Printing	\$	5,000
Equipment Purchases	\$	1,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	19,871
Telecommunications	\$	7,000
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	462,357
State Funds Budgeted	\$	462,357
Total Positions Budgeted		13

4. Information and Enforcement Budget:

Personal Services	\$	995,184
Regular Operating Expenses	\$	40,000
Travel	\$	19,778

Motor Vehicle Equipment Purchases	\$	16,000
Publications and Printing	\$	4,366
Equipment Purchases	\$	1,200
Computer Charges	\$	—0—
Real Estate Rentals	\$	119,288
Telecommunications	\$	32,826
Per Diem, Fees and Contracts	\$	500
Total Funds Budgeted	\$	1,229,142
State Funds Budgeted	\$	1,229,142
Total Positions Budgeted		43

5. Fire Safety and Mobile Home
Regulation Budget:

Personal Services	\$	2,063,240
Regular Operating Expenses	\$	113,000
Travel	\$	126,150
Motor Vehicle Equipment Purchases	\$	32,000
Publications and Printing	\$	14,000
Equipment Purchases	\$	2,172
Computer Charges	\$	—0—
Real Estate Rentals	\$	71,052
Telecommunications	\$	20,299
Per Diem, Fees and Contracts	\$	14,000
Total Funds Budgeted	\$	2,455,913
State Funds Budgeted	\$	2,080,913
Total Positions Budgeted		101

Budget Unit Object Classes:

Personal Services	\$	4,979,588
Regular Operating Expenses	\$	340,000
Travel	\$	172,530
Motor Vehicle Equipment Purchases	\$	72,000
Publications and Printing	\$	125,366
Equipment Purchases	\$	5,372
Computer Charges	\$	153,072
Real Estate Rentals	\$	469,325
Telecommunications	\$	106,927
Per Diem, Fees and Contracts	\$	14,500
Total Positions Budgeted		223
Authorized Motor Vehicles		57

Section 18. Department of Defense.

Budget Unit: Department of Defense \$ 2,979,826

1. Office of the Adjutant General
Budget:

Personal Services	\$	645,816
Regular Operating Expenses	\$	45,986
Travel	\$	2,580
Motor Vehicle Equipment Purchases	\$	—0—

Publications and Printing	\$	3,500
Equipment Purchases	\$	400
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	2,065
Per Diem, Fees and Contracts	\$	10,000
Military Assistance to Safety and Traffic Grant	\$	—0—
Total Funds Budgeted	\$	710,347
State Funds Budgeted	\$	634,673
Total Positions Budgeted		21

2. Georgia Emergency Management
Agency Budget:

Personal Services .	\$	904,074
Regular Operating Expenses	\$	113,949
Travel	\$	30,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,900
Equipment Purchases	\$	1,095
Computer Charges	\$	—0—
Real Estate Rentals	\$	5,960
Telecommunications	\$	40,150
Per Diem, Fees and Contracts	\$	62,040
Utilities .	\$	22,900
Civil Air Patrol Contract	\$	40,000
Local Civil Defense Grants — Project Application	\$	40,000
Local Civil Defense Grants—Training	\$	—0—
Total Funds Budgeted	\$	1,281,068
State Funds Budgeted	\$	488,591
Total Positions Budgeted		36

3. Georgia Air National Guard
Budget:

Personal Services	\$	1,171,071
Regular Operating Expenses	\$	299,130
Travel	\$	300
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,350
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications .	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Utilities .	\$	678,669
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	2,150,520
State Funds Budgeted	\$	293,071
Total Positions Budgeted		56

4. Georgia Army National Guard

Budget:

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Personal Services	\$	1,616,523
Regular Operating Expenses	\$	609,315
Travel	\$	3,250
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	16,300
Equipment Purchases	\$	17,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	26,000
Per Diem, Fees and Contracts	\$	11,500
Utilities	\$	567,700
Capital Outlay	\$	991,716
Georgia Military Institute Grant	\$	18,000
Grants to National Guard Units.	\$	411,000
Repairs and Renovations	\$	75,000
Total Funds Budgeted	\$	4,363,304
State Funds Budgeted	\$	1,563,491
Total Positions Budgeted		83

Budget Unit Object Classes:

Personal Services	\$	4,337,484
Regular Operating Expenses	\$	1,068,380
Travel	\$	36,130
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	42,050
Equipment Purchases	\$	18,495
Computer Charges	\$	—0—
Real Estate Rentals	\$	5,960
Telecommunications	\$	68,215
Per Diem, Fees and Contracts	\$	83,540
Utilities.	\$	1,269,269
Military Assistance to		
Safety and Traffic Grant	\$	—0—
National Guard Units Grants	\$	411,000
Georgia Military Institute Grant	\$	18,000
Civil Air Patrol Contract .	\$	40,000
Capital Outlay	\$	991,716
Local Civil Defense Grants —		
Project Application	\$	40,000
Local Civil Defense		
Grants—Training	\$	—0—
Repairs and Renovations	\$	75,000
Total Positions Budgeted		196
Authorized Motor Vehicles		20

Section 19. State Board of Education —
Department of Education.

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A. Budget Unit: Department of Education \$1,407,667,253

1. Instructional Services Budget:

Personal Services	\$	4,233,625
Regular Operating Expenses	\$	789,125
Travel	\$	252,670
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	193,885
Equipment Purchases	\$	10,000
Real Estate Rentals	\$	354,680
Telecommunications	\$	114,140
Per Diem, Fees and Contracts	\$	51,000
Utilities	\$	3,575
Total Funds Budgeted	\$	6,002,700
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	3,641,185
Total Positions Budgeted		163

2. Governor's Honors Program Budget:

Personal Services	\$	284,660
Regular Operating Expenses	\$	24,350
Travel	\$	3,395
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,600
Equipment Purchases	\$	3,625
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,570
Per Diem, Fees and Contracts	\$	454,020
Total Funds Budgeted	\$	777,220
State Funds Budgeted	\$	777,220
Total Positions Budgeted		2

3. Vocational Education Budget:

Personal Services	\$	2,853,395
Regular Operating Expenses	\$	264,465
Travel	\$	204,775
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	63,240
Equipment Purchases	\$	12,640
Real Estate Rentals	\$	302,845
Telecommunications	\$	92,980
Per Diem, Fees and Contracts	\$	1,514,775
Utilities	\$	14,275
Total Funds Budgeted	\$	5,323,390
State Funds Budgeted	\$	2,130,780
Total Positions Budgeted		101

4. Public Library Services Budget:

Personal Services	\$	817,490
Regular Operating Expenses	\$	179,655

Travel	\$	13,800
Publications and Printing	\$	10,180
Equipment Purchases	\$	—0—
Real Estate Rentals	\$	124,000
Telecommunications	\$	37,320
Per Diem, Fees and Contracts	\$	90,500
Utilities	\$	14,510
Total Funds Budgeted	\$	1,287,455
State Funds Budgeted	\$	724,095
Total Positions Budgeted		41

5. State Administration Budget:

Personal Services	\$	971,595
Regular Operating Expenses	\$	296,895
Travel	\$	37,500
Motor Vehicle Equipment Purchases	\$	9,000
Publications and Printing	\$	11,620
Equipment Purchases	\$	7,800
Real Estate Rentals	\$	206,120
Telecommunications	\$	26,720
Per Diem, Fees and Contracts	\$	178,950
Total Funds Budgeted	\$	1,746,200
State Funds Budgeted	\$	1,376,795
Total Positions Budgeted		31

6. Administrative Services Budget:

Personal Services	\$	4,627,785
Regular Operating Expenses	\$	214,300
Travel	\$	217,965
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	186,985
Equipment Purchases	\$	2,700
Computer Charges	\$	685,965
Real Estate Rentals	\$	636,825
Telecommunications	\$	102,600
Per Diem, Fees and Contracts	\$	643,950
Utilities	\$	6,895
Total Funds Budgeted	\$	7,325,970
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	4,933,930
Total Positions Budgeted		186

7. Certification of Public
School Personnel Budget:

Personal Services	\$	582,095
Regular Operating Expenses	\$	31,350
Travel	\$	1,390
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,650
Equipment Purchases	\$	1,825
Computer Charges	\$	—0—

Real Estate Rentals	\$	—0—
Telecommunications	\$	17,525
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	638,835
State Funds Budgeted	\$	616,210
Total Positions Budgeted		31

8. Planning and Development Budget:

Personal Services	\$	2,007,620
Regular Operating Expenses	\$	82,160
Travel	\$	80,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	74,550
Equipment Purchases	\$	6,050
Real Estate Rentals	\$	333,345
Telecommunications	\$	52,975
Per Diem, Fees and Contracts	\$	1,315,010
Total Funds Budgeted	\$	3,951,710
State Funds Budgeted	\$	3,339,730
Total Positions Budgeted		65

9. Professional Standards
Commission Budget:

Personal Services	\$	60,635
Regular Operating Expenses	\$	7,560
Travel	\$	2,000
Publications and Printing	\$	6,000
Equipment Purchases	\$	—0—
Real Estate Rentals	\$	5,900
Telecommunications	\$	3,500
Per Diem, Fees and Contracts	\$	40,000
Total Funds Budgeted	\$	125,595
State Funds Budgeted	\$	125,595
Total Positions Budgeted		2

10. Vocational Advisory
Council Budget:

Personal Services	\$	66,535
Regular Operating Expenses	\$	11,710
Travel	\$	4,825
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	8,500
Equipment Purchases	\$	3,400
Computer Charges	\$	—0—
Real Estate Rentals	\$	8,000
Telecommunications	\$	3,585
Per Diem, Fees and Contracts	\$	20,000
Total Funds Budgeted	\$	126,555
State Funds Budgeted	\$	—0—
Total Positions Budgeted		2

11. Professional Practices
Commission Budget:

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Personal Services	\$ 240,615
Regular Operating Expenses	\$ 9,810
Travel	\$ 12,640
Motor Vehicle Equipment Purchases	\$ 9,200
Publications and Printing	\$ 700
Equipment Purchases	\$ 10,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ 25,140
Telecommunications	\$ 5,930
Per Diem, Fees and Contracts	\$ 55,000
Total Funds Budgeted	\$ 369,035
State Funds Budgeted	\$ 369,035
Total Positions Budgeted	7

12. Local Programs Budget:

APEG Grants:

Salaries of Instructional Personnel Code Section 20-2-157(a)	\$ 621,777,420
Salaries of Instructional Personnel Code Section 20-2-152	\$ 108,657,882
Salaries of Instructional Personnel Code Section 20-2-153	\$ 26,893,935
Salaries of Student Supportive Personnel	\$ 26,559,567
Salaries of Administrative and Supervisory Personnel	\$ 72,298,915
Special Education Leadership Personnel	\$ 3,436,085
Instructional Media	\$ 21,331,800
Instructional Equipment	\$ 740,141
Maintenance and Operation	\$ 99,548,400
Sick and Personal Leave	\$ 5,925,500
Travel	\$ 1,085,541
Pupil Transportation	\$ 91,979,072
Isolated Schools	\$ 558,502
Total Funds Budgeted	\$1,080,792,760
Less RLE Funds Budgeted	\$ (78,550,000)
State Funds Budgeted	\$1,002,242,760

Non-APEG Grants:

Education of Children of Low-Income Families	\$ 75,364,111
Teacher Retirement	\$ 108,577,134
Instructional Services for the Handicapped	\$ 22,688,126

Preparation of Professional Personnel in Education of Handicapped Children	\$ 43,775
Tuition for the Multi- handicapped	\$ 1,172,000
Severely Emotionally Disturbed	\$ 16,024,487
Compensatory Education	\$ 16,526,420
School Lunch (Federal)	\$ 78,851,316
School Lunch (State)	\$ 16,769,483
Staff Development	\$ 739,750
Supervision and Assessment of Students and Beginning Teachers and Performance Based Certification	\$ 3,559,235
Special Project Grants	\$ —0—
Cooperative Educational Service Agencies	\$ 3,869,339
Superintendents' Salaries	\$ 4,949,007
High School Program	\$ 28,556,976
Area Vocational-Technical Schools	\$ 54,964,546
Junior College Vocational Program	\$ 1,729,709
Quick Start Program	\$ 2,800,000
Comprehensive Employment and Training	\$ 2,290,000
Vocational Research and Curriculum	\$ 491,539
Adult Education	\$ 3,170,411
Salaries and Travel of Public Librarians	\$ 4,381,670
Public Library Materials	\$ 3,575,228
Talking Book Centers	\$ 684,527
Public Library Maintenance and Operation	\$ 2,714,607
Public Library Construction	\$ 441,995
Instructional Aides	\$ 9,758,903
Teacher Health Insurance	\$ 34,155,435
Capital Outlay	\$ —0—
Grants to Local School Systems for Educational Purposes	\$ 78,000,000
Salaries of Extended Pre-School Personnel	\$ 10,478,648
Chapter II—Block Grant Flow Through	\$ 8,702,655
Child Care Lunch Program	\$ 1,000,000
Total Funds Budgeted	\$1,599,273,792
State Funds Budgeted	\$1,389,632,678
Total Positions Budgeted	0

Budget Unit Object Classes:

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Personal Services	\$ 16,746,050
Regular Operating Expenses	\$ 1,911,380
Travel	\$ 830,960
Motor Vehicle Equipment	
Purchases	\$ 18,200
Publications and Printing	\$ 561,910
Equipment Purchases	\$ 58,040
Computer Charges	\$ 685,965
Real Estate Rentals	\$ 1,996,855
Telecommunications	\$ 462,845
Per Diem, Fees and Contracts	\$ 4,363,205
Utilities	\$ 39,255

APEG Grants:

Salaries of Instructional Personnel Code Section 20-2-157(a)	\$ 621,777,420
Salaries of Instructional Personnel Code Section 20-2-152	\$ 108,657,882
Salaries of Instructional Personnel Code Section 20-2-153	\$ 26,893,935
Salaries of Student Supportive Personnel	\$ 26,559,567
Salaries of Administrative and Supervisory Personnel	\$ 72,298,915
Special Education Leadership Personnel	\$ 3,436,085
Instructional Media	\$ 21,331,800
Instructional Equipment	\$ 740,141
Maintenance and Operation	\$ 99,548,400
Sick and Personal Leave	\$ 5,925,500
Travel	\$ 1,085,541
Pupil Transportation— Regular	\$ 91,979,072
Isolated Schools	\$ 558,502
Total Funds Budgeted	\$1,080,792,760
Less RLE Funds	\$ (78,550,000)
State Funds Budgeted	\$1,002,242,760

Non-APEG Grants:

Education of Children of Low-Income Families	\$ 75,364,111
Teacher Retirement	\$ 108,577,134
Instructional Services for the Handicapped	\$ 22,688,126

Preparation of Professional Personnel in Education of Handicapped Children	\$ 43,775
Tuition for the Multi-handicapped	\$ 1,172,000
Severely Emotionally Disturbed	\$ 16,024,487
Compensatory Education	\$ 16,526,420
School Lunch (Fed.)	\$ 78,851,316
School Lunch (State)	\$ 16,769,483
Staff Development	\$ 739,750
Supervision and Assessment of Students and Beginning Teachers and Performance Based Certification	\$ 3,559,235
Cooperative Educational Service Areas	\$ 3,869,339
Superintendents Salaries	\$ 4,949,007
High School Program	\$ 28,556,976
Area School Program	\$ 54,964,546
Junior College Program	\$ 1,729,709
Quick Start	\$ 2,800,000
Special Projects	\$ —0—
Comprehensive Employment and Training	\$ 2,290,000
Vocational Research and Curriculum	\$ 491,539
Adult Education	\$ 3,170,411
Salaries and Travel of Public Librarians	\$ 4,381,670
Public Library Materials	\$ 3,575,228
Talking Book Centers	\$ 684,527
Public Library M & O	\$ 2,714,607
Public Library Construction	\$ 441,995
Instructional Aides	\$ 9,758,903
Teacher Health Insurance	\$ 34,155,435
Capital Outlay	\$ —0—
Grants to Local School Systems for Educational Purposes	\$ 78,000,000
Indo-Chinese Refugee Salaries of Extended Pre-School Personnel	\$ 10,478,648
Child Care Lunch Program (Federal)	\$ 1,000,000
Chapter II—Block Grant Flow Through	\$ 8,702,655
Total Positions Budgeted	631
Authorized Motor Vehicles	6

B. Budget Unit: Institutions \$ 15,221,215

1. Georgia Academy for the Blind
Budget:

Personal Services	\$ 2,531,380
Regular Operating Expenses	\$ 227,085
Travel	\$ 2,800
Motor Vehicle Equipment Purchases	\$ 8,000
Publications and Printing	\$ 2,845
Equipment Purchases	\$ 16,860
Telecommunications	\$ 15,595
Per Diem, Fees and Contracts	\$ 7,700
Utilities	\$ 186,150
Capital Outlay	\$ 10,000
Total Funds Budgeted	\$ 3,008,415
State Funds Budgeted	\$ 2,732,190
Total Positions Budgeted	149

2. Georgia School for the Deaf
Budget:

Personal Services	\$ 4,474,575
Regular Operating Expenses	\$ 561,800
Travel	\$ 9,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 12,220
Telecommunications	\$ 17,650
Per Diem, Fees and Contracts	\$ 12,650
Utilities	\$ 408,460
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 5,496,355
State Funds Budgeted	\$ 5,154,545
Total Positions Budgeted	249

3. Atlanta Area School for the Deaf
Budget:

Personal Services	\$ 1,900,340
Regular Operating Expenses	\$ 206,275
Travel	\$ 7,500
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 1,500
Equipment Purchases	\$ 15,800
Telecommunications	\$ 27,365
Per Diem, Fees and Contracts	\$ 81,865
Utilities	\$ 126,410
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 2,367,055
State Funds Budgeted	\$ 2,151,100
Total Positions Budgeted	93

4. North Georgia Vocational-Technical
School Budget:

Personal Services	\$ 2,464,160
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Regular Operating Expenses	\$	679,030
Travel	\$	10,000
Motor Vehicle Equipment Purchases	\$	30,600
Publications and Printing	\$	4,000
Equipment Purchases	\$	95,440
Telecommunications	\$	17,375
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	340,080
Capital Outlay	\$	105,000
Total Funds Budgeted	\$	3,745,685
State Funds Budgeted	\$	2,778,315
Total Positions Budgeted		104

5. South Georgia Vocational-Technical
School Budget:

Personal Services	\$	1,957,155
Regular Operating Expenses	\$	516,850
Travel	\$	14,475
Motor Vehicle Equipment Purchases	\$	20,000
Publications and Printing	\$	2,500
Equipment Purchases	\$	108,395
Telecommunications	\$	26,950
Per Diem, Fees and Contracts	\$	11,750
Utilities	\$	322,140
Capital Outlay	\$	15,000
Total Funds Budgeted	\$	2,995,215
State Funds Budgeted	\$	2,405,065
Total Positions Budgeted		90

Budget Unit Object Classes:

Personal Services	\$	13,327,610
Regular Operating Expenses	\$	2,191,040
Travel	\$	43,775
Motor Vehicle Equipment Purchases	\$	58,600
Publications and Printing	\$	10,845
Equipment Purchases	\$	248,715
Telecommunications	\$	104,935
Per Diem, Fees and Contracts	\$	113,965
Utilities	\$	1,383,240
Capital Outlay	\$	130,000
Total Positions Budgeted		685
Authorized Motor Vehicles		80

Provided, that none of the State funds appropriated above may be expended to initiate or commence any new program or project which would create a continuing obligation of the current funds of the State, unless such program or project has been authorized by the General Assembly.

Provided, that where teaching personnel are paid in whole or in part from funds other than State-local funds, the fund source from which such salary is paid shall bear the pro rata part of the cost of employer contributions to the Teachers' Retirement System and Teachers' Health Insurance applicable to such salary.

Provided, further, that for kindergarten programs, each system shall be allotted instructional units on the basis of one teacher and one aide for each 40 students or major fraction thereof in average daily attendance, except in the case of mentally, physically or emotionally handicapped children, the ratio shall be one teacher and one aide for 24 students or major fraction thereof in average daily membership.

Provided, that of the above appropriation relative to Kindergarten Transportation, funds shall initially be allotted to local school systems on the basis of projected miles for mid-day transportation. However, allotments shall not exceed actual cost of midday transportation by the local system.

Provided, however, in order to permit extension of the half-day kindergarten program to a full-day program, local systems may elect to use mid-day transportation allotments to employ aides or certificated instructional personnel on a reimbursable basis to the extent that the \$12,202 per unit will allow. Where the transportation allotment is used to employ additional personnel, reimbursable costs shall include salary, retirement, and health insurance where eligible.

Provided, that of any State Funds appropriated to local systems for classroom teacher salaries on the basis of Average Daily Attendance in grades 1 through 7, such teachers shall be used in the school where earned and shall be used only for the purpose of funding regular (general education) classroom teachers in grades where earned.

Provided further that for the purpose of mid-term adjustment in grades 1 through 7 additional units shall be the difference between the total earned and total allotted in those grades.

Provided, that of the above appropriation, relative to special education \$30,000 is designated and committed for payment to the Houston County Board of Education for payment to Houston County Speech and Hearing School, and \$30,000 is designated and committed for payment to the Houston County Board of Education for payment to Houston County Happy Hour School.

Provided, further, funds appropriated for Mainte-

nance and Operation, Sick and Personal Leave and Instructional Media, for all Special Education Teachers, payments shall not be made until the allotted teaching unit prior to such unit being filled.

Furthermore, the Code Section 20-2-152 teaching units so allocated to an eligible local unit shall remain a part of that local unit's allotment until the end of the current school year in which allocated.

Provided, that of the above appropriation for APEG Grants, it is the intent of this General Assembly that funds are included for allotment of instructional units under Section 10 for grades 1-2, at a ratio of 1:20 students in average daily attendance.

Provided, that local school systems, in accordance with State Board policy, may use additional instructional units earned in grades 1-2 to employ either certificated or licensed instructional personnel in those grades. Funding for licensed instructional personnel shall include salaries as provided for in APEG Code Section 20-2-157(b)(2) and Code Section 20-2-160.

Provided, that of the above appropriation for \$739,750 for Staff Development, \$73,975 is designated and committed to fund a State level staff development program specifically for Special Education Teachers Code Section 20-2-152 utilized in programs for intellectually gifted students, and to assist in the development of a State program plan for gifted students by the State Superintendent of Schools.

Provided, that of the above appropriations relative to APEG Code Sections 20-2-152, 20-2-153, 20-2-157, 20-2-181, and 20-2-181(d)(2) for salaries, funds may be moved between said Sections by an amendment to the annual operating budget during the final month of the State fiscal year with the prior approval of the Office of Planning and Budget.

Provided, that of the above appropriation relative to Compensatory Education, \$16,526,420 is designated and committed for a compensatory education program for students in grades three through eleven and shall be used for remedial purposes only. The local system's Compensatory Education Plan shall provide for a program of remediating those students who have failed, or are at risk of failing, the fourth and eighth grade Georgia Criterion Referenced Tests and the tenth grade Georgia Basic Skills Test. Provided, however, where a local system's Compensatory Education Plan justifies the need, the State Board of Education may approve the usage of these funds for remedial purposes in grades one and two.

Funds shall be distributed on the basis of the number of students in grades four, eight, and ten failing to achieve the minimum standard score on the statewide reading and mathematics test administered to all students enrolled at these grade levels.

Provided, that the funds appropriated herein for local school construction shall be used to complete the funding of those projects for which S.F.Y 1984 entitlements were sufficient to cover eligible projects Code Section 20-2-250, based on a total state entitlement of \$100 million for S.F.Y 1984.

Provided, that of the funds appropriated for the High School Program, Comprehensive High Schools or Vocational Schools may use funds for the purpose of repairing existing equipment in lieu of purchasing new equipment without prior approval of the Department of Education.

Section 20. Employees' Retirement System.

Budget Unit: Employees' Retirement System	\$	8,342,714
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Employees' Retirement System Budget:

Personal Services	\$	582,335
Regular Operating Expenses	\$	14,139
Travel	\$	8,400
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,000
Equipment Purchases	\$	2,000
Computer Charges	\$	126,082
Real Estate Rentals	\$	74,046
Telecommunications	\$	11,633
Per Diem, Fees and Contracts	\$	432,400
Postage	\$	48,000
Employer Contribution	\$	8,342,714
Total Funds Budgeted	\$	9,661,749
State Funds Budgeted	\$	8,342,714
Total Positions Budgeted		28

Budget Unit Object Classes:

Personal Services	\$	582,335
Regular Operating Expenses	\$	14,139
Travel	\$	8,400
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,000
Equipment Purchases	\$	2,000
Computer Charges	\$	126,082
Real Estate Rentals	\$	74,046
Telecommunications	\$	11,633

Per Diem, Fees and Contracts	\$ 432,400
Postage	\$ 48,000
Employer Contribution	\$ 8,342,714
Total Positions Budgeted	28
Authorized Motor Vehicles	1

Section 21. Forestry Commission.

Budget Unit: Forestry Commission.	\$ 22,751,727
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1. Reforestation Budget:

Personal Services	\$ 942,195
Regular Operating Expenses	\$ 901,155
Travel	\$ 5,030
Motor Vehicle Equipment Purchases	\$ 22,445
Publications and Printing	\$ 2,325
Equipment Purchases	\$ 16,845
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 8,870
Per Diem, Fees and Contracts	\$ 12,810
Total Funds Budgeted	\$ 1,911,675
State Funds Budgeted	\$ 526,835
Total Positions Budgeted	34

2. Field Services Budget:

Personal Services	\$ 15,789,000
Regular Operating Expenses	\$ 3,772,305
Travel	\$ 87,400
Motor Vehicle Equipment Purchases	\$ 924,435
Publications and Printing	\$ 23,300
Equipment Purchases	\$ 1,449,795
Computer Charges	\$ —0—
Real Estate Rentals	\$ 18,212
Telecommunications	\$ 495,000
Per Diem, Fees and Contracts	\$ 28,070
Ware County Grant	\$ 60,000
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 22,647,517
State Funds Budgeted	\$ 20,582,517
Total Positions Budgeted	794

3. General Administration and Support Budget:

Personal Services	\$ 683,700
Regular Operating Expenses	\$ 96,520
Travel	\$ 14,500
Motor Vehicle Equipment Purchases	\$ 6,530
Publications and Printing	\$ 43,500
Equipment Purchases	\$ 2,350

Computer Charges	\$	131,875
Real Estate Rentals	\$	—0—
Telecommunications	\$	20,000
Per Diem, Fees and Contracts	\$	3,800
Contractual Research	\$	200,000
Payments to the University of Georgia, School of Forestry for Forest Research	\$	300,000
Total Funds Budgeted	\$	1,502,775
State Funds Budgeted	\$	1,502,375
Total Positions Budgeted		25

4. Wood Energy Budget:

Wood Energy Program	\$	140,000
Total Funds Budgeted	\$	140,000
State Funds Budgeted	\$	140,000
Total Positions Budgeted		4

Budget Unit Object Classes:

Personal Services	\$	17,414,895
Regular Operating Expenses	\$	4,769,980
Travel	\$	106,930
Motor Vehicle Equipment		
Purchases	\$	953,410
Publications and Printing	\$	69,125
Equipment Purchases	\$	1,468,990
Computer Charges	\$	131,875
Real Estate Rentals	\$	18,212
Telecommunications	\$	523,870
Per Diem, Fees and Contracts	\$	44,680
Contractual Research	\$	200,000
Payments to the University of Georgia, School of Forestry for Forest Research	\$	300,000
Ware County Grant	\$	60,000
Wood Energy Program	\$	140,000
Capital Outlay	\$	—0—
Total Positions Budgeted		857
Authorized Motor Vehicles		751

It is the intent of this General Assembly that the Forestry Commission have authority to control the application of the Contractual Research funds in the above appropriation and to contract with Southern Forest World, Inc.

Section 22. Georgia Bureau of Investigation.

Budget Unit: Georgia Bureau of Investigation	\$	19,413,515
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1. General Administration Budget:

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Personal Services	\$	550,600
Regular Operating Expenses	\$	97,450
Travel	\$	6,500
Motor Vehicle Equipment Purchases	\$	8,600
Publications and Printing	\$	4,000
Equipment Purchases	\$	1,650
Computer Charges	\$	6,630
Real Estate Rentals	\$	31,000
Telecommunications	\$	22,440
Per Diem, Fees and Contracts	\$	3,200
Postage	\$	5,500
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	737,570
State Funds Budgeted	\$	737,570
Total Positions Budgeted		21

2. Investigative Division Budget:

Personal Services	\$	6,280,296
Regular Operating Expenses	\$	860,124
Travel	\$	91,300
Motor Vehicle Equipment Purchases	\$	457,400
Publications and Printing	\$	21,500
Equipment Purchases	\$	236,540
Computer Charges	\$	—0—
Real Estate Rentals	\$	120,310
Telecommunications	\$	174,472
Per Diem, Fees and Contracts	\$	2,600
Evidence Purchased	\$	112,000
Postage	\$	5,400
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	8,361,942
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	8,361,942
Total Positions Budgeted		203

3. Drug Enforcement Unit Budget:

Personal Services	\$	1,297,697
Regular Operating Expenses	\$	228,200
Travel	\$	332,700
Motor Vehicle Equipment Purchases	\$	192,550
Publications and Printing	\$	1,500
Equipment Purchases	\$	302,935
Computer Charges	\$	—0—
Real Estate Rentals	\$	14,500
Telecommunications	\$	67,428
Per Diem, Fees and Contacts	\$	400
Postage	\$	1,320
Evidence Purchased	\$	188,000
Total Funds Budgeted	\$	2,627,230

State Funds Budgeted	\$	2,627,230
Total Positions Budgeted		59

4. Forensic Sciences Division Budget:

Personal Services	\$	2,504,830
Regular Operating Expenses	\$	415,206
Travel	\$	25,000
Motor Vehicle Equipment Purchases	\$	42,500
Publications and Printing	\$	5,600
Equipment Purchases	\$	41,350
Computer Charges	\$	56,311
Real Estate Rentals	\$	14,840
Telecommunications	\$	81,200
Per Diem, Fees and Contracts	\$	500
Postage	\$	19,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	3,206,337
State Funds Budgeted	\$	3,206,337
Total Positions Budgeted		89

5. Georgia Crime Information Center Budget:

Personal Services	\$	1,896,369
Regular Operating Expenses	\$	107,598
Travel	\$	11,000
Motor Vehicle Equipment Purchases	\$	16,000
Publications and Printing	\$	50,000
Equipment Purchases	\$	7,325
Computer Charges	\$	1,896,944
Real Estate Rentals	\$	4,000
Telecommunications	\$	471,200
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	20,000
Total Funds Budgeted	\$	4,480,436
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	4,480,436
Total Positions Budgeted		97

Budget Unit Object Classes:

Personal Services	\$	12,529,792
Regular Operating Expenses	\$	1,708,578
Travel	\$	466,500
Motor Vehicle Equipment Purchases	\$	717,050
Publications and Printing	\$	82,600
Equipment Purchases	\$	589,800
Computer Charges	\$	1,959,885
Real Estate Rentals	\$	184,650
Telecommunications	\$	816,740
Per Diem, Fees and Contracts	\$	6,700
Evidence Purchased	\$	300,000

Postage	\$	51,220
Capital Outlay	\$	—0—
Total Positions Budgeted		469
Authorized Motor Vehicles		289

Provided, the Department is authorized to use \$3,700,000 in existing bond proceeds for permanent and moveable furnishings, landscaping, signing, scientific equipment and laboratory equipment.

**Section 23. Georgia State Financing
and Investment Commission.**

**Budget Unit: Georgia State
Financing and
Investment Commission**

\$ —0—

Departmental Operations Budget:

Personal Services	\$	830,000
Regular Operating Expenses	\$	40,200
Travel	\$	8,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,000
Equipment Purchases	\$	4,000
Computer Charges	\$	17,431
Real Estate Rentals	\$	80,617
Telecommunications	\$	13,248
Per Diem, Fees and Contracts	\$	122,000
Total Funds Budgeted	\$	1,116,496
Total Expenditures Authorized	\$	1,116,496
State Funds Budgeted	\$	—0—
Total Positions Budgeted		25

Budget Unit Object Classes:

Personal Services	\$	830,000
Regular Operating Expenses	\$	40,200
Travel	\$	8,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,000
Equipment Purchases	\$	4,000
Computer Charges	\$	17,431
Real Estate Rentals	\$	80,617
Telecommunications	\$	13,248
Per Diem, Fees and Contracts	\$	122,000
Total Positions Budgeted		25
Authorized Motor Vehicles		0

Section 24. Office of the Governor.

A. Budget Unit: Governor's Office	\$	4,410,130
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1. Governor's Office Budget:

Cost of Operations	\$	1,853,000
Mansion Allowance	\$	40,000
Governor's Emergency Fund	\$	2,000,000
Intern Stipends and Travel	\$	118,500
Total Funds Budgeted	\$	4,011,500
State Funds Budgeted	\$	4,011,500

There is hereby appropriated a General Emergency Fund for meeting expenses deemed emergencies by the Governor and to be expended by the Governor at his discretion in any emergency that he may determine requires expenditure of any part of said fund. Expenditures from this fund shall be made in accordance with other provisions of State law and the Constitution.

Provided, however, that the listed appropriation shall be increased by the amount incurred in ordering the organized militia into active service of the State in case of invasion, disaster, insurrection, riot, breach of the peace, or combination to oppose the enforcement of the law by force or violence, or imminent danger thereof or other grave emergency when available funds are not sufficient for such purposes.

2. Office of Fair Employment Practices
Budget:

Personal Services	\$	359,742
Regular Operating Expenses	\$	9,000
Travel	\$	10,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,075
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	69,913
Telecommunications	\$	8,400
Per Diem, Fees and Contracts	\$	10,000
Total Funds Budgeted	\$	468,630
State Funds Budgeted	\$	398,630
Total Positions Budgeted		15

Budget Unit Object Classes:

Cost of Operations	\$	1,853,000
Mansion Allowance	\$	40,000
Governor's Emergency Fund	\$	2,000,000
Intern Stipends and Travel	\$	118,500
Personal Services	\$	359,742
Regular Operating Expenses	\$	9,000
Travel	\$	10,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,075

Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	69,913
Telecommunications	\$	8,400
Per Diem, Fees and Contracts	\$	10,000
Total Positions Budgeted		15
Authorized Motor Vehicles		1
B. Budget Unit: Office of Planning and Budget	\$	3,360,748
Office of Planning and Budget Budget:		
Personal Services	\$	2,716,253
Regular Operating Expenses	\$	100,200
Travel	\$	65,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	36,200
Equipment Purchases	\$	—0—
Computer Charges	\$	104,780
Real Estate Rentals	\$	190,840
Telecommunications	\$	50,875
Per Diem, Fees and Contracts	\$	111,000
Total Funds Budgeted	\$	3,375,748
State Funds Budgeted	\$	3,360,748
Total Positions Budgeted		83
Budget Unit Object Classes:		
Personal Services	\$	2,716,253
Regular Operating Expenses	\$	100,200
Travel	\$	65,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	36,200
Equipment Purchases	\$	—0—
Computer Charges	\$	104,780
Real Estate Rentals	\$	190,840
Telecommunications	\$	50,875
Per Diem, Fees and Contracts	\$	111,000
Total Positions Budgeted		83
Authorized Motor Vehicles		0
C. Budget Unit: Units Attached for Administrative Purposes Only	\$	3,490,731
1. Council of the Arts Budget:		
Personal Services	\$	157,775
Regular Operating Expenses	\$	8,545
Travel	\$	3,060
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,500

Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	39,600
Telecommunications	\$	8,270
Per Diem, Fees and Contracts	\$	9,000
Art Grants—State Funds	\$	1,368,806
Art Grants—Federal Funds	\$	285,000
Art Grants—Donations	\$	26,000
Total Funds Budgeted	\$	1,910,556
State Funds Budgeted	\$	1,599,556
Total Positions Budgeted		8

2. Office of Consumer Affairs:

Personal Services	\$	984,000
Regular Operating Expenses	\$	34,125
Travel	\$	11,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	6,000
Equipment Purchases	\$	—0—
Computer Charges	\$	14,400
Real Estate Rentals	\$	155,822
Telecommunications	\$	100,000
Per Diem, Fees and Contracts	\$	4,000
Total Funds Budgeted	\$	1,309,347
State Funds Budgeted	\$	984,007
Total Positions Budgeted		42

3. State Energy Office Budget:

Personal Services	\$	232,599
Regular Operating Expenses	\$	14,500
Travel	\$	17,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	23,500
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	12,300
Per Diem, Fees and Contracts	\$	4,532,208
Total Funds Budgeted	\$	4,832,607
State Funds Budgeted	\$	154,157
Total Positions Budgeted		9

4. Governor's Committee on
Post-Secondary Education Budget:

Personal Services	\$	121,699
Regular Operating Expenses	\$	11,200
Travel	\$	2,150
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	8,700
Equipment Purchases	\$	—0—
Computer Charges	\$	5,000

Real Estate Rentals	\$	7,078
Telecommunications	\$	2,600
Per Diem, Fees and Contracts	\$	4,050
Total Funds Budgeted	\$	162,477
State Funds Budgeted	\$	162,477
Total Positions Budgeted		4

5. Consumer's Utility Counsel Budget:

Personal Services	\$	282,030
Regular Operating Expenses	\$	11,000
Travel	\$	3,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	700
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	15,863
Telecommunications	\$	5,200
Per Diem, Fees and Contracts	\$	30,000
Total Funds Budgeted	\$	347,793
State Funds Budgeted	\$	347,793
Total Positions Budgeted		10

6. Criminal Justice Coordinating
Council Budget:

Personal Services	\$	171,133
Regular Operating Expenses	\$	11,015
Travel	\$	8,575
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,500
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	28,768
Telecommunications	\$	3,800
Per Diem, Fees and Contracts	\$	14,950
Total Funds Budgeted	\$	242,741
State Funds Budgeted	\$	242,741
Total Positions Budgeted		5

Budget Unit Object Classes:

Personal Services	\$	1,949,236
Regular Operating Expenses	\$	90,385
Travel	\$	45,285
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	47,900
Equipment Purchases	\$	—0—
Computer Charges	\$	19,400
Real Estate Rentals	\$	247,131
Telecommunications	\$	132,170
Per Diem, Fees and Contracts	\$	4,594,208
Art Grants—State Funds	\$	1,368,806
Art Grants—Federal Funds	\$	285,000

Art Grants—Donations	\$	26,000
Total Positions Budgeted		78
Authorized Motor Vehicles		0

Provided, however, that of the above appropriation relative to Art Grants—State Funds, not less than 95% of the State-Funded Art Grants is designated and committed for Grants to Counties, Cities and Non-Profit Organizations in the State of Georgia.

Section 25. Grants to Counties and Municipalities.

Budget Unit: Grants to Counties and Municipalities	\$	6,800,000
1. Grants to Counties	\$	2,600,000
Total Funds Budgeted	\$	2,600,000
State Funds Budgeted	\$	2,600,000
2. Grants to Municipalities	\$	4,200,000
Total Funds Budgeted	\$	4,200,000
State Funds Budgeted	\$	4,200,000

Budget Unit Object Classes:

Grants to Counties	\$	2,600,000
Grants to Municipalities	\$	4,200,000

Provided, that the above sums shall be distributed and disbursed to the various counties and municipalities on a quarterly basis, such payments to be made on the last day of each calendar quarter.

Section 26. Department of Human Resources.

A. Budget Unit: Departmental Operations	\$	254,908,009
1. General Administration and Support Budget:		
Personal Services	\$	13,962,500
Regular Operating Expenses	\$	3,297,570
Travel	\$	487,775
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	150,600
Equipment Purchases	\$	3,165
Computer Charges	\$	1,273,108

Real Estate Rentals	\$	3,625,490
Telecommunications	\$	611,475
Per Diem, Fees and Contracts	\$	943,300
Utilities	\$	170,900
Postage	\$	552,050
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	25,077,933
Indirect DOAS Services Funding	\$	—0—
Indirect GBA Funding	\$	—0—
Agency Funds	\$	11,344,115
Social Services		
Block Grant Funds	\$	934,000
State Funds Budgeted	\$	12,799,818
Total Positions Budgeted		680
Authorized Motor Vehicles		7

General Administration and Support Functional Budgets

	Total Funds	State Funds	Pos
Commissioner's Office	\$ 546,625	\$ 546,625	13
Child Care Licensing	\$ 1,297,024	\$ 1,297,024	50
Laboratory Improvement	\$ 497,330	\$ 397,330	17
Child Support Recovery	\$ 6,714,612	\$ 863,000	306
Contract Management	\$ 182,455	\$ 182,455	6
Public Affairs	\$ 360,700	\$ 360,700	12
Office of Administrative Appeals	\$ 788,795	\$ 788,795	25
Health Care Facilities Regulations	\$ 1,646,535	\$ 538,035	52
Radiological Health	\$ 479,190	\$ 479,190	15
Administrative Policy, Coordination and Direction	\$ 2,416,755	\$ 2,416,755	4
Personnel	\$ 1,025,500	\$ 953,500	42
Administrative Support Services	\$ 2,025,700	\$ 2,009,900	51
Office of Review and Investigation	\$ 1,391,602	\$ 272,652	41
Systems Planning, Development and Training	\$ 280,800	\$ 280,800	7
Compliance Monitoring	\$ 225,550	\$ 225,550	7
Electronic Data Processing, Planning and Coordination	\$ 305,346	\$ 305,346	0
Facilities Management	\$ 3,920,964	\$ 2,982,331	8
Regulatory Services—Program Direction and Support	\$ 308,100	\$ 308,100	7
MH/MR Advisory Council	\$ 44,850	\$ 44,850	1
Council on Family Planning	\$ 8,800	\$ 880	0
Developmental Disabilities	\$ 219,700	\$ —0—	5

Council on Maternal and Infant Health	\$ 96,750	\$ 96,750	3
Community and Intergovernmental Affairs	\$ 294,250	\$ 294,250	8
Indirect Cost	\$ —0—	\$ (2,845,000)	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 25,077,933	\$ 12,799,818	680

2. Financial Management Budget:

Personal Services	\$ 5,584,100
Regular Operating Expenses	\$ 138,700
Travel	\$ 184,600
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 25,000
Equipment Purchases	\$ 4,196
Computer Charges	\$ 105,000
Real Estate Rentals	\$ 4,100
Telecommunications	\$ 1,000
Per Diem, Fees and Contracts	\$ 15,000
Utilities	\$ —0—
Postage	\$ 75
Institutional Repairs and Maintenance	\$ —0—
Total Funds Budgeted	\$ 6,061,771
Social Services Block Grant Funds	\$ 721,800
Agency Funds	\$ 1,649,200
State Funds Budgeted	\$ 3,690,771
Total Positions Budgeted	240
Authorized Motor Vehicles	—0—

Financial Management Functional Budgets

	Total Funds	State Funds	Pos.
Budget Administration	\$ 1,238,900	\$ 1,238,900	40
Accounting Services	\$ 3,129,915	\$ 3,129,915	149
Auditing Services	\$ 1,692,956	\$ 1,692,956	51
Indirect Cost	\$ —0—	\$ (2,371,000)	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 6,061,771	\$ 3,690,771	240

3. Special Programs Budget:

Personal Services	\$ 3,603,364
Regular Operating Expenses	\$ 12,803,054
Travel	\$ 162,660
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 80,210
Equipment Purchases	\$ 2,293
Computer Charges	\$ 278,980
Real Estate Rentals	\$ 27,456
Telecommunications	\$ 108,725

Per Diem, Fees and Contracts	\$ 34,493,347
Menninger Group Homes	\$ 366,000
Project Rescue	\$ 11,900
Contract—Georgia	
Advocacy Office, Inc.	\$ 215,000
Local Assistance Grants	\$ 460,000
Utilities	\$ —0—
Postage	\$ 42,900
Benefits for Child Care	\$ 691,200
Total Funds Budgeted	\$ 53,347,089
Social Services	
Block Grant Funds	\$ 15,570,723
Indirect DOAS Services Funding	\$ —0—
Agency Funds	\$ 30,153,243
State Funds Budgeted	\$ 7,623,123
Total Positions Budgeted	154
Authorized Motor Vehicles	111

Special Programs Functional Budgets

	Total Funds	State Funds	Pos.
Alternative Health Services \$	971,300	\$ 312,200	40
Human Development,			
Director's Office \$	725,000	\$ 725,000	23
Child Development			
Administration \$	959,810	\$ 257,886	34
Child Development			
Contracts—Foster Care \$	302,365	\$ 25,965	0
Special Projects \$	597,900	\$ 597,900	0
Child Development			
Contracts—Day Care \$	19,961,060	\$ 3,139,030	0
Child Development			
Contracts—Home			
Management \$	161,447	\$ 23,899	0
Child Development			
Contracts—Outreach \$	773,680	\$ 124,728	0
Information and Referral \$	325,340	\$ 325,340	0
Troubled Children Benefits \$	1,057,200	\$ 1,057,200	0
Council on Aging \$	44,745	\$ 44,745	1
Energy Assistance \$	16,267,091	\$ —0—	6
Social Services			
Grant Administration \$	1,016,799	\$ 462,330	35
Community Services \$	9,656,452	\$ —0—	15
Undistributed \$	526,900	\$ 526,900	0
Total \$	53,347,089	\$ 7,623,123	154

4. Public Health—Program
Direction and Support Budget:

Personal Services	\$ 2,423,100
Regular Operating Expenses	\$ 130,020
Travel	\$ 59,800
Motor Vehicle Equipment Purchases	\$ —0—

Publications and Printing	\$	52,800
Equipment Purchases	\$	13,000
Computer Charges	\$	321,816
Real Estate Rentals	\$	—0—
Telecommunications	\$	212,680
Per Diem, Fees and Contracts	\$	12,400
Utilities	\$	—0—
Postage	\$	1,200
Total Funds Budgeted	\$	3,226,816
Indirect DOAS Services Funding	\$	—0—
Agency Funds	\$	135,000
State Funds Budgeted	\$	3,091,816
Total Positions Budgeted		112
Authorized Motor Vehicles		0

Public Health—Program Direction and Support Functional Budgets

	Total Funds	State Funds	Pos.
Director's Office	\$ 526,050	\$ 526,050	7
Employee's Health	\$ 257,260	\$ 222,260	9
Primary Health Care	\$ 217,330	\$ 217,330	7
Health Program			
Management	\$ 625,800	\$ 540,800	25
Vital Records	\$ 988,800	\$ 973,800	52
Health Services Research	\$ 611,576	\$ 611,576	12
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 3,226,816	\$ 3,091,816	112

5. Public Health—Family
Health Budget:

Personal Services	\$	5,659,727
Regular Operating Expenses	\$	2,058,895
Travel	\$	254,350
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	145,500
Equipment Purchases	\$	22,110
Computer Charges	\$	117,090
Real Estate Rental	\$	1,740
Telecommunications	\$	46,200
Per Diem, Fees and Contracts	\$	6,655,524
Crippled Children Clinics	\$	316,000
Utilities	\$	—0—
Postage	\$	16,800
Regional Grants for Prenatal and		
Postnatal Care Programs	\$	3,879,000
Crippled Children Benefits	\$	2,860,000
Kidney Disease Benefits	\$	594,000
Cancer Control Benefits	\$	2,015,000
Contract for the Purchase of		
Clotting Factor for the		
Hemophilia Program	\$	100,000

Benefits for Medically Indigent High Risk Pregnant Women and Their Infants	\$	25,000
Grant to Grady Hospital for Cystic Fibrosis Program	\$	40,000
Contract with Emory University for Cancer Research	\$	113,000
Contract with Auditory Educational Clinic	\$	60,000
Contract with Emory University for Arthritis Research	\$	205,000
Contract for Scoliosis Screening	\$	115,000
Family Planning Benefits	\$	226,530
Total Funds Budgeted	\$	25,526,466
Indirect DOAS Services Funding	\$	—0—
Agency Funds	\$	10,744,912
State Funds Budgeted	\$	14,781,554
Total Positions Budgeted		215
Authorized Motor Vehicles		4

Public Health—Family Health Functional Budgets

	Total Funds	State Funds	Pos.
Family Health Management			
	\$ 6,219,374	\$ 551,875	21
Cancer Control	\$ 2,662,080	\$ 2,662,080	6
Crippled Children	\$ 4,742,400	\$ 2,664,798	54
Immunization	\$ 349,840	\$ —0—	10
Maternal Health	\$ 243,975	\$ —0—	6
Sexually Transmitted Diseases	\$ 213,100	\$ 213,100	6
Infant and Child Health	\$ 4,578,250	\$ 4,464,319	13
Diabetes	\$ 131,050	\$ 45,750	3
Chronic Disease	\$ 1,552,650	\$ 1,552,650	21
Coordination, Education, Prevention	\$ 627,920	\$ —0—	7
Malnutrition	\$ 536,600	\$ —0—	13
Stroke and Heart Attack Prevention	\$ 143,150	\$ 143,150	5
Family Planning	\$ 940,490	\$ 56,430	14
Epidemiology	\$ 981,927	\$ 823,742	10
Dental Health	\$ 125,500	\$ 125,500	3
Community Tuberculosis Control	\$ 1,098,160	\$ 1,098,160	23
Undistributed	\$ 380,000	\$ 380,000	0
Total	\$ 25,526,466	\$ 14,781,554	215

6. Public Health—Community
Health Budget:

Personal Services	\$	3,100,900
Regular Operating Expenses	\$	478,520
Travel	\$	48,900

Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	63,350
Equipment Purchases	\$	61,701
Computer Charges	\$	20,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,750
Per Diem, Fees and Contracts	\$	714,547
Utilities	\$	—0—
Postage	\$	13,300
Total Funds Budgeted	\$	4,506,968
Indirect DOAS Services Funding	\$	—0—
Agency Funds	\$	774,272
State Funds Budgeted	\$	3,732,696
Total Positions Budgeted		137
Authorized Motor Vehicles		1

Public Health—Community Health Functional Budgets

	Total Funds	State Funds	Pos.
Occupational and Radiological Health	\$ 796,822	\$ 258,050	6
Laboratory Services	\$ 3,158,046	\$ 2,983,046	119
Emergency Health	\$ 522,100	\$ 461,600	12
Undistributed	\$ 30,000	\$ 30,000	0
Total	\$ 4,506,968	\$ 3,732,696	137

7. Public Health—Local
Services Budget:

Personal Services	\$ 13,207,134
Regular Operating Expenses	\$ 22,478,699
Travel	\$ 481,050
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 31,400
Equipment Purchases	\$ 56,193
Computer Charges	\$ —0—
Real Estate Rentals	\$ 173,370
Telecommunications	\$ 184,650
Per Diem, Fees and Contracts	\$ 11,893,589
Utilities	\$ 2,000
Postage	\$ 32,150
Crippled Children Clinics	\$ 238,572
Contract—Macon-Bibb County Hospital Authority	\$ 4,500,000
Grant to Counties for Metabolic Disorders Screening and Treatment	\$ 45,000
Family Planning Benefits	\$ 75,000
Midwifery Program Benefits	\$ 175,000
Crippled Children Benefits	\$ 1,407,200
Grants to Counties for Teenage Pregnancy Prevention	\$ 250,000

Benefits for Medically Indigent High Risk Pregnant Women and Their Infants	\$ 3,780,000
Grant-In-Aid to Counties	\$ 32,457,329
Total Funds Budgeted	\$ 91,468,336
Indirect DOAS Services Funding	\$ —0—
Agency Funds	\$ 41,785,609
State Funds Budgeted	\$ 49,682,727
Total Positions Budgeted	540
Authorized Motor Vehicles	2

Public Health—Local Services Functional Budgets

	Total Funds	State Funds	Pos.
Minimum Foundation	\$ 6,694,856	\$ 6,645,400	191
Grant-In-Aid to Counties	\$ 32,555,000	\$ 30,695,212	0
Stroke and Heart Attack Prevention	\$ 1,109,420	\$ 579,420	18
Family Planning	\$ 5,927,050	\$ 2,890,783	177
Sickle Cell, Vision and Hearing	\$ 408,790	\$ 408,790	15
Sexually Transmitted Diseases	\$ 1,054,050	\$ 85,000	27
High Risk Pregnant Women and Their Infants	\$ 4,304,600	\$ 4,304,600	19
Newborn Follow-Up Care	\$ 290,650	\$ 290,650	11
District Dental	\$ 1,142,185	\$ 932,010	17
Teenage Pregnancy Prevention	\$ 250,000	\$ 250,000	0
District Crippled Children	\$ 2,513,483	\$ 1,766,700	36
Emergency Health	\$ 1,315,900	\$ 265,525	9
Primary Health Care	\$ 7,478,723	\$ 330,637	10
Malnutrition	\$ 26,185,629	\$ —0—	10
Undistributed	\$ 238,000	\$ 238,000	0
Total	\$ 91,468,336	\$ 49,682,727	540

8. Mental Health—Program
Direction and Support Budget:

Personal Services	\$ 3,479,889
Regular Operating Expenses	\$ 120,880
Travel	\$ 111,500
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 47,036
Equipment Purchases	\$ 1,055
Computer Charges	\$ 1,074,219
Real Estate Rentals	\$ —0—
Telecommunications	\$ 289,500
Per Diem, Fees and Contracts	\$ 173,300
Utilities	\$ —0—
Postage	\$ 950

Total Funds Budgeted	\$	5,298,329
Social Services Block Grant Funds.	\$	15,000
Indirect DOAS Services Funding	\$	—0—
Agency Funds	\$	510,540
State Funds Budgeted	\$	4,772,789
Total Positions Budgeted		115

Mental Health—Program Direction and Support Functional Budgets

	Total Funds	State Funds	Pos.
Administration	\$ 3,067,804	\$ 3,067,804	55
Special Projects and Contracts.	\$ 60,000	\$ —0—	2
Program Coordination.	\$ 2,160,525	\$ 1,694,985	58
Undistributed	\$ 10,000	\$ 10,000	0
Total	\$ 5,298,329	\$ 4,772,789	115

9. Purchase of Social Services:

Personal Services	\$	—0—
Regular Operating Expenses	\$	—0—
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	440,000
Utilities.	\$	—0—
Postage	\$	—0—
W.I.N. Benefits	\$	479,964
Grants to Fulton County for 24- hour Emergency Social Services	\$	173,400
Benefits for Child Care	\$	14,835,003
Homemaker Meals	\$	112,837
Chatham County Homemaker Project	\$	514,795
Douglas County Homemaker Project	\$	133,362
Fulton County Homemaker Project	\$	344,832
Total Funds Budgeted	\$	17,034,193
Agency Funds	\$	5,542,338
Social Services Block Grant Funds	\$	1,230,600
State Funds Budgeted	\$	10,261,255
Total Positions Budgeted		0

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Purchase of Social Services Functional Budgets

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	Total Funds	State Funds	Pos.
Work Incentive Benefits	\$ 479,964	\$ 47,996	0
Grants to Fulton County for 24-hour Emergency Social Services	\$ 173,400	\$ 173,400	0
Legal Services	\$ 440,000	\$ 215,000	0
AFDC—Family Foster Care	\$ 3,782,304	\$ 1,243,054	0
AFDC—Institutional Foster Care	\$ 1,309,482	\$ 430,362	0
Specialized Foster Care	\$ 53,064	\$ 53,064	0
Child Welfare— Family Foster Care	\$ 7,450,000	\$ 5,964,000	0
Adoption Supplement	\$ 528,964	\$ 528,964	0
Non-AFDC Institutional Foster Care	\$ 550,708	\$ 550,708	0
Liability Insurance	\$ 16,000	\$ 16,000	0
Emergency Shelter Care	\$ 96,563	\$ 96,563	0
Day Care	\$ 647,729	\$ 223,529	0
Psychiatric, Psychological and Speech Therapy	\$ 130,000	\$ 130,000	0
Return of Runaways—County	\$ 7,000	\$ 7,000	0
Homemaker Projects	\$ 1,105,826	\$ 318,426	0
Undistributed	\$ 263,189	\$ 263,189	0
Total	\$ 17,034,193	\$ 10,261,255	0

10. Youth Services—Program
Direction and Support:

Personal Services	\$ 791,505
Regular Operating Expenses	\$ 19,600
Travel	\$ 17,100
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 4,550
Equipment Purchases	\$ 795
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 25,400
Per Diem, Fees and Contracts	\$ 3,500
Utilities	\$ —0—
Postage	\$ —0—
Benefits for Child Care	\$ —0—
Total Funds Budgeted	\$ 862,450
Indirect DOAS Services Funding	\$ —0—
Agency Funds	\$ —0—
State Funds Budgeted	\$ 862,450
Total Positions Budgeted	24
Authorized Motor Vehicles	0

11. Services to the Aged Budget:

Personal Services	\$	988,500
Regular Operating Expenses	\$	28,850
Travel	\$	37,000
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	14,000
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	3,100
Telecommunications	\$	29,900
Per Diem, Fees and Contracts	\$	20,883,101
Utilities	\$	—0—
Postage	\$	200
Total Funds Budgeted	\$	21,984,651
Social Services		
Block Grant Funds	\$	3,368,035
Agency Funds	\$	16,802,080
State Funds Budgeted	\$	1,814,536
Total Positions Budgeted		35
Authorized Motor Vehicles		224

Services to the Aged Functional Budgets

	Total Funds	State Funds	Pos.
Title XX Adult Services	\$ 4,110,617	\$ 566,015	0
Administration and			
Planning	\$ 2,457,630	\$ 361,660	35
Title III Aging Services	\$ 15,416,404	\$ 886,861	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 21,984,651	\$ 1,814,536	35

12. Rehabilitation Services—

Program Direction and
Support Budget:

Personal Services	\$	1,400,800
Regular Operating Expenses	\$	82,678
Travel	\$	56,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	31,000
Equipment Purchases	\$	8,130
Computer Charges	\$	669,533
Real Estate Rentals	\$	—0—
Telecommunications	\$	104,610
Per Diem, Fees and Contracts	\$	225,095
Utilities	\$	—0—
Postage	\$	2,400
E.S.R.P. Case Services	\$	75,000
Grants for Nephrology Centers	\$	220,500
Total Funds Budgeted	\$	2,876,246
Indirect DOAS Services Funding	\$	—0—

Agency Funds	\$	1,603,806
State Funds Budgeted	\$	1,272,440
Total Positions Budgeted		41

Rehabilitation Services—Program Direction and Support Functional Budgets

	Total Funds	State Funds	Pos.
Program Direction and Support	\$ 2,357,002	\$ 863,002	38
Grants Management	\$ 519,244	\$ 409,438	3
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 2,876,246	\$ 1,272,440	41

**13. Rehabilitation Services—
Facilities Budget:**

Personal Services	\$	3,473,620
Regular Operating Expenses	\$	510,258
Travel	\$	21,700
Motor Vehicle Equipment Purchases	\$	49,359
Publications and Printing	\$	2,660
Equipment Purchases	\$	11,441
Computer Charges	\$	—0—
Real Estate Rentals	\$	171,402
Telecommunications	\$	48,520
Per Diem, Fees and Contracts	\$	120,500
Utilities	\$	95,850
Postage	\$	6,000
Capital Outlay	\$	—0—
Case Services	\$	—0—
Total Funds Budgeted	\$	4,511,310
Indirect DOAS Services Funding	\$	—0—
Agency Funds	\$	3,701,662
State Funds Budgeted	\$	809,648
Total Positions Budgeted		156
Authorized Motor Vehicles		19

Rehabilitation Services—Facilities Functional Budgets

	Total Funds	State Funds	Pos.
Youth Development Center—			
V R. Unit	\$ 347,700	\$ 64,740	13
Atlanta Rehabilitation Center	\$ 1,904,762	\$ 337,768	60
Alto Rehabilitation Center	\$ 262,074	\$ 52,415	10
Cave Spring Rehabilitation Center	\$ 402,787	\$ 77,517	16
Central Rehabilitation Center	\$ 638,945	\$ 100,699	18

Georgia Vocational

Adjustment				
Center—Gracewood	\$	326,065	\$	65,213
J. F. Kennedy Center	\$	446,227	\$	76,846
M. S. McDonald				
Evaluation Center	\$	182,750	\$	34,450
Undistributed	\$	—0—	\$	—0—
Total	\$	4,511,310	\$	809,648

14. Roosevelt Warm Springs
Rehabilitation Institute:

Personal Services	\$	7,470,025
Regular Operating Expenses	\$	1,740,220
Travel	\$	43,000
Motor Vehicle Equipment		
Purchases	\$	45,991
Publications and Printing	\$	15,000
Equipment Purchases	\$	131,943
Computer Charges	\$	45,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	152,000
Per Diem, Fees and Contracts	\$	1,136,570
Utilities	\$	445,600
Postage	\$	13,000
Case Services	\$	75,000
Capital Outlay	\$	—0—
Operations	\$	—0—
Total Funds Budgeted	\$	11,313,349
Indirect DOAS Services Funding	\$	—0—
Agency Funds	\$	8,630,075
State Funds Budgeted	\$	2,683,274
Total Positions Budgeted		397
Authorized Motor Vehicles		24

Roosevelt Warm Springs Rehabilitation Institute—Functional Budgets

	Total Funds	State Funds	Pos.
Administration	\$ 4,111,991	\$ 1,588,427	117
Rehabilitation Services	\$ 6,049,660	\$ 416,149	239
Instruction	\$ 447,028	\$ 24,028	16
Independent Living	\$ 590,420	\$ 540,420	22
Research/Training	\$ 114,250	\$ 114,250	3
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 11,313,349	\$ 2,683,274	397

15. Georgia Factory for the
Blind Budget:

Personal Services	\$	3,396,972
Regular Operating Expenses	\$	5,129,678
Travel	\$	16,500
Motor Vehicle Equipment Purchases	\$	72,000
Publications and Printing	\$	6,300

Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	24,500
Per Diem, Fees and Contracts	\$	44,500
Utilities	\$	100,000
Postage	\$	5,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	8,795,450
Agency Funds	\$	8,388,245
State Funds Budgeted	\$	407,205
Total Positions Budgeted		27
Authorized Motor Vehicles		14

Georgia Factory for the Blind Functional Budgets

	Total Funds	State Funds	Pos.
Operations	\$ 8,388,245	\$ —0—	9
Supervision	\$ 407,205	\$ 407,205	18
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 8,795,450	\$ 407,205	27

16. Rehabilitation Services Budget:

Personal Services	\$ 15,038,700
Regular Operating Expenses	\$ 360,443
Travel	\$ 438,000
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 14,750
Equipment Purchases	\$ 15,400
Computer Charges	\$ 18,100
Real Estate Rentals	\$ 638,766
Telecommunications	\$ 401,000
Per Diem, Fees and Contracts	\$ 343,400
Utilities	\$ 60,000
Postage	\$ 80,680
Contract with Vocational	
Rehabilitation Community	
Facilities	\$ 3,830,000
Contract for Epilepsy	\$ 65,000
Case Services	\$ 9,075,000
Contract with the Affirmative	
Industries	\$ 108,000
Cerebral Palsy Contract	\$ 140,000
Total Funds Budgeted	\$ 30,627,239
Indirect DOAS Services Funding	\$ —0—
Agency Funds	\$ 19,029,796
State Funds Budgeted	\$ 11,597,443
Total Positions Budgeted	594
Authorized Motor Vehicles	5

Rehabilitation Services Functional Budgets

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	Total Funds	State Funds	Pos.
Field Services	\$ 25,546,011	\$ 7,000,959	571
Comprehensive Services	\$ 232,298	\$ 232,298	5
Business Enterprise			
Vending Stand Program	\$ 605,930	\$ 121,186	15
Special Programs	\$ 4,143,000	\$ 4,143,000	0
Undistributed	\$ 100,000	\$ 100,000	3
Total	\$ 30,627,239	\$ 11,597,443	594

17 Rehabilitation Services—
Disability Adjudication Budget:

Personal Services	\$ 8,671,328
Regular Operating Expenses	\$ 311,655
Travel	\$ 29,608
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 49,817
Equipment Purchases	\$ 7,606
Computer Charges	\$ 289,724
Real Estate Rentals	\$ 539,369
Telecommunications	\$ 413,865
Per Diem, Fees and Contracts	\$ 570,680
Utilities	\$ —0—
Postage	\$ 203,000
Case Services	\$ 9,028,500
Total Funds Budgeted	\$ 20,115,152
Agency Funds	\$ 20,115,152
State Funds Budgeted	\$ —0—
Total Positions Budgeted	408

18. Public Assistance Budget:

Personal Services	\$ —0—
Regular Operating Expenses	\$ 2,093,700
Travel	\$ —0—
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ —0—
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Per Diem, Fees and Contracts	\$ —0—
SSI-Supplement Benefits	\$ 36,200
AFDC Benefits	\$ 200,474,779
Total Funds Budgeted	\$ 202,604,679
Agency Funds	\$ 136,697,479
State Funds Budgeted	\$ 65,907,200
Total Positions Budgeted	0

Public Assistance Functional Budgets

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	Total Funds	State Funds	Pos.
Refugee Benefits	\$ 2,093,700	\$ —0—	0
AFDC Payments	\$ 192,151,200	\$ 63,136,080	0
SSI Supplement Benefits	\$ 36,200	\$ 36,200	0
Undistributed	\$ 8,323,579	\$ 2,734,920	0
Total	\$ 202,604,679	\$ 65,907,200	0

19. Local Services—Community Services
and Benefits Payments Budget:

Personal Services	\$ —0—
Regular Operating Expenses	\$ —0—
Travel	\$ —0—
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ —0—
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Per Diem, Fees and Contracts	\$ —0—
Local Services Benefits Payments Grants	\$ 58,296,000
Grants to Counties for Social Services	\$ 45,604,617
Total Funds Budgeted	\$ 103,900,617
Agency Funds	\$ 38,562,147
Social Services Block Grant Funds	\$ 15,111,387
State Funds Budgeted	\$ 50,227,083
Total Positions Budgeted	0

Local Services—Community Services and Benefits Payments Functional
Budgets

	Total Funds	State Funds	Pos.
Local Services— Benefits Payments Grants	\$ 58,296,000	\$ 29,078,000	0
Grants to Counties for Social Services	\$ 45,604,617	\$ 21,149,083	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 103,900,617	\$ 50,227,083	0

20. Family and Children Services—
Program Direction and Support
Budget:

Personal Services	\$ 8,352,018
Regular Operating Expenses	\$ 328,560
Travel	\$ 327,904
Motor Vehicle Equipment Purchases	\$ —0—

Publications and Printing	\$	929,300
Equipment Purchases	\$	8,615
Computer Charges	\$	7,150,128
Real Estate Rentals	\$	190,518
Telecommunications	\$	1,169,836
Per Diem, Fees and Contracts	\$	3,185,050
Utilities	\$	5,500
Postage	\$	620,500
Total Funds Budgeted	\$	22,267,929
Agency Funds	\$	11,805,631
Indirect DOAS Services Funding	\$	—0—
Social Services Block		
Grant Funds	\$	1,572,117
State Funds Budgeted	\$	8,890,181
Total Positions Budgeted		308

Family and Children Services—Program Direction and Support
Functional Budgets

	Total Funds	State Funds	Pos.
Director's Office	\$ 478,157	\$ 478,157	7
Research and			
Demonstration	\$ 21,600	\$ 21,600	1
Program Planning			
and Development	\$ 1,124,130	\$ 1,124,130	16
Program Management			
and Training	\$ 1,607,854	\$ 1,491,298	57
Administration			
and Management	\$ 14,211,446	\$ 6,189,254	81
Management Information			
Systems	\$ 1,186,669	\$ 1,186,669	44
District Program			
Operations	\$ 2,798,134	\$ 2,798,134	85
District Administration	\$ 839,939	\$ 839,939	17
Indirect Cost	\$ —0—	\$ (5,239,000)	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 22,267,929	\$ 8,890,181	308

Budget Unit Object Classes:

Personal Services	\$ 100,604,182
Regular Operating Expenses	\$ 52,111,980
Travel	\$ 2,777,947
Motor Vehicle Equipment	
Purchases	\$ 167,350
Publications and Printing	\$ 1,663,273
Equipment Purchases	\$ 347,643
Computer Charges	\$ 11,362,698
Real Estate Rentals	\$ 5,375,311
Telecommunications	\$ 3,829,611
Per Diem, Fees and Contracts	\$ 81,853,403
Utilities	\$ 879,850
Postage	\$ 1,590,205

Capital Outlay	\$ —0—
Grants for Regional Prenatal and Postnatal Care Programs	\$ 3,879,000
Crippled Children Benefits	\$ 4,267,200
Crippled Children Clinics	\$ 554,572
Kidney Disease Benefits	\$ 594,000
Cancer Control Benefits	\$ 2,015,000
Benefits for Medically Indigent High Risk Pregnant Women and Their Infants	\$ 3,805,000
Family Planning Benefits	\$ 301,530
Benefits for Midwifery Program	\$ 175,000
Grant-In-Aid to Counties	\$ 32,457,329
Work Incentive Benefits	\$ 479,964
Grants to Fulton County for 24-hour Emergency Social Services	\$ 173,400
Benefits for Child Care	\$ 15,526,203
Homemaker Meals	\$ 112,837
Chatham County Homemaker Project	\$ 514,795
Douglas County Homemaker Project	\$ 133,362
Fulton County Homemaker Project	\$ 344,832
Grants for Nephrology Centers	\$ 220,500
Case Services	\$ 18,178,500
E.S.R.P. Case Services	\$ 75,000
SSI-Supplement Benefits	\$ 36,200
AFDC Benefits	\$ 200,474,779
Local Services Benefits Payments Grants	\$ 58,296,000
Grants to Counties for Social Services	\$ 45,604,617
Contract with Vocational Rehabilitation Community Facilities	\$ 3,830,000
Contract for the Purchase of Clotting Factor for the Hemophilia Program	\$ 100,000
Contract with the Affirmative Industries	\$ 108,000
Institutional Repairs and Maintenance	\$ —0—
Contract with Emory University for Arthritis Research	\$ 205,000
Grant for Epilepsy Program	\$ 65,000
Grant to Grady Hospital for Cystic Fibrosis Program	\$ 40,000
Contract for Scoliosis Screening	\$ 115,000
Menninger Group Homes	\$ 366,000
Contract—Georgia Advocacy Office, Inc.	\$ 215,000

Grant for Teenage Pregnancy Prevention Program	\$	250,000
Contract—Cancer Research at Emory	\$	113,000
Contract—Macon-Bibb County Hospital Authority	\$	4,500,000
Cerebral Palsy Contract	\$	140,000
Grants to Counties for Metabolic Disorders Screening and Testing	\$	45,000
Project Rescue	\$	11,900
Local Assistance Grants	\$	460,000
Contract with Auditory Educational Clinic	\$	60,000
Total Positions Budgeted		4,183

Provided, that of the above appropriation, \$100,000 is designated and committed for the purchase of clotting factor for the Hemophilia Program and for no other purpose.

Provided, that of the above appropriation, \$100,000 is designated and committed to operate a Hemophilia Program in the Metropolitan Atlanta Area and to operate the Hemophilia Program in Augusta.

Provided that no State funds shall be used for advertising the Food Stamp program or other welfare programs unless failure to so apply State funds would cause the loss of Federal funds for programs other than advertising.

There is hereby appropriated \$65,871,000 in State funds for the purpose of making AFDC benefit payments.

Provided that for Fiscal 1984, the following maximum benefits and maximum standards of need shall apply:

Number in Asst. Group	Standards of Need	Maximum Monthly Amount
1	\$202	\$111
2	306	169
3	366	202
4	432	238
5	494	272
6	536	295
7	580	320
8	616	340
9	648	357
10	694	383
11	742	409

Provided further, that the Department of Human Resources is authorized to calculate all monthly benefit payments utilizing a factor of 55.12% of the above standard of needs.

Provided, that of the above appropriation, \$140,000 is designated and committed to operate the Rome Cerebral Palsy Center.

Provided, however, it is the intent of this General Assembly that no dentist shall be paid at a rate in excess of twenty-five dollars (\$25.00) per hour for services rendered in the District Dental Clinics.

Provided that of the above appropriation relating to Statewide Grants for Pre-natal and Post-natal Care Programs, \$3,879,000 is designated and committed for a Statewide program of pre-natal and post-natal care, including all hospitals where such program or programs are providing or shall provide such care.

Provided, that of the above appropriation relating to the Public Health Family Health Activity, \$40,000 is designated and committed for a grant to Grady Memorial Hospital in Atlanta for the purpose of operating a cystic fibrosis program.

Provided, that of the above appropriation, the Department of Human Resources is authorized to provide treatment for eye disorders, provided that treatment for the disability cannot be obtained from other sources.

Provided, further, that the Department of Human Resources is authorized to make monthly advances to Child Care Day Care Centers from funds authorized for this purpose.

Provided further, it is the intent of this General Assembly that AFDC Benefit payments from funds appropriated herein shall be made from the date of certification and not from the date of application.

Provided further, the Department of Human Resources is authorized to make payments (not to exceed \$5,000) to the Georgia Building Authority for the purpose of maintaining the grounds at the Roosevelt Warm Springs Hospital.

Provided that of the above appropriation relating to the Public Health Family Health Activity, \$50,000 is designated and committed to purchase, lease or otherwise acquire or reimburse for the purchase or lease of equipment, or purchase or reimburse for the purchase of drugs and medical treatment of persons with Cystic Fibrosis over the age of 21. Funds shall be expended for those persons qualifying who are not otherwise covered by any

other private or publicly funded program and are determined to need support from the State.

Provided further, the Roosevelt Warm Springs Institute for Rehabilitation is authorized to use excess agency income for a repair and maintenance program.

**B. Budget Unit: State Health Planning
and Development .** \$ 444,195

**State Health Planning
and Development Budget:**

Personal Services	\$ 571,475
Regular Operating Expenses	\$ 47,202
Travel	\$ 4,599
Publications and Printing	\$ 2,100
Equipment Purchases	\$ —0—
Computer Charges	\$ 15,000
Real Estate Rentals	\$ 80,200
Telecommunications	\$ 24,800
Per Diem, Fees and Contracts	\$ 69,939
Postage	\$ 6,600
Total Funds Budgeted	\$ 821,915
Indirect DOAS Services Funding	\$ —0—
Agency Funds	\$ 377,720
State Funds Budgeted	\$ 444,195
Total Positions Budgeted	21
Authorized Motor Vehicles	0

Budget Unit Object Classes:

Personal Services	\$ 571,475
Regular Operating Expenses	\$ 47,202
Travel	\$ 4,599
Publications and Printing	\$ 2,100
Equipment Purchases	\$ —0—
Computer Charges	\$ 15,000
Real Estate Rentals	\$ 80,200
Telecommunications	\$ 24,800
Per Diem, Fees and Contracts	\$ 69,939
Postage	\$ 6,600
Total Positions Budgeted	21
Authorized Motor Vehicles	0

**C. Budget Unit: Community Mental Health/
Mental Retardation Youth
Services and
Institutions** \$ 286,783,854

**1. Georgia Regional Hospital at
Augusta Budget:**

Personal Services	\$ 9,067,100
Regular Operating Expenses	\$ 1,111,510

Travel	\$	9,000
Motor Vehicle		
Equipment Purchases	\$	25,159
Publications and Printing	\$	4,200
Equipment Purchases	\$	38,072
Computer Charges	\$	197,209
Real Estate Rentals	\$	—0—
Telecommunications	\$	108,070
Per Diem, Fees and Contracts	\$	253,065
Utilities	\$	365,682
Postage	\$	9,150
Authority Lease Rentals	\$	—0—
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	11,188,217
Agency Funds	\$	1,494,365
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	9,693,852
Total Positions Budgeted		497
Authorized Motor Vehicles		25

2. Georgia Regional Hospital at
Atlanta Budget:

Personal Services	\$	11,550,151
Regular Operating Expenses	\$	1,422,687
Travel	\$	16,700
Motor Vehicle Equipment		
Purchases	\$	7,800
Publications and Printing	\$	7,000
Equipment Purchases	\$	31,700
Computer Charges	\$	143,544
Real Estate Rentals	\$	—0—
Telecommunications	\$	141,026
Per Diem, Fees and Contracts	\$	310,130
Utilities	\$	587,994
Postage	\$	13,000
Capital Outlay	\$	—0—
Authority Lease Rentals	\$	—0—
Total Funds Budgeted	\$	14,231,732
Agency Funds	\$	2,382,236
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	11,849,496
Total Positions Budgeted		622
Authorized Motor Vehicles		25

3. Georgia Regional Hospital at
Savannah Budget:

Personal Services	\$	9,447,161
Regular Operating Expenses	\$	899,030
Travel	\$	12,000
Motor Vehicle		
Equipment Purchases	\$	20,055

Publications and Printing	\$	2,300
Equipment Purchases	\$	42,347
Computer Charges	\$	138,617
Real Estate Rentals	\$	—0—
Telecommunications	\$	117,433
Per Diem, Fees and Contracts	\$	143,720
Utilities	\$	444,860
Postage	\$	7,500
Authority Lease Rentals	\$	500,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	11,775,023
Agency Funds	\$	1,264,761
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	10,510,262
Total Positions Budgeted		510
Authorized Motor Vehicles		22

4. West Central Georgia Regional
Hospital Budget:

Personal Services	\$	7,761,728
Regular Operating Expenses	\$	877,739
Travel	\$	12,400
Motor Vehicle		
Equipment Purchases	\$	47,740
Publications and Printing	\$	5,120
Equipment Purchases	\$	38,776
Computer Charges	\$	112,192
Real Estate Rentals	\$	—0—
Telecommunications	\$	113,420
Per Diem, Fees and Contracts	\$	38,250
Utilities	\$	480,231
Postage	\$	12,500
Authority Lease Rentals	\$	666,500
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	10,166,596
Agency Funds	\$	1,362,807
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	8,803,789
Total Positions Budgeted		424
Authorized Motor Vehicles		27

5. Northwest Georgia Regional Hospital
at Rome Budget:

Personal Services	\$	11,785,739
Regular Operating Expenses	\$	1,189,633
Travel	\$	10,400
Motor Vehicle Equipment		
Purchases	\$	16,920
Publications and Printing	\$	800
Equipment Purchases	\$	66,755
Computer Charges	\$	149,677

Real Estate Rentals	\$	—0—
Telecommunications	\$	106,469
Per Diem, Fees and Contracts	\$	41,600
Utilities	\$	1,266,388
Postage	\$	9,125
Capital Outlay	\$	—0—
Authority Lease Rentals	\$	921,000
Total Funds Budgeted	\$	15,564,506
Agency Funds	\$	3,559,981
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	12,004,525
Total Positions Budgeted		680
Authorized Motor Vehicles		45

6. Gracewood State School
and Hospital Budget:

Personal Services	\$	26,850,580
Regular Operating Expenses	\$	2,726,659
Travel	\$	11,525
Motor Vehicle Equipment		
Purchases	\$	39,630
Publications and Printing	\$	4,620
Equipment Purchases	\$	229,724
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	299,316
Per Diem, Fees and Contracts	\$	149,000
Utilities	\$	1,859,698
Postage	\$	10,000
Capital Outlay	\$	343,000
Total Funds Budgeted	\$	32,523,752
Agency Funds	\$	12,081,302
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	20,442,450
Total Positions Budgeted—		
July 1, 1983		1,588
Total Positions Budgeted—		
June 30, 1984		1,546
Authorized Motor Vehicles		111

7. Southwestern State Hospital Budget:

Personal Services	\$	18,857,779
Regular Operating Expenses	\$	1,880,752
Travel	\$	20,000
Motor Vehicle Equipment		
Purchases	\$	30,855
Publications and Printing	\$	4,000
Equipment Purchases	\$	283,819
Computer Charges	\$	158,123
Real Estate Rentals	\$	—0—
Telecommunications	\$	161,570
Per Diem, Fees and Contracts	\$	217,920

Utilities	\$ 918,040
Postage	\$ 16,000
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 22,548,858
Agency Funds	\$ 6,892,928
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 15,655,930
Total Positions Budgeted—	
July 1, 1983	1,104
Total Positions Budgeted—	
June 30, 1984	1,074
Authorized Motor Vehicles	53

8. Georgia Retardation Center Budget:

Personal Services	\$ 15,740,058
Regular Operating Expenses	\$ 2,443,810
Travel	\$ 11,700
Motor Vehicle Equipment	
Purchases	\$ 68,936
Publications and Printing	\$ 5,100
Equipment Purchases	\$ 77,068
Computer Charges	\$ 166,943
Real Estate Rentals	\$ —0—
Telecommunications	\$ 220,744
Per Diem, Fees and Contracts	\$ 135,770
Utilities	\$ 1,360,380
Postage	\$ 12,750
Authority Lease Rentals	\$ 794,000
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 21,037,259
Agency Funds	\$ 8,280,805
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 12,756,454
Total Positions Budgeted—	
July 1, 1983	890
Total Positions Budgeted—	
June 30, 1984	871
Authorized Motor Vehicles	39

9. Georgia Mental Health
Institute Budget:

Personal Services	\$ 9,874,045
Regular Operating Expenses	\$ 1,115,829
Travel	\$ 12,400
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 3,950
Equipment Purchases	\$ 53,477
Computer Charges	\$ 176,751
Real Estate Rentals	\$ —0—
Telecommunications	\$ 184,040
Per Diem, Fees and Contracts	\$ 619,715

Utilities	\$	1,476,180
Postage	\$	12,000
Authority Lease Rentals	\$	—0—
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	13,528,387
Agency Funds	\$	1,494,184
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	12,034,203
Total Positions Budgeted		503
Authorized Motor Vehicles		20

10. Central State Hospital Budget:

Personal Services	\$	69,693,068
Regular Operating Expenses	\$	9,520,161
Travel	\$	25,800
Motor Vehicle Equipment		
Purchases	\$	159,895
Publications and Printing	\$	17,500
Equipment Purchases	\$	255,098
Computer Charges	\$	664,798
Real Estate Rentals	\$	—0—
Telecommunications	\$	494,233
Per Diem, Fees and Contracts	\$	226,800
Utilities	\$	5,527,147
Postage	\$	42,500
Authority Lease Rentals	\$	794,125
Capital Outlay	\$	275,000
Total Funds Budgeted	\$	87,696,125
Agency Funds	\$	23,183,403
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	64,512,722
Total Positions Budgeted—		
July 1, 1983		3,913
Total Positions Budgeted—		
June 30, 1984		3,882
Authorized Motor Vehicles		215

Central State Hospital Functional Budgets

	Total Funds	State Funds	Pos.
Mental Health/Mental Retardation Services	\$ 75,633,145	\$ 64,512,722	3646/ 3615
Veterans Services	\$ 7,767,115	\$ —0—	267
Department of Offender Rehabilitation Services	\$ 4,295,865	\$ —0—	0
Total	\$ 87,696,125	\$ 64,512,722	3913/ 3882

11. State Youth Development
Centers Budget:

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Personal Services	\$ 12,644,886
Regular Operating Expenses	\$ 1,442,330
Travel	\$ 7,500
Motor Vehicle Equipment	
Purchases	\$ 78,023
Publications and Printing	\$ 3,200
Equipment Purchases	\$ 406,635
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 117,165
Per Diem, Fees and Contracts	\$ 133,800
Utilities	\$ 985,300
Postage	\$ 19,500
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 15,838,339
Agency Funds	\$ 334,500
State Funds Budgeted	\$ 15,503,839
Total Positions Budgeted	723
Authorized Motor Vehicles	103

12. Regional Youth Development
Centers Budget:

Personal Services	\$ 6,846,628
Regular Operating Expenses	\$ 891,025
Travel	\$ 11,000
Motor Vehicle	
Equipment Purchases	\$ 26,295
Publications and Printing	\$ 3,000
Equipment Purchases	\$ 40,047
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 65,000
Per Diem, Fees and Contracts	\$ 78,900
Utilities	\$ 575,000
Postage	\$ 10,500
Capital Outlay	\$ 101,400
Grants to County-Owned	
Detention Centers	\$ 2,318,125
Total Funds Budgeted	\$ 10,966,920
Agency Funds	\$ 249,305
State Funds Budgeted	\$ 10,717,615
Total Positions Budgeted	414
Authorized Motor Vehicles	41

13. Community Mental Health/
Mental Retardation
Services Budget:

Personal Services	\$ 8,802,481
Regular Operating Expenses	\$ 533,612

Travel	\$	40,300
Motor Vehicle Equipment		
Purchases	\$	11,500
Publications and Printing	\$	3,200
Equipment Purchases	\$	1,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	73,075
Telecommunications	\$	34,500
Per Diem, Fees and Contracts	\$	318,332
Utilities	\$	22,600
Postage	\$	2,800
Capital Outlay	\$	—0—
Drug Abuse Contracts	\$	894,292
Day Care Centers for the		
Mentally Retarded	\$	49,356,444
MR Day Care Center Motor		
Vehicle Purchases	\$	579,000
Supportive Living Staff	\$	1,278,450
Supportive Living Benefits	\$	5,062,431
Georgia State Foster		
Grandparent/Senior		
Companion Program	\$	514,212
Community Mental Health		
Center Services	\$	60,021,199
Project Rescue	\$	267,800
Project ARC	\$	166,600
Project Friendship	\$	233,500
Group Homes for		
Autistic Children	\$	260,000
Uniform Alcoholism Projects	\$	2,473,111
Community Mental		
Retardation Staff	\$	2,835,000
Community Mental Retardation		
Residential Services	\$	10,291,854
Total Funds Budgeted	\$	144,077,293
Social Services		
Block Grant Funds	\$	22,807,664
Agency Funds	\$	49,649,632
State Funds Budgeted	\$	71,619,997
Total Positions Budgeted		376
Authorized Motor Vehicles		803

Community Mental Health/Mental Retardation Services Functional
Budgets

	Total Funds	State Funds	Posi
Mental Health Community			
Assistance	\$ 5,645,651	\$ 5,588,751	211
Outdoor Therapeutic			
Program	\$ 1,002,786	\$ 1,002,786	40
Mental Retardation			
Community Assistance	\$ 1,560,248	\$ 1,560,248	64
Central Pharmacy	\$ 124,270	\$ 124,270	

Metro Drug Abuse Centers	\$ 1,172,021	\$ 528,931	45
Day Care Centers for the Mentally Retarded	\$ 49,935,444	\$ 22,403,336	0
Supportive Living	\$ 6,340,881	\$ 3,159,881	0
Georgia State Foster Grandparent/Senior Companion Program	\$ 514,212	\$ 514,212	0
Community Mental Retardation Staff	\$ 2,966,532	\$ 2,035,745	0
Community Mental Retardation Residential Services	\$ 10,291,854	\$ 6,945,406	0
Group Homes for Autistic Children	\$ 260,000	\$ 260,000	0
Project Rescue	\$ 267,800	\$ 104,800	0
Drug Abuse Contracts	\$ 894,292	\$ 167,942	0
Project ARC	\$ 166,600	\$ 166,600	0
Project Friendship	\$ 233,500	\$ 233,500	0
Community Mental Health Center Services	\$ 60,021,199	\$ 24,647,678	0
Uniform Alcoholism Projects	\$ 2,473,111	\$ 2,175,911	0
Central Laboratory	\$ 206,892	\$ —0—	6
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 144,077,293	\$ 71,619,997	376

14. Community Youth Services Budget:

Personal Services	\$ 8,468,020
Regular Operating Expenses	\$ 1,192,187
Travel	\$ 376,800
Motor Vehicle	
Equipment Purchases	\$ 34,360
Publications and Printing	\$ 3,300
Equipment Purchases	\$ 20,198
Computer Charges	\$ —0—
Real Estate Rentals	\$ 270,300
Telecommunications	\$ 237,005
Per Diem, Fees and Contracts	\$ —0—
Utilities	\$ 38,350
Postage	\$ 22,200
Child Care Benefits	\$ 16,000
Total Funds Budgeted	\$ 10,678,720
State Funds Budgeted	\$ 10,678,720
Total Positions Budgeted	412
Authorized Motor Vehicles	19

Community Youth Services Functional Budgets

	Total Funds	State Funds	Pos.
Group Homes	\$ 470,402	\$ 470,402	19
Community Detention	\$ 1,097,103	\$ 1,097,103	17
Day Centers	\$ 577,030	\$ 577,030	24

Community Treatment Centers	\$ 1,773,955	\$ 1,773,955
Court Services	\$ 5,994,740	\$ 5,994,740
Runaway Investigations	\$ 379,920	\$ 379,920
Interstate Compact	\$ 75,570	\$ 75,570
Purchased Services	\$ 310,000	\$ 310,000
Undistributed	\$ —0—	\$ —0—
Total	\$ 10,678,720	\$ 10,678,720

15. Regular Operating Expense
Reserve Budget:

Regular Operating Expense	\$ —0—
Total Funds	\$ —0—
State Funds	\$ —0—

Budget Unit Object Classes:

Personal Services	\$ 227,389,424
Regular Operating Expenses	\$ 27,246,964
Travel	\$ 577,525
Motor Vehicle Equipment	
Purchases	\$ 567,168
Publications and Printing	\$ 67,290
Equipment Purchases	\$ 1,584,716
Computer Charges	\$ 1,907,854
Real Estate Rentals	\$ 343,375
Telecommunications	\$ 2,399,991
Per Diem, Fees and Contracts	\$ 2,667,002
Utilities	\$ 15,907,850
Postage	\$ 199,525
Capital Outlay	\$ 719,400
Authority Lease Rentals	\$ 3,675,625
Grants to County-Owned	
Detention Centers	\$ 2,318,125
Drug Abuse Contracts	\$ 894,292
Day Care Centers for the	
Mentally Retarded	\$ 49,356,444
MR Day Care Center Motor	
Vehicle Purchases	\$ 579,000
Supportive Living Staff	\$ 1,278,450
Supportive Living Benefits	\$ 5,062,431
Georgia State Foster	
Grandparent/Senior	
Companion Program	\$ 514,212
Community Mental Health	
Center Services	\$ 60,021,199
Project Rescue	\$ 267,800
Project ARC	\$ 166,600
Project Friendship	\$ 233,500
Group Homes for	
Autistic Children	\$ 260,000
Uniform Alcoholism Projects	\$ 2,473,111
Child Care Benefits	\$ 16,000

Community Mental Retardation Staff	\$ 2,835,000
Community Mental Retardation Residential Services	\$ 10,291,854
Total Positions Budgeted— July 1, 1983	12,656
Total Positions Budgeted— June 30, 1984	12,534
Authorized Motor Vehicles	1,548

Provided, that of the above appropriation relating to Community Mental Health Centers, agency income, excluding federal grants where prohibited, shall be expended first to cover expenses for local programs. Surplus funds at the end of the year shall not exceed 60-day collections. Surplus above this limitation shall revert to the State and local governments on a pro rata basis based on contribution of said governments to the program.

Provided, that of the above appropriation relating to Community Mental Retardation Residential Services, the Department is authorized to increase the maximum monthly payments to service providers from \$350 to \$385 and to supplant State funds with patient collections to reduce the State cost of the program.

Provided, that of the above appropriation relating to Community Mental Health Centers, private gifts and donations, as well as proceeds of local fund raising activities, shall not be required to be budgeted to the Department or to the Office of Planning and Budget.

Provided that the Department is given the flexibility in the Community Mental Retardation Residential Services Program to use benefits to contract with private home providers for service or to provide small group living situations or semi-independent living situations for clients; and further provided that these residential services are available to clients residing in the community as well as those returning to their communities from the institution.

Provided that Community Mental Health Centers shall provide services to clients living within the geographic catchment area served by such centers without regard to the length of time such client has resided in such geographic catchment area if such client is otherwise eligible to receive services.

Provided, that of the above appropriation relating to Supportive Living Benefits, the Department is provided the flexibility to contract with private homeproviders for services in the home and/or to provide small group resi-

dences for clients and/or provide respite care services for clients and/or other residential services needed to support clients in the communities.

Provided, however, it is the intent of this General Assembly that no additional Youth Services group homes or community treatment centers be started with Federal Funds without prior approval by the General Assembly of Georgia.

Provided, that of the above appropriation relating to Central State Hospital, the Department is authorized to establish a unit for the severely psychiatrically regressed with existing funds and personnel.

Provided, that of the above appropriation relating to Georgia Mental Health Institute, \$20,000 is designated and committed for the purpose of a short-term training program in alcoholism and drug abuse.

Section 27. Department of Industry and Trade.

A. Budget Unit: Department of Industry
and Trade. \$ 9,192,950

1. Industry Budget:

Personal Services	\$	524,500
Regular Operating Expenses	\$	11,000
Travel	\$	35,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	5,400
Equipment Purchases	\$	150
Computer Charges	\$	10,622
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	250
Total Funds Budgeted	\$	586,922
State Funds Budgeted	\$	586,922
Total Positions Budgeted		16

2. Research Budget:

Personal Services	\$	340,500
Regular Operating Expenses	\$	4,800
Travel	\$	2,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	47,556
Equipment Purchases	\$	—0—
Computer Charges	\$	4,170
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	20,900

Total Funds Budgeted	\$	419,926
State Funds Budgeted	\$	419,926
Total Positions Budgeted		14

3. Tourism—Promotional Budget:

Personal Services	\$	640,000
Regular Operating Expenses	\$	73,900
Travel	\$	65,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	189,500
Equipment Purchases	\$	2,450
Computer Charges	\$	18,154
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	90,870
Historic Chattahoochee Commission Contract	\$	40,000
Total Funds Budgeted	\$	1,119,874
State Funds Budgeted	\$	1,119,874
Total Positions Budgeted		27

4. Tourist —Welcome Centers Budget:

Personal Services	\$	1,440,100
Regular Operating Expenses	\$	357,988
Travel	\$	31,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	2,000
Equipment Purchases	\$	11,775
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	14,190
Per Diem, Fees and Contracts	\$	4,000
Local Welcome Centers	\$	110,000
Total Funds Budgeted	\$	1,971,053
State Funds Budgeted	\$	1,881,053
Total Positions Budgeted		94

5. Internal Administration Budget:

Personal Services	\$	624,500
Regular Operating Expenses	\$	214,670
Travel	\$	13,000
Motor Vehicle Equipment Purchases	\$	12,000
Publications and Printing	\$	35,000
Equipment Purchases	\$	500
Computer Charges	\$	3,000
Real Estate Rentals	\$	246,469
Telecommunications	\$	119,070
Per Diem, Fees and Contracts	\$	17,000
Postage	\$	147,000
Georgia Ports Authority— Authority Lease Rentals	\$	2,735,000

Georgia Ports Authority—		
General Obligation Bond		
Payments	\$	3,137,946
Atlanta Council for		
International Visitors	\$	25,000
Waterway Development in Georgia	\$	25,000
Georgia Music Week Promotion	\$	10,000
Georgia World Congress Center		
Operating Expenses	\$	500,000
International Council of		
Georgia, Inc.	\$	—0—
Total Funds Budgeted	\$	7,865,155
State Funds Budgeted	\$	3,638,025
Total Positions Budgeted		24

6. International Budget:

Personal Services	\$	499,500
Regular Operating Expenses	\$	42,500
Travel	\$	72,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	10,000
Equipment Purchases	\$	1,400
Computer Charges	\$	20,500
Real Estate Rentals	\$	49,000
Telecommunications	\$	20,500
Per Diem, Fees and Contracts	\$	88,250
Total Funds Budgeted	\$	804,150
State Funds Budgeted	\$	804,150
Total Positions Budgeted		15

7. Advertising Budget:

Advertising	\$	743,000
Total Funds Budgeted	\$	743,000
State Funds Budgeted	\$	743,000
Total Positions Budgeted		0

Budget Unit Object Classes:

Personal Services	\$	4,069,100
Regular Operating Expenses	\$	704,858
Travel	\$	218,500
Motor Vehicle Equipment Purchases	\$	12,000
Publications and Printing	\$	289,456
Equipment Purchases	\$	16,275
Computer Charges	\$	56,446
Real Estate Rentals	\$	295,469
Telecommunications	\$	153,760
Per Diem, Fees and Contracts	\$	221,270
Postage	\$	147,000
Local Welcome Center Contracts	\$	110,000
Advertising	\$	743,000

Georgia Ports Authority— Authority Lease Rentals	\$ 2,735,000
Georgia Ports Authority— General Obligation Bond Payments	\$ 3,137,946
Historic Chattahoochee Commission Contract	\$ 40,000
Atlanta Council for International Visitors	\$ 25,000
Waterway Development in Georgia	\$ 25,000
Georgia Music Week Promotion	\$ 10,000
Georgia World Congress Center Operating Expenses	\$ 500,000
International Council of Georgia, Inc.	\$ —0—
Total Positions Budgeted	190
Authorized Motor Vehicles	21

B. Budget Unit: Authorities \$ —0—

1. Georgia World Congress Budget:

Personal Services	\$ 3,569,440
Regular Operating Expenses	\$ 1,382,178
Travel	\$ 36,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 24,000
Equipment Purchases	\$ 40,000
Computer Charges	\$ 600
Real Estate Rentals	\$ —0—
Telecommunications	\$ 68,160
Per Diem, Fees and Contracts	\$ 156,852
Atlanta Convention and Visitors Bureau	\$ 819,588
Total Funds Budgeted	\$ 6,096,818
State Funds Budgeted	\$ —0—
Total Positions Budgeted	147

2. Georgia Ports Authority Budget:

Personal Services	\$ 23,953,056
Regular Operating Expenses	\$ 7,870,228
Travel	\$ 435,207
Motor Vehicle Equipment Purchases	\$ 472,080
Publications and Printing	\$ 108,108
Equipment Purchases	\$ 3,119,000
Real Estate Rentals	\$ 99,403
Telecommunications	\$ 302,960
Repayments for Previous Capital Improvement Funding	\$ 2,089,184
Computer Charges	\$ 457,142
Per Diem, Fees and Contracts	\$ 1,211,582
Other Debt-Service Payments	\$ 696,150

Capital Outlay—Internal	
Operations	\$ 4,742,770
Capital Reinvestment	\$ —0—
Total Funds Budgeted	\$ 45,556,870
State Funds Budgeted	\$ —0—
Total Positions Budgeted	780

Budget Unit Object Classes:

Personal Services	\$ 27,522,496
Regular Operating Expenses	\$ 9,252,406
Travel	\$ 471,207
Motor Vehicle Equipment	
Purchases	\$ 472,080
Publications and Printing	\$ 132,108
Equipment Purchases	\$ 3,159,000
Computer Charges	\$ 457,742
Real Estate Rentals	\$ 99,403
Telecommunications	\$ 371,120
Per Diem, Fees and Contracts	\$ 1,368,434
Repayments for Previous	
Capital Improvement Funding	\$ 2,089,184
Other Debt-Service Payments	\$ 696,150
Capital Outlay—Internal	
Operations	\$ 4,742,770
Atlanta Convention and	
Visitors Bureau	\$ 819,588
Total Positions Budgeted	927
Authorized Motor Vehicles	36

It is the intent of this General Assembly that to the extent that gross income from operations exceeds the amount contemplated in this Appropriations Act, such excess may be applied toward the cost of operations and excess cost of authorized planning of new facilities, provided that budget amendments reflecting such proposed applications are provided to the Office of Planning and Budget and the Legislative Budget Office at least two weeks prior to such application of funds.

It is the intent of this General Assembly that to the greatest extent feasible, the Georgia Ports Authority utilize existing surplus funds for payments to bond trustees for unmatured issues.

Section 28. Department of Labor.

A. Budget Unit: Inspection Division	\$ 779,226
Inspection Division Budget:	
Personal Services	\$ 656,565
Regular Operating Expenses	\$ 13,259

Travel	\$	87,751
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	5,000
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	8,351
Telecommunications	\$	8,100
Per Diem, Fees and Contracts	\$	200
Total Funds Budgeted	\$	779,226
State Funds Budgeted	\$	779,226
Total Positions Budgeted		28

Budget Unit Object Classes:

Personal Services	\$	656,565
Regular Operating Expenses	\$	13,259
Travel	\$	87,751
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	5,000
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	8,351
Telecommunications	\$	8,100
Per Diem, Fees and Contracts	\$	200
Total Positions Budgeted		28

B. Budget Unit: Basic Employment, Work
Incentive, Correctional
Services and Comprehensive
Employment and Training

\$ 3,279,030

1. Basic Employment Security
and W.I.N. Budget:

Personal Services	\$	38,851,258
Regular Operating Expenses	\$	3,648,918
Travel	\$	1,025,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	10,200
Equipment Purchases	\$	990,000
Computer Charges	\$	15,000
Real Estate Rentals	\$	1,465,096
Telecommunications	\$	1,010,000
Per Diem, Fees and Contracts	\$	975,000
W.I.N. Grants	\$	226,782
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	48,217,254
State Funds Budgeted	\$	1,346,584
Total Positions Budgeted		1,601

2. Comprehensive Employment
and Training Act (CETA) Budget:

Personal Services	\$	10,265,027
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Regular Operating Expenses	\$	1,294,973
Travel	\$	203,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	6,000
Equipment Purchases	\$	19,000
Computer Charges	\$	5,000
Real Estate Rentals	\$	362,000
Telecommunications	\$	364,000
Per Diem, Fees and Contracts (CETA)	\$	12,000
CETA Direct Benefits	\$	37,469,000
Total Funds Budgeted	\$	50,000,000
State Funds Budgeted	\$	—0—
Total Positions Budgeted		422

3. Correctional Services Budget:

Personal Services	\$	1,754,800
Regular Operating Expenses	\$	47,851
Travel	\$	20,245
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	250
Equipment Purchases	\$	300
Computer Charges	\$	1,000
Real Estate Rentals	\$	63,000
Telecommunications	\$	35,000
Per Diem, Fees and Contracts	\$	10,000
Total Funds Budgeted	\$	1,932,446
State Funds Budgeted	\$	1,932,446
Total Positions Budgeted		74

Budget Unit Object Classes:

Personal Services	\$	50,871,085
Regular Operating Expenses	\$	4,991,742
Travel	\$	1,248,245
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	16,450
Equipment Purchases	\$	1,009,300
Computer Charges	\$	21,000
Real Estate Rentals	\$	1,890,096
Telecommunications	\$	1,409,000
Per Diem, Fees and Contracts (CETA)	\$	12,000
Per Diem, Fees and Contracts	\$	985,000
W.I.N. Grants	\$	226,782
CETA Direct Benefits	\$	37,469,000
Capital Outlay	\$	—0—
Total Positions Budgeted		2,097
Authorized Motor Vehicles		6

Section 29. Department of Law.

Budget Unit: Department of Law	\$ 4,571,305
Attorney General's Office Budget:	
Personal Services	\$ 3,954,809
Regular Operating Expenses	\$ 235,664
Travel	\$ 110,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 30,150
Equipment Purchases	\$ 2,590
Computer Charges	\$ 32,050
Books for State Library	\$ 55,000
Real Estate Rentals	\$ 311,807
Telecommunications	\$ 102,735
Per Diem, Fees and Contracts	\$ 36,500
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 4,871,305
State Funds Budgeted	\$ 4,571,305
Total Positions Budgeted	116

Budget Unit Object Classes:

Personal Services	\$ 3,954,809
Regular Operating Expenses	\$ 235,664
Travel	\$ 110,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 30,150
Equipment Purchases	\$ 2,590
Computer Charges	\$ 32,050
Real Estate Rentals	\$ 311,807
Telecommunications	\$ 102,735
Per Diem, Fees and Contracts	\$ 36,500
Books for State Library	\$ 55,000
Capital Outlay	\$ —0—
Total Positions Budgeted	116
Authorized Motor Vehicles	1

Provided, however, that of the above appropriation relative to regular operating expenses, \$38,000 is designated and committed for Court Reporter Fees.

Section 30. Department of
Medical Assistance.

Budget Unit: Medicaid Services	\$ 220,263,524
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1. Commissioner's Office Budget:

Personal Services	\$ 1,639,920
Regular Operating Expenses	\$ 43,745
Travel	\$ 66,360

Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,200
Equipment Purchases	\$	—0—
Real Estate Rentals	\$	224,505
Telecommunications	\$	58,425
Per Diem, Fees and Contracts	\$	43,900
Total Funds Budgeted	\$	2,081,055
State Funds Budgeted	\$	986,820
Total Positions Budgeted		68

2. Administration Budget:

Personal Services	\$	1,059,060
Regular Operating Expenses	\$	51,635
Travel	\$	13,285
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	13,385
Equipment Purchases	\$	8,000
Computer Charges	\$	118,200
Real Estate Rentals	\$	249,555
Telecommunications	\$	24,670
Per Diem, Fees and Contracts	\$	30,000
Postage	\$	163,765
Audits Contracts	\$	568,000
Total Funds Budgeted	\$	2,299,555
State Funds Budgeted	\$	907,205
Total Positions Budgeted		43

3. Program Management Budget:

Personal Services	\$	1,464,575
Regular Operating Expenses	\$	51,830
Travel	\$	21,250
Publications and Printing	\$	33,775
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	256,292
Telecommunications	\$	58,385
Per Diem, Fees and Contracts	\$	9,287,320
Total Funds Budgeted	\$	11,173,427
State Funds Budgeted	\$	1,361,055
Total Positions Budgeted		61

4. Operations Budget:

Personal Services	\$	2,047,915
Regular Operating Expenses	\$	165,080
Travel	\$	2,200
Publications and Printing	\$	114,000
Equipment Purchases	\$	—0—
Computer Charges	\$	7,356,400
Real Estate Rentals	\$	256,290
Telecommunications	\$	94,115

Per Diem, Fees and Contracts	\$ 76,000
Postage	\$ 712,355
Total Funds Budgeted	\$ 10,824,355
Indirect DOAS Services Funding	\$ —0—
Agency Funds	\$ 8,001,525
State Funds Budgeted	\$ 2,822,830
Total Positions Budgeted	109

5. Benefits Payments Budget:

Medicaid Benefits	\$ 662,619,712
Payments to Counties for Mental Health	\$ 10,845,445
Total Funds Budgeted	\$ 673,465,157
State Funds Budgeted	\$ 214,185,614
Total Positions Budgeted	0

Budget Unit Object Classes:

Personal Services	\$ 6,211,470
Regular Operating Expenses	\$ 312,290
Travel	\$ 103,095
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 165,360
Equipment Purchases	\$ 8,000
Computer Charges	\$ 7,474,600
Real Estate Rentals	\$ 986,642
Telecommunications	\$ 235,595
Per Diem, Fees and Contracts	\$ 9,437,220
Postage	\$ 876,120
Medicaid Benefits	\$ 662,619,712
Payments to Counties for Mental Health	\$ 10,845,445
Audits Contracts	\$ 568,000
Total Positions Budgeted	281
Authorized Motor Vehicles	3

Provided, that any reserve created by the State Auditor for the payment of Medicaid Benefits can be expended and otherwise treated for accounting and other purposes for Payments to Counties for Mental Health.

Section 31. Merit System of Personnel
Administration.Budget Unit: Merit System of Personnel
Administration

Agency Assessments	\$ 4,993,339
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1. Applicant Services Budget:

Personal Services	\$ 888,330
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Regular Operating Expenses	\$	17,525
Travel	\$	12,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	54,300
Equipment Purchases	\$	2,405
Computer Charges	\$	346,893
Real Estate Rentals	\$	—0—
Telecommunications	\$	18,900
Per Diem, Fees and Contracts	\$	5,600
Postage	\$	90,300
Total Funds Budgeted	\$	1,436,253
Agency Assessments	\$	1,436,253
Total Positions Budgeted		39

2. Classification and Compensation
Budget:

Personal Services	\$	488,217
Regular Operating Expenses	\$	6,870
Travel	\$	1,265
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	5,900
Equipment Purchases	\$	320
Computer Charges	\$	137,178
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,862
Per Diem, Fees and Contracts	\$	1,000
Postage	\$	3,000
Total Funds Budgeted	\$	649,612
Agency Assessments	\$	649,612
Total Positions Budgeted		19

3. Program Evaluation and Audit Budget:

Personal Services	\$	308,327
Regular Operating Expenses	\$	9,070
Travel	\$	1,025
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	950
Equipment Purchases	\$	1,000
Computer Charges	\$	178,332
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,199
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	1,100
Total Funds Budgeted	\$	505,003
Agency Assessments	\$	505,003
Total Positions Budgeted		13

4. Employee Training and
Development Budget:

Personal Services	\$	545,576
Regular Operating Expenses	\$	28,800

Travel	\$	20,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,000
Equipment Purchases	\$	2,350
Computer Charges	\$	13,718
Real Estate Rentals	\$	—0—
Telecommunications	\$	9,150
Per Diem, Fees and Contracts	\$	177,000
Postage	\$	4,400
Total Funds Budgeted	\$	821,594
Agency Assessments	\$	821,594
Total Positions Budgeted		23

5. Health Insurance
Administration Budget:

Personal Services	\$	489,280
Regular Operating Expenses	\$	10,200
Travel	\$	2,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	8,000
Equipment Purchases	\$	1,440
Computer Charges	\$	321,029
Real Estate Rentals	\$	57,985
Telecommunications	\$	45,540
Per Diem, Fees and Contracts	\$	4,266,670
Postage	\$	27,460
Total Funds Budgeted	\$	5,230,104
Other Health Insurance		
Agency Funds	\$	—0—
Employer and Employee Contributions	\$	5,230,104
Total Positions Budgeted		24

6. Health Insurance Claims Budget:

Personal Services	\$	—0—
Regular Operating Expenses	\$	—0—
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	8,207,788
Postage	\$	—0—
Health Insurance Claims	\$	166,471,000
Total Funds Budgeted	\$	174,678,788
Other Health Insurance		
Agency Funds	\$	—0—

Employer and Employee Contributions	\$ 174,678,788
Total Positions Budgeted	0

7. Internal Administration Budget:

Personal Services	\$ 697,402
Regular Operating Expenses	\$ 19,440
Travel	\$ 3,300
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 8,000
Equipment Purchases	\$ 14,090
Computer Charges	\$ 66,726
Real Estate Rentals	\$ —0—
Telecommunications	\$ 14,440
Per Diem, Fees and Contracts	\$ —0—
Postage	\$ 6,100
Federal Sub-grants to State and Local Agencies	\$ —0—
Total Funds Budgeted	\$ 829,498
Agency Assessments	\$ 640,488
Employer and Employee Contributions	\$ 157,100
Deferred Compensation	\$ 31,910
Total Positions Budgeted	33

8. Commissioner's Office Budget:

Personal Services	\$ 304,000
Regular Operating Expenses	\$ 16,882
Travel	\$ 9,200
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 15,000
Equipment Purchases	\$ 3,760
Computer Charges	\$ —0—
Real Estate Rentals	\$ 515,160
Telecommunications	\$ 4,887
Per Diem, Fees and Contracts	\$ 68,000
Postage	\$ 3,500
Total Funds Budgeted	\$ 940,389
Agency Assessments	\$ 940,389
Total Positions Budgeted	8

Budget Unit Object Classes:

Personal Services	\$ 3,721,132
Regular Operating Expenses	\$ 108,787
Travel	\$ 49,890
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 112,150
Equipment Purchases	\$ 25,365
Computer Charges	\$ 1,063,876
Real Estate Rentals	\$ 573,145
Telecommunications	\$ 103,978

Per Diem, Fees and Contracts	\$ 12,726,058
Postage	\$ 135,860
Federal Sub-grants to	
State and Local Agencies	\$ —0—
Health Insurance Claim Payments	\$ 166,471,000
Total Positions Budgeted	159
Authorized Motor Vehicles	0

Provided, that it is the intent of this General Assembly that the employer contribution paid by the State for Teachers Health Insurance shall be for State allotted teachers, and the base for this payment shall be the eligible salary for teachers according to the Teacher Salary Index, before the assignment of Required Local Effort.

Section 32. Department of Natural Resources.

A. Budget Unit: Department of Natural Resources \$ 48,526,246

1. Internal Administration Budget:

Personal Services	\$ 2,086,400
Regular Operating Expenses	\$ 187,936
Travel	\$ 18,000
Motor Vehicle Equipment Purchases	\$ 8,000
Publications and Printing	\$ 192,290
Equipment Purchases	\$ 500
Computer Charges	\$ 162,164
Real Estate Rentals	\$ 167,212
Telecommunications	\$ 69,529
Per Diem, Fees and Contracts	\$ 84,200
Postage	\$ 89,586
Payments to Lake Lanier Islands Development Authority	\$ 510,000
Payments to Jekyll Island St. Park Authority	\$ —0—
Capital Outlay—Heritage Trust	\$ 75,000
Total Funds Budgeted	\$ 3,650,817
Receipts from Jekyll Island State Park Authority	\$ 50,000
State Funds Budgeted	\$ 3,575,817
Total Positions Budgeted	81

2. Game and Fish Budget:

Personal Services	\$ 12,199,500
Regular Operating Expenses	\$ 3,250,259
Travel	\$ 67,000
Motor Vehicle Equipment Purchases	\$ 830,750
Publications and Printing	\$ 74,000

Equipment Purchases	\$	483,186
Computer Charges	\$	44,219
Real Estate Rentals	\$	45,438
Telecommunications	\$	221,506
Per Diem, Fees and Contracts	\$	77,500
Postage	\$	62,466
Capital Outlay—Hatchery		
Renovation	\$	—0—
Capital Outlay—Repairs		
and Maintenance	\$	—0—
Capital Outlay	\$	—0—
Grants to Local Governments	\$	—0—
Capital Outlay—		
Consolidated Maintenance	\$	344,375
Capital Outlay—Heritage		
Trust—Wildlife Management		
Area Land Acquisition	\$	350,000
Total Funds Budgeted	\$	18,050,199
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	14,638,710
Total Positions Budgeted		477
3. Parks, Recreation and		
Historic Sites Budget:		
Personal Services	\$	8,643,872
Regular Operating Expenses	\$	3,705,137
Travel	\$	75,000
Motor Vehicle Equipment		
Purchases	\$	224,000
Publications and Printing	\$	95,000
Equipment Purchases	\$	235,000
Computer Charges	\$	15,000
Real Estate Rentals	\$	132,601
Telecommunications	\$	236,456
Per Diem, Fees and Contracts	\$	68,400
Postage	\$	57,600
Capital Outlay	\$	—0—
Capital Outlay—Repairs		
and Maintenance	\$	1,494,800
Capital Outlay—Shop Stock	\$	300,000
Cost of Material for Resale	\$	1,025,000
Authority Lease Rentals	\$	2,033,000
Land and Water Conservation		
Grants	\$	1,400,000
Recreation Grants	\$	365,000
Contract—Special Olympics, Inc.	\$	186,000
Georgia Sports Hall of Fame	\$	50,000
Capital Outlay—User Fee		
Enhancements	\$	1,314,000
Technical Assistance Contract	\$	100,000
Total Funds Budgeted	\$	21,755,866
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	12,768,933
Total Positions Budgeted		373

4. Environmental Protection Budget:

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Personal Services	\$	9,115,000
Regular Operating Expenses	\$	679,361
Travel	\$	235,400
Motor Vehicle Equipment		
Purchases	\$	25,200
Publications and Printing	\$	84,300
Equipment Purchases	\$	46,046
Computer Charges	\$	133,080
Real Estate Rentals	\$	512,513
Telecommunications	\$	175,592
Per Diem, Fees and Contracts	\$	747,500
Postage	\$	96,112
Solid Waste Grants	\$	1,500,000
Water and Sewer Grants	\$	6,000,000
Contract with U.S. Geological		
Survey for Ground Water		
Resources Survey	\$	250,437
Topographic Mapping U.S.		
Geological Survey	\$	125,000
Contract—Georgia Rural		
Water Association	\$	10,000
Total Funds Budgeted	\$	19,735,541
State Funds Budgeted	\$	16,537,241
Total Positions Budgeted		311

5. Coastal Resources Budget:

Personal Services	\$	720,000
Regular Operating Expenses	\$	204,069
Travel	\$	11,700
Motor Vehicle Equipment Purchases	\$	16,100
Publications and Printing	\$	19,690
Equipment Purchases	\$	21,947
Computer Charges	\$	15,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	19,400
Per Diem, Fees and Contracts	\$	7,500
Postage	\$	10,139
Capital Outlay	\$	—0—
Capital Outlay—Repairs		
and Maintenance	\$	—0—
Capital Outlay—Buoy Maintenance	\$	20,000
Total Funds Budgeted	\$	1,065,545
State Funds Budgeted	\$	1,005,545
Total Positions Budgeted		26

Budget Unit Object Classes:

Personal Services	\$	32,764,772
Regular Operating Expenses	\$	8,026,762

Travel	\$ 407,100
Motor Vehicle Equipment	
Purchases	\$ 1,104,050
Publications and Printing	\$ 465,280
Equipment Purchases	\$ 786,679
Computer Charges	\$ 369,463
Real Estate Rentals	\$ 857,764
Telecommunications	\$ 722,483
Per Diem, Fees and Contracts	\$ 985,100
Postage	\$ 315,903
Land and Water Conservation	
Grants	\$ 1,400,000
Recreation Grants	\$ 365,000
Water and Sewer Grants	\$ 6,000,000
Solid Waste Grants	\$ 1,500,000
Contract with U. S. Geological	
Survey for Ground Water	
Resources Survey	\$ 250,437
Contract with U.S. Geological	
Survey for Topographic Maps	\$ 125,000
Capital Outlay—Hatchery	
Renovation	\$ —0—
Capital Outlay	\$ —0—
Capital Outlay—Repairs	
and Maintenance	\$ 1,494,800
Capital Outlay—Shop Stock	\$ 300,000
Capital Outlay—Heritage Trust	\$ 75,000
Authority Lease Rentals	\$ 2,033,000
Cost of Material for Resale	\$ 1,025,000
Payments to Lake Lanier Islands	
Development Authority	\$ 510,000
Payments to Jekyll Island	
State Park Authority	\$ —0—
Contract—Special Olympics,	
Inc.	\$ 186,000
Georgia Sports Hall of Fame	\$ 50,000
Capital Outlay—Heritage	
Trust—Wildlife Management	
Area Land Acquisition	\$ 350,000
Capital Outlay—User Fee	
Enhancements	\$ 1,314,000
Capital Outlay—Buoy	
Maintenance	\$ 20,000
Capital Outlay—	
Consolidated Maintenance	\$ 344,375
Technical Assistance Contract	\$ 100,000
Contract—Georgia Rural	
Water Association	\$ 10,000
Total Positions Budgeted	1,268
Authorized Motor Vehicles	1,017

Provided, that no land shall be purchased for State park purposes from funds appropriated under this Section

or from any other funds without the approval of the State Properties Control Commission, except that land specifically provided for in this Section.

Provided, however, that \$1,000,000 of the above appropriation for Water and Sewer Grants shall be available for allotment to counties and municipalities for emergency type projects, and that \$5,000,000 is designated and committed for grants to local governments for water and sewer projects utilizing a maximum State match of 50% of the total cost of each project. Provided, further that no allocation of funds for this purpose shall be made prior to the official approval thereof by the Board of Natural Resources.

Provided that to the extent State Parks and Historic Sites receipts are realized in excess of the amount of such funds contemplated in this Act, the Department of Natural Resources is authorized and directed to use the excess receipts to provide for the most immediate critical needs of the Parks, Recreation and Historic Sites Division to include repairs and maintenance of State Parks and Historic Sites facilities.

B. Budget Unit: Authorities \$ —0—

1. Lake Lanier Islands Development
Authority Budget:

Personal Services	\$	1,580,458
Regular Operating Expenses	\$	653,875
Travel	\$	5,500
Motor Vehicle Equipment Purchases	\$	30,250
Publications and Printing	\$	39,000
Equipment Purchases	\$	76,900
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	42,100
Per Diem, Fees and Contracts	\$	25,500
Capital Outlay	\$	—0—
Campground Sinking Fund	\$	—0—
Promotion Expenses	\$	—0—
Total Funds Budgeted	\$	2,453,583
State Funds Budgeted	\$	—0—
Total Positions Budgeted		64

2. Jekyll Island State Park
Authority Budget:

Personal Services	\$	2,583,489
Regular Operating Expenses	\$	1,699,322
Travel	\$	24,000
Motor Vehicle Equipment Purchases	\$	58,500

Per Diem, Fees and Contracts	\$	458,260
Utilities	\$	—0—
Total Funds Budgeted	\$	6,133,381
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	6,133,381
Total Positions Budgeted		148

2. Adult Facilities and Programs
Budget:

Personal Services	\$	3,536,080
Regular Operating Expenses	\$	125,455
Travel	\$	149,800
Motor Vehicle Equipment		
Purchases	\$	66,400
Publications and Printing	\$	—0—
Equipment Purchases	\$	30,900
Computer Charges	\$	—0—
Real Estate Rentals	\$	3,000
Per Diem, Fees and Contracts	\$	418,200
Telecommunications	\$	41,600
County Subsidy	\$	7,593,825
County Subsidy for Jails	\$	912,500
Court Costs	\$	264,000
Central Repair Fund	\$	984,000
Grants for County		
Workcamp Construction	\$	840,000
Grants for Local Jails	\$	400,000
Total Funds Budgeted	\$	15,365,760
State Funds Budgeted	\$	15,365,760
Total Positions Budgeted		150

3. Training and Staff Development
Center Budget:

Personal Services	\$	719,000
Regular Operating Expenses	\$	191,370
Travel	\$	137,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,000
Equipment Purchases	\$	15,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	70,000
Telecommunications	\$	17,000
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	29,000
Total Funds Budgeted	\$	1,179,370
State Funds Budgeted	\$	1,179,370
Total Positions Budgeted		33

Budget Unit Object Classes:

Personal Services	\$	7,890,080
Regular Operating Expenses	\$	572,325

Travel	\$	343,830
Motor Vehicle Equipment Purchases	\$	66,400
Publications and Printing	\$	1,000
Equipment Purchases	\$	49,700
Computer Charges	\$	619,598
Real Estate Rentals	\$	977,193
Telecommunications	\$	258,600
Per Diem, Fees and Contracts	\$	876,460
Utilities	\$	29,000
County Subsidy	\$	7,593,825
County Subsidy for Jails	\$	912,500
Court Costs	\$	264,000
Central Repair Fund	\$	984,000
Grants for County		
Workcamp Construction	\$	840,000
Grants for Local Jails	\$	400,000
Total Positions Budgeted		331
Authorized Motor Vehicles		70

It is the intent of this General Assembly that funds appropriated for county subsidy may be used to either supplement or supplant county funds, at the option of each county.

Provided, that of the above appropriation relating to grants for county workcamp construction, the State shall provide no more than fifty percent of the total construction cost.

B. Budget Unit: Correctional Institutions,
Transitional Centers, and
Support \$ 116,220,254

1. Georgia Training and Development
Center Budget:

Personal Services	\$	1,333,900
Regular Operating Expenses	\$	73,950
Travel	\$	800
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	12,200
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	23,000
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	127,000
Total Funds Budgeted	\$	1,570,850
State Funds Budgeted	\$	1,570,850
Total Positions Budgeted		66

2. Georgia Industrial Institute

Budget:

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Personal Services	\$	5,466,600
Regular Operating Expenses	\$	273,100
Travel	\$	3,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	25,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	30
Telecommunications	\$	48,600
Per Diem, Fees and Contracts	\$	2,400
Utilities	\$	550,500
Total Funds Budgeted	\$	6,369,230
State Funds Budgeted	\$	6,369,230
Total Positions Budgeted		299

3. Alto Education and Evaluation

Center Budget:

Personal Services	\$	1,299,000
Regular Operating Expenses	\$	54,175
Travel	\$	3,400
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	17,340
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	4,490
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	—0—
Total Funds Budgeted	\$	1,378,405
State Funds Budgeted	\$	1,146,664
Total Positions Budgeted		50

4. Georgia Diagnostic and

Classification Center Budget:

Personal Services	\$	5,703,771
Regular Operating Expenses	\$	283,560
Travel	\$	1,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	29,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	47,600
Per Diem, Fees and Contracts	\$	3,300
Utilities	\$	634,000
Total Funds Budgeted	\$	6,702,731
State Funds Budgeted	\$	6,702,731
Total Positions Budgeted		323

5. Georgia State Prison Budget:

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Personal Services	\$ 12,747,016
Regular Operating Expenses	\$ 606,444
Travel	\$ 12,250
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 100,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 120,900
Per Diem, Fees and Contracts	\$ 7,800
Utilities	\$ 1,444,000
Total Funds Budgeted	\$ 15,038,410
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 15,013,410
Total Positions Budgeted	739

6. Consolidated Branches Budget:

Personal Services	\$ 9,323,141
Regular Operating Expenses	\$ 455,235
Travel	\$ 10,415
Motor Vehicle	
Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 64,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 120,000
Per Diem, Fees and Contracts	\$ 15,360
Utilities	\$ 1,090,000
Total Funds Budgeted	\$ 11,078,151
State Funds Budgeted	\$ 10,955,151
Total Positions Budgeted	515

7. Middle Georgia Correctional
Institution Budget:

Personal Services	\$ 11,881,627
Regular Operating Expenses	\$ 503,710
Travel	\$ 4,000
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 85,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ 5,440
Telecommunications	\$ 133,000
Per Diem, Fees and Contracts	\$ 4,800
Utilities	\$ 334,000

Payments to Central State	
Hospital for Utilities	\$ 726,500
Total Funds Budgeted	\$ 13,678,077
State Funds Budgeted	\$ 13,678,077
Total Positions Budgeted	681

8. Jack T. Rutledge Correctional
Institution Budget:

Personal Services	\$ 2,834,658
Regular Operating Expenses	\$ 115,450
Travel	\$ 1,200
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 3,200
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 14,100
Per Diem, Fees and Contracts	\$ —0—
Utilities	\$ 272,500
Total Funds Budgeted	\$ 3,241,108
State Funds Budgeted	\$ 3,241,108
Total Positions Budgeted	156

9. Central Correctional
Institution Budget:

Personal Services	\$ 2,400,200
Regular Operating Expenses	\$ 94,600
Travel	\$ 1,575
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 4,500
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 19,900
Per Diem, Fees and Contracts	\$ —0—
Utilities	\$ 251,835
Total Funds Budgeted	\$ 2,772,610
State Funds Budgeted	\$ 2,772,610
Total Positions Budgeted	135

10. Metro Correctional
Institution Budget:

Personal Services	\$ 3,169,220
Regular Operating Expenses	\$ 122,900
Travel	\$ 2,300
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 3,075
Computer Charges	\$ —0—
Real Estate Rentals	\$ 9,100
Telecommunications	\$ 41,000

Per Diem, Fees and Contracts	\$	10,000
Utilities	\$	324,100
Total Funds Budgeted	\$	3,681,695
State Funds Budgeted	\$	3,681,695
Total Positions Budgeted		184

11. Coastal Correctional
Institution Budget:

Personal Services	\$	2,995,800
Regular Operating Expenses	\$	125,160
Travel	\$	2,100
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	4,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	6,000
Telecommunications	\$	52,000
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	307,000
Total Funds Budgeted	\$	3,492,060
State Funds Budgeted	\$	3,437,060
Total Positions Budgeted		173

12. Central Funds Budget:

Personal Services	\$	2,220,000
Regular Operating Expenses	\$	3,835,645
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	365,000
Publications and Printing	\$	139,100
Equipment Purchases	\$	296,375
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	—0—
Authority Lease Rentals	\$	440,000
Capital Outlay	\$	300,000
Inmate Release Funds	\$	595,000
Total Funds Budgeted	\$	8,191,120
State Funds Budgeted	\$	8,001,120
Total Positions Budgeted		0

13. D.O.T. Work Details Budget:

Personal Services	\$	452,455
Regular Operating Expenses	\$	14,200
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—

Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	—0—
Total Funds Budgeted	\$	466,655
State Funds Budgeted	\$	—0—
Total Positions Budgeted		27
14. Food Processing and Distribution Budget:		
Personal Services	\$	2,971,365
Regular Operating Expenses	\$	4,862,600
Travel	\$	7,500
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	165,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	10,000
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	—0—
Capital Outlay	\$	—0—
Payments to Central State		
Hospital for Meals	\$	2,205,880
Payments to Central State		
Hospital for Utilities	\$	53,000
Total Funds Budgeted	\$	10,275,345
State Funds Budgeted	\$	9,649,235
Total Positions Budgeted		188
15. Farm Operations Budget:		
Personal Services	\$	663,000
Regular Operating Expenses	\$	3,568,300
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	63,800
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	49,900
Utilities	\$	—0—
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	4,345,000
State Funds Budgeted	\$	4,305,000
Total Positions Budgeted		33
16. Dodge Correctional Institution Budget:		
Personal Services	\$	2,070,600
Regular Operating Expenses	\$	87,900
Travel	\$	1,500

Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	6,900
Telecommunications	\$	27,000
Per Diem, Fees and Contracts	\$	35,520
Utilities	\$	215,000
Total Funds Budgeted	\$	2,444,420
State Funds Budgeted	\$	2,444,420
Total Positions Budgeted		136

17 Transitional Centers Budget:

Personal Services	\$	2,224,800
Regular Operating Expenses	\$	171,000
Travel	\$	4,800
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	13,460
Computer Charges	\$	—0—
Real Estate Rentals	\$	194,000
Telecommunications	\$	36,900
Per Diem, Fees and Contracts	\$	5,800
Utilities	\$	275,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	2,925,760
State Funds Budgeted	\$	2,925,760
Total Positions Budgeted		119

18. Augusta Correctional and
Medical Institution Budget:

Personal Services	\$	3,834,600
Regular Operating Expenses	\$	205,100
Travel	\$	3,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	9,300
Telecommunications	\$	32,000
Per Diem, Fees and Contracts	\$	4,800
Utilities	\$	329,000
Total Funds Budgeted	\$	4,417,800
State Funds Budgeted	\$	4,417,800
Total Positions Budgeted		245

19. Health Care Budget:

Personal Services	\$	4,719,643
Regular Operating Expenses	\$	952,510
Travel	\$	—0—

Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	49,700
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	—0—
Payments to the Medical		
Association of Georgia for		
Jail and Prison Health		
Care Certification	\$	40,480
Payments to Jails for State		
Prisoner Medical Costs	\$	200,000
Health Service Purchases	\$	9,946,000
Total Funds Budgeted	\$	15,908,333
State Funds Budgeted	\$	15,908,333
Total Positions Budgeted		237

Budget Unit Object Classes:

Personal Services	\$	78,311,396
Regular Operating Expenses	\$	16,405,539
Travel	\$	59,340
Motor Vehicle Equipment		
Purchases	\$	365,000
Publications and Printing	\$	139,100
Equipment Purchases	\$	935,650
Computer Charges	\$	—0—
Real Estate Rentals	\$	230,770
Telecommunications	\$	730,490
Per Diem, Fees and Contracts	\$	139,680
Utilities	\$	6,153,935
Payments to Central State		
Hospital for Meals	\$	2,205,880
Payments to Central State		
Hospital for Utilities	\$	779,500
Payments to Jails for State		
Prisoner Medical Costs	\$	200,000
Inmate Release Funds	\$	595,000
Health Service Purchases	\$	9,946,000
Payments to the Medical		
Association of Georgia for		
Jail and Prison Health		
Care Certification	\$	40,480
Authority Lease Rentals	\$	440,000
Capital Outlay	\$	300,000
Total Positions Budgeted		4,306
Authorized Motor Vehicles		375

It is the intent of this General Assembly that, with respect to the Legal Services Program for inmates, law-

yers, law students and/or employees be prohibited from soliciting for filing of writs.

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It is the intent of this General Assembly that the department not start any new community center programs with Federal funds without the prior approval of the Georgia Assembly of Georgia.

C. Budget Unit: Board of Pardons and Paroles \$ 8,838,950

Board of Pardons and Paroles Budget:

Personal Services	\$ 7,126,086
Regular Operating Expenses	\$ 252,248
Travel	\$ 371,650
Motor Vehicle Equipment Purchases	\$ 53,265
Publications and Printing	\$ 25,724
Equipment Purchases	\$ 249,542
Computer Charges	\$ 20,000
Real Estate Rentals	\$ 468,155
Telecommunications	\$ 197,730
Per Diem, Fees and Contracts	\$ 19,800
County Jail Subsidy	\$ 54,750
Total Funds Budgeted	\$ 8,838,950
State Funds Budgeted	\$ 8,838,950
Total Positions Budgeted	385

Budget Unit Object Classes:

Personal Services	\$ 7,126,086
Regular Operating Expenses	\$ 252,248
Travel	\$ 371,650
Motor Vehicle Equipment Purchases	\$ 53,265
Publications and Printing	\$ 25,724
Equipment Purchases	\$ 249,542
Computer Charges	\$ 20,000
Real Estate Rentals	\$ 468,155
Telecommunications	\$ 197,730
Per Diem, Fees and Contracts	\$ 19,800
County Jail Subsidy	\$ 54,750
Total Positions Budgeted	385
Authorized Motor Vehicles	22

D. Budget Unit: Georgia Correctional Industries \$ —0—

Georgia Correctional Industries Budget:

Personal Services	\$ 1,587,000
Regular Operating Expenses	\$ 570,700
Travel	\$ 48,000
Motor Vehicle Equipment Purchases	\$ 102,500
Publications and Printing	\$ 8,000
Equipment Purchases	\$ 60,000

Computer Charges	\$ 1,955
Real Estate Rentals	\$ 30,500
Telecommunications	\$ 58,000
Per Diem, Fees and Contracts	\$ 234,700
Cost of Sales	\$ 4,573,000
Repayment of Prior Year's Appropriations	\$ 84,000
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 7,358,355
State Funds Budgeted	\$ —0—
Total Positions Budgeted	66

Budget Unit Object Classes:

Personal Services	\$ 1,587,000
Regular Operating Expenses	\$ 570,700
Travel	\$ 48,000
Motor Vehicle Equipment Purchases	\$ 102,500
Publications and Printing	\$ 8,000
Equipment Purchases	\$ 60,000
Computer Charges	\$ 1,955
Real Estate Rentals	\$ 30,500
Telecommunications	\$ 58,000
Per Diem, Fees and Contracts	\$ 234,700
Cost of Sales	\$ 4,573,000
Repayment of Prior Year's Appropriations	\$ 84,000
Capital Outlay	\$ —0—
Total Positions Budgeted	66
Authorized Motor Vehicles	16

E. Budget Unit: Probation Field Operations	\$ 19,085,195
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1. Probation Operations Budget:

Personal Services	\$ 13,419,604
Regular Operating Expenses	\$ 331,900
Travel	\$ 237,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 70,386
Computer Charges	\$ —0—
Real Estate Rentals	\$ 297,800
Telecommunications	\$ 196,250
Utilities	\$ 5,650
Per Diem, Fees and Contracts	\$ 3,000
Grants for Independent Probation Systems	\$ 427,000
Total Funds Budgeted	\$ 14,988,590
State Funds Budgeted	\$ 14,988,590
Total Positions Budgeted	664

2. Diversion Centers Budget:

Personal Services	\$ 3,565,762
Regular Operating Expenses	\$ 299,155
Travel	\$ 20,350
Motor Vehicle Equipment Purchases	\$ 19,000
Publications and Printing	\$ —0—
Equipment Purchases	\$ 146,153
Computer Charges	\$ —0—
Real Estate Rentals	\$ 246,895
Telecommunications	\$ 57,000
Utilities	\$ 234,000
Per Diem, Fees and Contracts	\$ —0—
Capital Outlay	\$ 240,000
Total Funds Budgeted	\$ 4,828,315
State Funds Budgeted	\$ 4,096,605
Total Positions Budgeted	191

Budget Unit Object Classes:

Personal Services	\$ 16,985,366
Regular Operating Expenses	\$ 631,055
Travel	\$ 257,350
Motor Vehicle Equipment Purchases	\$ 19,000
Publications and Printing	\$ —0—
Equipment Purchases	\$ 216,539
Computer Charges	\$ —0—
Real Estate Rentals	\$ 544,695
Telecommunications	\$ 253,250
Utilities	\$ 239,650
Per Diem, Fees and Contracts	\$ 3,000
Capital Outlay	\$ 240,000
Grants for Independent Probation Systems	\$ 427,000
Total Positions Budgeted	855
Authorized Motor Vehicles	93

Section 34. Department of Public Safety.

Budget Unit: Department of Public Safety	\$ 56,235,605
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1. Office of Highway Safety Budget:

Personal Services	\$ 293,160
Regular Operating Expenses	\$ 23,319
Travel	\$ 15,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 3,500
Equipment Purchases	\$ —0—
Computer Charges	\$ 13,506
Real Estate Rentals	\$ 35,203
Telecommunications	\$ 18,000

Per Diem, Fees and Contract	\$	—0—
Postage	\$	4,000
Total Funds Budgeted	\$	405,688
State Funds Budgeted	\$	202,844
Total Positions Budgeted		10

2. Administration Budget:

Personal Services	\$	3,399,245
Regular Operating Expenses	\$	1,545,920
Travel	\$	96,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	72,000
Equipment Purchases	\$	42,128
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	115,000
Per Diem, Fees and Contracts	\$	77,000
Postage	\$	40,000
Total Funds Budgeted	\$	5,387,293
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	5,354,475
Total Positions Budgeted		156

3. Driver Services Budget:

Personal Services	\$	5,740,410
Regular Operating Expenses	\$	265,469
Travel	\$	3,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	237,000
Equipment Purchases	\$	57,923
Computer Charges	\$	2,748,707
Real Estate Rentals	\$	3,960
Telecommunications	\$	66,000
Per Diem, Fees and Contracts	\$	500
Postage	\$	565,000
Conviction Reports	\$	180,000
Capital Outlay	\$	—0—
Driver License Processing	\$	714,000
Total Funds Budgeted	\$	10,582,469
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	10,582,469
Total Positions Budgeted		318

4. Field Operations Budget:

Personal Services	\$	25,801,438
Regular Operating Expenses	\$	4,776,927
Travel	\$	19,000
Motor Vehicle Equipment Purchases	\$	4,465,609
Publications and Printing	\$	134,000

Equipment Purchases	\$	236,051
Computer Charges	\$	—0—
Real Estate Rentals	\$	2,729
Telecommunications	\$	356,200
Per Diem, Fees and Contracts	\$	5,000
Postage	\$	36,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	35,832,954
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	35,832,954
Total Positions Budgeted		996

5. Georgia Peace Officer Standards
and Training Budget:

Personal Services	\$	684,473
Regular Operating Expenses	\$	81,103
Travel	\$	28,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	16,000
Equipment Purchases	\$	—0—
Computer Charges	\$	55,000
Real Estate Rentals	\$	47,500
Telecommunications	\$	19,000
Per Diem, Fees and Contracts	\$	12,250
Postage	\$	5,300
Peace Officers Training Grants	\$	1,591,659
Total Funds Budgeted	\$	2,540,285
State Funds Budgeted	\$	2,540,285
Total Positions Budgeted		26

6. Police Academy:

Personal Services	\$	465,866
Regular Operating Expenses	\$	130,200
Travel	\$	6,300
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	9,000
Equipment Purchases	\$	3,500
Computer Charges	\$	7,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	16,723
Per Diem, Fees and Contracts	\$	138,541
Postage	\$	2,400
Total Funds Budgeted	\$	779,530
State Funds Budgeted	\$	754,230
Total Positions Budgeted		16

7. Fire Academy:

Personal Services	\$	273,726
Regular Operating Expenses	\$	41,100
Travel	\$	12,000
Motor Vehicle Equipment Purchases	\$	11,940

Publications and Printing	\$	2,800
Equipment Purchases	\$	14,000
Computer Charges	\$	48,000
Real Estate Rentals	\$	15,182
Telecommunications	\$	10,000
Per Diem, Fees and Contracts	\$	85,000
Postage	\$	5,500
Total Funds Budgeted	\$	519,248
State Funds Budgeted	\$	479,248
Total Positions Budgeted		12

8. Georgia Firefighter Standards and
Training Council Budget:

Personal Services	\$	120,500
Regular Operating Expenses	\$	7,940
Travel	\$	8,700
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	2,000
Equipment Purchases	\$	2,000
Computer Charges	\$	33,500
Real Estate Rentals	\$	3,500
Telecommunications	\$	3,700
Per Diem, Fees and Contracts	\$	2,000
Postage	\$	1,100
Total Funds Budgeted	\$	184,940
State Funds Budgeted	\$	184,940
Total Positions Budgeted		4

9. Organized Crime Prevention
Council Budget:

Personal Services	\$	117,300
Regular Operating Expenses	\$	15,520
Travel	\$	9,500
Motor Vehicle Equipment Purchases	\$	9,000
Publications and Printing	\$	1,500
Equipment Purchases	\$	17,900
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	3,000
Per Diem, Fees and Contracts	\$	18,840
Postage	\$	700
Total Funds Budgeted	\$	193,260
State Funds Budgeted	\$	193,260
Total Positions Budgeted		3

10. Georgia Public Safety
Training Facility Budget:

Personal Services	\$	93,400
Regular Operating Expenses	\$	3,400

Travel	\$	3,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	200
Equipment Purchases	\$	600
Computer Charges	\$	800
Real Estate Rentals	\$	3,500
Telecommunications	\$	3,000
Per Diem, Fees and Contracts	\$	2,500
Postage	\$	500
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	110,900
State Funds Budgeted	\$	110,900
Total Positions Budgeted		3

Budget Unit Object Classes:

Personal Services	\$	36,989,518
Regular Operating Expenses	\$	6,890,898
Travel	\$	201,000
Motor Vehicle Equipment Purchases	\$	4,486,549
Publications and Printing	\$	478,000
Equipment Purchases	\$	374,102
Computer Charges	\$	2,906,513
Real Estate Rentals	\$	111,574
Telecommunications	\$	610,623
Per Diem, Fees and Contracts	\$	341,631
Postage	\$	660,500
Conviction Reports	\$	180,000
Peace Officers Training Grant	\$	1,591,659
Driver License Processing	\$	714,000
Capital Outlay	\$	—0—
Total Positions Budgeted		1,544
Authorized Motor Vehicles		1,099

Provided, that the Director of the Department of Public Safety is hereby authorized to pay dues for Georgia's portion of the cost of the membership in the Vehicle Equipment Safety Compact, the American Association of Motor Vehicle Administrators, and the International Association of Chiefs of Police (State and Provincial Police).

Provided, however, that of the above appropriation for Conviction Reports, payment for conviction reports is not to exceed \$.25 per conviction report.

Provided that to the extent that Federal Funds are realized in excess of the amounts of such funds contemplated in the Georgia Peace Officers Standards and Training Activity of this Act, the Office of Planning and Budget is authorized and directed to supplant State Funds appropriated herein. Provided further that such

supplantation shall not be implemented if so doing would cause any portion of the anticipated Federal Funds not to be realized. This provision shall not apply to project grants.

It is the intent of this General Assembly that for the purpose of purchasing Police Pursuit Motor Vehicles, the Department of Public Safety is hereinafter authorized to develop and establish specifications for said purchases of Police Pursuit Vehicles when such purchases are made by the State of Georgia, or otherwise placed a part of a State of Georgia Contract. Provided, further, that the development of said specifications shall be submitted to the Purchasing Division of the Department of Administrative Services by November 1 of each year. Provided, further, the Department of Administrative Services is hereby instructed to complete said specifications and place to bid for the letting of contracts by December 1 of such fiscal year.

**Section 35. Public School Employees'
Retirement System.**

Budget Unit: Public School Employees' Retirement System	\$ 11,991,350
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Departmental Operations Budget:

Payments to Employees' Retirement System	\$ 173,250
Employer Contributions	\$ 11,818,100
Total Funds Budgeted	\$ 11,991,350
State Funds Budgeted	\$ 11,991,350

Budget Unit Object Classes:

Payments to Employees' Retirement System	\$ 173,250
Employer Contributions	\$ 11,818,100

Section 36. Public Service Commission.

Budget Unit: Public Service Commission	\$ 4,118,647
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1. Administration Budget:

Personal Services	\$ 751,000
Regular Operating Expenses	\$ 39,200
Travel	\$ 8,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 1,200
Equipment Purchases	\$ 1,600

Computer Charges	\$	2,500
Real Estate Rentals	\$	74,733
Telecommunications	\$	33,000
Per Diem, Fees and Contracts	\$	5,500
Total Funds Budgeted	\$	916,733
State Funds Budgeted	\$	915,733
Total Positions Budgeted		22

2. Transportation Budget:

Personal Services	\$	1,052,272
Regular Operating Expenses	\$	181,539
Travel	\$	38,079
Motor Vehicle Equipment Purchases	\$	62,424
Publications and Printing	\$	9,500
Equipment Purchases	\$	4,020
Computer Charges	\$	72,750
Real Estate Rentals	\$	60,623
Telecommunications	\$	28,980
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	1,510,187
State Funds Budgeted	\$	1,510,187
Total Positions Budgeted		47

3. Utilities Budget:

Personal Services	\$	1,416,728
Regular Operating Expenses	\$	48,914
Travel	\$	57,794
Motor Vehicle Equipment Purchases	\$	7,776
Publications and Printing	\$	2,300
Equipment Purchases	\$	5,640
Computer Charges	\$	20,251
Real Estate Rentals	\$	76,849
Telecommunications	\$	33,000
Per Diem, Fees and Contracts	\$	100,045
Total Funds Budgeted	\$	1,769,297
State Funds Budgeted	\$	1,692,727
Total Positions Budgeted		50

Budget Unit Object Classes:

Personal Services	\$	3,220,000
Regular Operating Expenses	\$	269,653
Travel	\$	103,873
Motor Vehicle Equipment Purchases	\$	70,200
Publications and Printing	\$	13,000
Equipment Purchases	\$	11,260
Computer Charges	\$	95,501
Real Estate Rentals	\$	212,205
Telecommunications	\$	94,980
Per Diem, Fees and Contracts	\$	105,545
Total Positions Budgeted		119
Authorized Motor Vehicles		26

Section 37. Regents, University
System of Georgia.

A. Budget Unit: Resident Instruction
and University
System Institutions

\$ 542,753,940

1. Resident Instruction Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 424,387,796
Sponsored Operations	\$ 56,737,000
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 120,136,900
Sponsored Operations	\$ 59,327,000
Office of Minority	
Business Enterprise	\$ 277,773
Special Desegregation Programs	\$ 268,646
Satellite Medical Facility	
Program	\$ —0—
Teachers' Retirement	\$ 54,415,184
Authority Lease Rentals	\$ 16,370,000
Capital Outlay	\$ 600,000
Total Funds Budgeted	\$ 732,520,299
Less Agency Funds:	
Departmental Income	\$ 14,600,000
Sponsored Income	\$ 116,064,000
Other Funds	\$ 138,573,000
Auxiliary Income	\$ —0—
Indirect Communication Charges	\$ —0—
State Funds Budgeted	\$ 463,283,299
Total Positions Budgeted	17,002

Provided, that from appropriated funds in this budget unit, the amount of \$16,370,000 is designated and committed to guarantee payment of lease rental contracts as a first charge on such funds.

Provided, none of the funds herein appropriated for construction shall be available for the purchase of any books whatsoever.

Provided, that the State Board of Regents shall, within the first 30 days of the fiscal year, make an apportionment of funds to the various units of the University System from all funds available in the amounts necessary in the Fiscal Year to pay the annual lease contract commitments for the acquisition of property as provided for in the provision of the State Constitution. The Board of Regents shall immediately report the same to the State Budget authorities for approval, whose approval shall be evidenced in writing.

Provided, that where personnel are paid in whole or in part from funds other than State appropriations, the fund sources from which such salary is paid shall pay the pro rata cost of any employer contribution applicable to such salary to the Teachers' Retirement System.

No funds realized by the State Board of Regents of the University System or any college or university, from the State General fund, from the Federal Government, or from any other source, shall be available for use or expenditure for educational and general or plant purposes until made available by written approval of the Office of Planning and Budget, in accordance with the provisions of the Budget Act, as amended.

Provided, further, that unanticipated revenue from contract and grant overhead shall be available for use by the University System.

Provided, that revenue from student fees which exceeds the original budget estimates of student fees by \$2,000,000 shall not be available for operations unless prior approval is granted by the Fiscal Affairs Subcommittees of the House and Senate, except that student fee revenue derived from increased rates authorized by the State Board of Regents shall not be subject to this limitation. Provided, further, that revenue from sales and services shall be classified as restricted funds and shall be available for use by the unit of the University System generating such income.

Provided, further, it is the intent of this General Assembly that the 1½% Personal Services continuation factor incorporated into the Resident Instruction appropriation in this Appropriations Act be utilized to provide 2½% merit-type increases.

Provided, the Board of Regents is authorized to transfer other object class surpluses to Capital Outlay and Equipment Purchases without approval of the Office of Planning and Budget or the Fiscal Affairs Sub-Committees.

2. Marine Resources Extension

Center Budget:

Personal Services:		
Educ., Gen., and Dept. Svcs. .	\$	618,350
Sponsored Operations	\$	—0—
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	242,010
Sponsored Operations	\$	—0—
Total Funds Budgeted	\$	860,360
Less Agency Funds:		
Departmental Income	\$	—0—

Sponsored Income	\$	—0—
Other Funds	\$	135,000
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	725,360
Total Positions Budgeted		27

3. Skidaway Institute of
Oceanography Budget:

Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	785,180
Sponsored Operations	\$	800,000
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	551,070
Sponsored Operations	\$	943,750
Total Funds Budgeted	\$	3,080,000

Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	1,743,750
Other Funds	\$	400,000
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	936,250
Total Positions Budgeted		35

4. Marine Institute Budget:

Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	359,840
Sponsored Operations	\$	162,487
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	185,290
Sponsored Operations	\$	126,263
Total Funds Budgeted	\$	833,880

Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	288,750
Other Funds	\$	—0—
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	545,130
Total Positions Budgeted		19

5. Engineering Experiment
Station Budget:

Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	9,302,473
Sponsored Operations	\$	23,700,742
Operating Expenses:		
Educ., Gen., and Dept. Svcs	\$	6,963,345
Sponsored Operations	\$	19,739,840
Agricultural Research	\$	425,270

Total Funds Budgeted	\$ 60,131,670
Less Agency Funds:	
Departmental Income	\$ —0—
Sponsored Income	\$ 43,440,582
Other Funds . . .	\$ 11,414,375
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 5,276,713
Total Positions Budgeted	313

6. Engineering Extension
Division Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 1,104,796
Sponsored Operations	\$ 35,000
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 691,585
Sponsored Operations	\$ 15,000
Advanced Technology	
Development Center	\$ 515,041
Total Funds Budgeted	\$ 2,361,422

Less Agency Funds:	
Departmental Income	\$ —0—
Sponsored Income	\$ 50,000
Other Funds . . .	\$ 1,257,767
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 1,053,655
Total Positions Budgeted	38

7. Agricultural Experiment
Station Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 18,844,595
Sponsored Operations	\$ 3,700,000
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 7,777,649
Sponsored Operations	\$ 2,000,000
Capital Outlay . .	\$ —0—
Total Funds Budgeted	\$ 32,322,244

Less Agency Funds:	
Departmental Income	\$ —0—
Sponsored Income	\$ 5,700,000
Other Funds . . .	\$ 6,839,745
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 19,782,499
Total Positions Budgeted	855

8. Cooperative Extension
Service Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 21,474,800

Sponsored Operations	\$ 4,590,000
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 3,278,889
Sponsored Operations	\$ 2,010,000
Total Funds Budgeted	\$ 31,353,689
Less Agency Funds:	
Departmental Income	\$ —0—
Sponsored Income	\$ 6,600,000
Other Funds . . .	\$ 5,460,000
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 19,293,689
Total Positions Budgeted	960
9. Eugene Talmadge Memorial Hospital Budget:	
Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 47,328,326
Sponsored Operations	\$ 2,660,000
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 21,396,914
Sponsored Operations	\$ 670,000
Capital Outlay—ETMH	
Renovations	\$ 2,100,000
Total Funds Budgeted	\$ 74,155,240
Less Agency Funds:	
Departmental Income	\$ 1,150,000
Sponsored Income	\$ 3,330,000
Other Funds . . .	\$ 43,201,453
Board of Corrections	\$ 1,548,498
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 24,925,289
Total Positions Budgeted	3,022
10. Veterinary Medicine Experiment Station Budget:	
Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 907,540
Sponsored Operations	\$ —0—
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 425,498
Sponsored Operations	\$ —0—
Agricultural Research .	\$ 312,350
Disease Research .	\$ —0—
Fire Ant Research	\$ 150,000
Total Funds Budgeted	\$ 1,795,388
Less Agency Funds:	
Departmental Income	\$ —0—
Sponsored Income	\$ —0—
Other Funds . . .	\$ —0—
Indirect DOAS Services Funding	\$ —0—

State Funds Budgeted	\$	1,795,388
Total Positions Budgeted		45

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11. Veterinary Medicine Teaching
Hospital Budget:

Personal Services:		
Educ., Gen., and Dept. Svcs..	\$	668,147
Sponsored Operations	\$	—0—
Operating Expenses:		
Educ., Gen., and Dept. Svcs..	\$	972,000
Sponsored Operations	\$	—0—
Total Funds Budgeted	\$	1,640,147

Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	—0—
Other Funds	\$	1,324,178
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	315,969
Total Positions Budgeted		53

12. Family Practice Residency
Program Budget:

Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	114,843
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	94,634
Capitation Contracts for		
Family Practice Residency	\$	2,000,000
Residency Capitation Grants	\$	2,050,000
New Program Development Contracts		
for Family Practice Residency	\$	150,000
Student Preceptorships	\$	185,000
Total Funds Budgeted	\$	4,594,477
State Funds Budgeted	\$	4,594,477
Total Positions Budgeted		4

Provided, that of the above appropriation, \$185,000 is designated and committed for contracts with medical schools for a student preceptorship program. Provided, further, that each student participating in the program shall receive \$500 and each family physician shall receive \$500.

Provided, that of the funds appropriated for Capitation Grants for Family Practice, it is permissible that any funds not committed to existing programs may be used to begin a Family Practice Program at Emory University School of Medicine.

13. Georgia Radiation Therapy
Center Budget:

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Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	585,680
Sponsored Operations	\$	—0—
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	307,041
Sponsored Operations	\$	—0—
Total Funds Budgeted	\$	892,721

Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	—0—
Other Funds	\$	666,499
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	226,222
Total Positions Budgeted		34

Budget Unit Object Classes:

Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	526,482,366
Sponsored Operations	\$	92,385,229
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	163,022,825
Sponsored Operations	\$	84,831,853
Office of Minority		
Business Enterprise	\$	277,773
Special Desegregation Programs	\$	268,646
Satellite Medical Facility		
Program	\$	—0—
Fire Ant Research	\$	150,000
Agricultural Research	\$	737,620
Disease Research	\$	—0—
Advanced Technology		
Development Center	\$	515,041
Capitation Contracts for		
Family Practice Residency	\$	2,000,000
New Program Development		
Contracts for Family		
Practice Residency	\$	150,000
Residency Capitation Grants	\$	2,050,000
Student Preceptorships	\$	185,000
Teachers' Retirement	\$	54,415,184
Authority Lease Rentals	\$	16,370,000
Capital Outlay—ETMH		
Renovations	\$	2,100,000
Capital Outlay	\$	600,000
Total Positions Budgeted		22,407

B. Budget Unit: Regents Central Office \$ 18,092,922

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Regents Central Office Budget:

Personal Services	\$ 2,802,331
Operating Expenses	\$ 609,139
SREB Payments	\$ 6,667,400
Medical Scholarships	\$ 547,500
Regents Opportunity Grants	\$ 500,000
Regents Scholarships	\$ 200,000
Grants to Junior Colleges	\$ 6,576,552
Rental Payments to Georgia	
Military College	\$ 190,000
Central Savannah River Area	
Business League	\$ —0—
Total Funds Budgeted	\$ 18,092,922
State Funds Budgeted	\$ 18,092,922
Total Positions Budgeted	100

Budget Unit Object Classes:

Personal Services	\$ 2,802,331
Operating Expenses	\$ 609,139
SREB Payments	\$ 6,667,400
Medical Scholarships	\$ 547,500
Regents Opportunity Grants	\$ 500,000
Regents Scholarships	\$ 200,000
Grants to Junior Colleges	\$ 6,576,552
Rental Payments to Georgia	
Military College	\$ 190,000
Central Savannah River Area	
Business League	\$ —0—
Total Positions Budgeted	100
Authorized Motor Vehicles	0

Provided, that of the above appropriation relative to Grants to Junior Colleges, payments are to be based on a rate of \$796 per EFT student. Furthermore, 50 quarter credit hours shall be used in the calculation of an equivalent full-time student.

Provided that none of the funds appropriated for the Regents Central Office shall be used to increase salaries of personnel being paid over \$35,000 per year.

C. Budget Unit: Georgia Public

Telecommunications	
Commission	\$ 4,406,409

Public Telecommunications
Commission Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 3,009,630
Sponsored Operations	\$ —0—

Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	2,854,558
Sponsored Operations	\$	—0—
Total Funds Budgeted	\$	5,864,188

Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	—0—
Other Funds	\$	1,457,779
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	4,406,409
Total Positions Budgeted		137

Budget Unit Object Classes:

Personal Services	\$	3,009,630
Operating Expenses .	\$	2,854,558
Total Positions Budgeted		137
Authorized Motor Vehicles		14

Section 38. Department of Revenue.

Budget Unit: Department of Revenue	\$	39,752,000
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1. Departmental Administration

Budget:

Personal Services .	\$	1,017,000
County Tax Officials/Retirement and FICA .	\$	854,618
Regular Operating Expenses	\$	168,563
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	21,900
Publications and Printing	\$	12,600
Equipment Purchases	\$	11,796
Computer Charges	\$	9,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	23,777
Per Diem, Fees and Contracts	\$	3,000
Postage .	\$	150
Total Funds Budgeted	\$	2,122,404
Indirect Georgia Building Authority Rents .	\$	—0—
State Funds Budgeted	\$	2,122,404
Total Positions Budgeted		32

2. Motor Vehicle Administration

Budget:

Personal Services	\$	4,746,000
Regular Operating Expenses	\$	483,950
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	10,000
Publications and Printing	\$	315,000

Equipment Purchases	\$	37,947
Computer Charges	\$	2,438,162
Real Estate Rentals	\$	—0—
Telecommunications	\$	95,459
Per Diem, Fees and Contracts	\$	157,258
Motor Vehicle Tag Purchases	\$	750,000
Motor Vehicle Decal Purchases	\$	311,400
Postage	\$	—0—
Total Funds Budgeted	\$	9,345,176
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	9,345,176
Total Positions Budgeted		242

Provided, that of the above appropriated amount relating to motor vehicle tag purchases, \$750,000 is designated and committed for use in contracting with the Department of Offender Rehabilitation for the production of at least 750,000 motor vehicle tags, and for this purpose only.

Any such contract may provide for partial, advance payment from the Department of Revenue to Georgia Correctional Industries during tag production.

3. Property Tax Budget:

Personal Services	\$	1,234,000
Regular Operating Expenses	\$	64,770
Travel	\$	68,000
Motor Vehicle Equipment Purchases	\$	21,900
Publications and Printing	\$	151,000
Equipment Purchases	\$	3,775
Computer Charges	\$	244,847
Real Estate Rentals	\$	—0—
Telecommunications	\$	21,063
Per Diem, Fees and Contracts	\$	145,000
Loans to Counties/Property		
Reevaluation	\$	—0—
Grants to Counties/Appraisal		
Staff	\$	1,430,000
Postage	\$	12,300
Total Funds Budgeted	\$	3,396,655
Repayment of Loans to		
Counties/Property Revaluation	\$	—0—
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	3,396,655
Total Positions Budgeted		55

4. Sales Taxation Budget:

Personal Services	\$	1,510,000
Regular Operating Expenses	\$	20,550
Travel	\$	—0—

Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	75,470
Equipment Purchases	\$	6,012
Computer Charges	\$	506,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	29,113
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	100,500
Total Funds Budgeted	\$	2,247,645
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	2,247,645
Total Positions Budgeted		83

5. Motor Fuel Taxation Budget:

Personal Services	\$	713,000
Regular Operating Expenses	\$	5,450
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	49,524
Equipment Purchases	\$	1,514
Computer Charges	\$	263,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	14,793
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	—0—
Total Funds Budgeted	\$	1,047,281
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	1,047,281
Total Positions Budgeted		36

6. Income Taxation Budget:

Personal Services	\$	2,614,500
Regular Operating Expenses	\$	50,700
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	397,000
Equipment Purchases	\$	10,170
Computer Charges	\$	2,475,469
Real Estate Rentals	\$	—0—
Telecommunications	\$	44,249
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	388,354
Total Funds Budgeted	\$	5,980,442
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	5,980,442
Total Positions Budgeted		128

7. Central Audit Budget:

Personal Services	\$	2,440,000
Regular Operating Expenses	\$	16,040
Travel	\$	518,000

Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	3,200
Equipment Purchases	\$	3,200
Computer Charges	\$	4,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	19,754
Per Diem, Fees and Contracts	\$	1,500
Postage	\$	75
Total Funds Budgeted	\$	3,005,769
State Funds Budgeted	\$	3,005,769
Total Positions Budgeted		82

8. Field Audit Services Budget:

Personal Services	\$	6,758,500
Regular Operating Expenses	\$	203,240
Travel	\$	297,000
Motor Vehicle Equipment Purchases	\$	58,400
Publications and Printing	\$	47,200
Equipment Purchases	\$	21,000
Computer Charges	\$	119,825
Real Estate Rentals	\$	326,098
Telecommunications	\$	217,096
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	68,034
Total Funds Budgeted	\$	8,116,393
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	8,116,393
Total Positions Budgeted		306

9. Internal Administration Budget:

Personal Services	\$	1,416,000
Regular Operating Expenses	\$	182,270
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	360,000
Equipment Purchases	\$	14,438
Computer Charges	\$	71,000
Real Estate Rentals	\$	997,603
Telecommunications	\$	14,700
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	1,434,224
Total Funds Budgeted	\$	4,490,235
Indirect Georgia Building Authority Rents	\$	—0—
State Funds Budgeted	\$	4,490,235
Total Positions Budgeted		69

Budget Unit Object Classes:

Personal Services	\$	22,449,000
County Tax Officials/Retirement and FICA	\$	854,618

Regular Operating Expenses	\$ 1,195,533
Travel	\$ 883,000
Motor Vehicle Equipment Purchases	\$ 112,200
Publications and Printing	\$ 1,410,994
Equipment Purchases	\$ 109,852
Computer Charges	\$ 6,131,303
Real Estate Rentals	\$ 1,323,701
Telecommunications	\$ 480,004
Per Diem, Fees and Contracts	\$ 306,758
Loans to Counties/Property	
Reevaluation	\$ —0—
Grants to Counties/Appraisal	
Staff	\$ 1,430,000
Motor Vehicle Tag Purchases	\$ 750,000
Motor Vehicle Decal Purchases	\$ 311,400
Postage	\$ 2,003,637
Total Positions Budgeted	1,033
Authorized Motor Vehicles	60

Section 39. Secretary of State.

A. Budget Unit: Secretary of State \$ 12,889,294

1. Internal Administration Budget:

Personal Services	\$ 830,473
Regular Operating Expenses	\$ 77,866
Travel	\$ 4,624
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 47,663
Equipment Purchases	\$ 4,000
Computer Charges	\$ 6,640
Real Estate Rentals	\$ 106,944
Telecommunications	\$ 28,788
Per Diem, Fees and Contracts	\$ 25
Postage	\$ 24,000
Total Funds Budgeted	\$ 1,131,023
State Funds Budgeted	\$ 1,131,023
Total Positions Budgeted	35

2. Archives and Records Budget:

Personal Services	\$ 1,879,715
Regular Operating Expenses	\$ 243,595
Travel	\$ 22,782
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 14,600
Equipment Purchases	\$ 56,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ 32,103
Telecommunications	\$ 56,204
Per Diem, Fees and Contracts	\$ 2,000
Postage	\$ 20,000

Authority Lease Rentals	\$	1,276,000
Total Funds Budgeted	\$	3,602,999
State Funds Budgeted	\$	3,562,999
Total Positions Budgeted		82

3. Corporations Regulation Budget:

Personal Services	\$	562,846
Regular Operating Expenses	\$	22,467
Travel	\$	263
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	15,539
Equipment Purchases	\$	6,579
Computer Charges	\$	67,417
Real Estate Rentals	\$	120,854
Telecommunications	\$	47,832
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	36,000
Total Funds Budgeted	\$	879,797
State Funds Budgeted	\$	879,797
Total Positions Budgeted		31

4. Elections and Campaign
Disclosure Budget:

Personal Services	\$	181,777
Regular Operating Expenses	\$	18,005
Travel	\$	315
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	3,000
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,700
Per Diem, Fees and Contracts	\$	350
Postage	\$	3,000
Election Expenses	\$	300,000
Total Funds Budgeted	\$	512,147
State Funds Budgeted	\$	512,147
Total Positions Budgeted		8

5. General Services Budget:

Personal Services	\$	623,838
Regular Operating Expenses	\$	36,530
Travel	\$	2,257
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	110,860
Equipment Purchases	\$	8,775
Computer Charges	\$	2,351
Real Estate Rentals	\$	47,818
Telecommunications	\$	16,320
Per Diem, Fees and Contracts	\$	200
Postage	\$	20,000

Total Funds Budgeted	\$	868,949
State Funds Budgeted	\$	868,949
Total Positions Budgeted		29

6. Securities Regulation Budget:

Personal Services	\$	504,367
Regular Operating Expenses	\$	37,354
Travel	\$	7,110
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,000
Equipment Purchases	\$	2,300
Computer Charges	\$	10,000
Real Estate Rentals	\$	101,122
Telecommunications	\$	13,835
Per Diem, Fees and Contracts	\$	2,100
Postage	\$	400
Total Funds Budgeted	\$	682,588
State Funds Budgeted	\$	682,588
Total Positions Budgeted		18

7. Drugs and Narcotics Budget:

Personal Services	\$	451,940
Regular Operating Expenses	\$	42,303
Travel	\$	24,550
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	700
Equipment Purchases	\$	800
Computer Charges	\$	—0—
Real Estate Rentals	\$	10,764
Telecommunications	\$	8,800
Per Diem, Fees and Contracts	\$	1,745
Postage	\$	2,500
Total Funds Budgeted	\$	544,102
State Funds Budgeted	\$	544,102
Total Positions Budgeted		15

8. State Campaign and Financial
Disclosure Commission Budget:

Personal Services	\$	82,785
Regular Operating Expenses	\$	5,050
Travel	\$	1,730
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,357
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	11,025
Telecommunications	\$	2,699
Per Diem, Fees and Contracts	\$	3,860
Postage	\$	2,000
Total Funds Budgeted	\$	113,506
State Funds Budgeted	\$	113,506
Total Positions Budgeted		3

9. Occupational Certification Budget:

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Personal Services	\$	2,843,625
Regular Operating Expenses	\$	731,659
Travel	\$	85,172
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	75,000
Equipment Purchases	\$	16,023
Computer Charges	\$	92,294
Real Estate Rentals	\$	241,010
Telecommunications	\$	98,022
Per Diem, Fees and Contracts	\$	271,378
Postage	\$	140,000
Total Funds Budgeted	\$	4,594,183
State Funds Budgeted	\$	4,594,183
Total Positions Budgeted		133

Occupational Certification Functional Budgets

	Board Costs	Cost of Operations
Accounting	\$ 126,327	\$ 250,674
Architect	\$ 61,584	\$ 128,472
Athletic Trainers	\$ 174	\$ 1,335
Auctioneers	\$ 3,209	\$ 42,210
Barbers	\$ 6,055	\$ 177,894
Chiropractic	\$ 7,869	\$ 52,253
Construction Industry	\$ 42,299	\$ 243,248
Cosmetology	\$ 15,648	\$ 523,555
Dentistry	\$ 38,418	\$ 190,496
Engineers	\$ 48,130	\$ 254,757
Forestry	\$ 2,700	\$ 25,401
Funeral Service	\$ 8,549	\$ 102,741
Geology	\$ 2,700	\$ 14,154
Hearing Aid	\$ 2,922	\$ 13,338
Landscape Architect	\$ 5,390	\$ 14,525
Librarians	\$ 2,122	\$ 14,482
Medical Examiners	\$ 184,382	\$ 758,997
Nursing Home		
Administrators	\$ 8,678	\$ 21,445
Board of Nursing	\$ 88,398	\$ 655,361
Dispensing Opticians	\$ 5,852	\$ 24,551
Optometry	\$ 4,501	\$ 22,750
Occupational Therapy	\$ 1,654	\$ 7,599
Pest Control	\$ 7,455	\$ 67,139
Pharmacy	\$ 58,769	\$ 320,993
Physical Therapy	\$ 5,219	\$ 14,741
Podiatry	\$ 1,649	\$ 16,790
Polygraph Examiners	\$ 1,235	\$ 12,715
Practical Nursing	\$ 80,535	\$ 411,896

Private Detective	\$	20,322	\$	209,274
Psychologists	\$	9,585	\$	37,542
Recreation	\$	1,789	\$	18,726
Sanitarian	\$	4,264	\$	18,490
Speech Pathology	\$	1,839	\$	15,071
Used Car Dealers	\$	8,083	\$	168,069
Used Car Parts	\$	3,263	\$	20,537
Veterinary	\$	17,966	\$	66,442
Wastewater	\$	5,044	\$	46,914
Well Water	\$	3,770	\$	23,098
Total	\$	898,348	\$	5,008,675

Budget Unit Object Classes:

Personal Services	\$	7,961,366
Regular Operating Expenses	\$	1,214,829
Travel	\$	148,803
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	275,719
Equipment Purchases	\$	94,477
Computer Charges	\$	178,702
Real Estate Rentals	\$	671,640
Telecommunications	\$	278,200
Per Diem, Fees and Contracts	\$	281,658
Election Expenses	\$	300,000
Postage	\$	247,900
Authority Lease Rentals	\$	1,276,000
Total Positions Budgeted		354
Authorized Motor Vehicles		71

Provided, however, that the Secretary of State is hereby authorized to expend up to \$24,176 of Elections Expense for Real Estate Rentals.

B. Budget Unit: Real Estate Commission . \$ 870,553

Real Estate Commission Budget:

Personal Services	\$	528,962
Regular Operating Expenses	\$	118,291
Travel	\$	12,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	25,000
Equipment Purchases	\$	5,000
Computer Charges	\$	54,000
Real Estate Rentals	\$	33,600
Telecommunications	\$	17,400
Per Diem, Fees and Contracts	\$	76,300
Total Funds Budgeted	\$	870,553
State Funds Budgeted	\$	870,553
Total Positions Budgeted		27

Real Estate Commission Functional Budget

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	State Funds	Cost of Operations	Pos
Real Estate Commission	\$ 870,553	\$ 911,503	27

Budget Unit Object Classes:

Personal Services	\$ 528,962
Regular Operating Expenses	\$ 118,291
Travel	\$ 12,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 25,000
Equipment Purchases	\$ 5,000
Computer Charges	\$ 54,000
Real Estate Rentals	\$ 33,600
Telecommunications	\$ 17,400
Per Diem, Fees and Contracts	\$ 76,300
Total Positions Budgeted	27
Authorized Motor Vehicles	11

Section 40. Georgia Student Finance Commission.

Budget Unit: Georgia Student Finance Commission	\$ 16,546,130
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1. Internal Administration
Activity Budget:

Personal Services	\$ 2,048,205
Regular Operating Expenses	\$ 276,780
Travel	\$ 48,400
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 55,000
Equipment Purchases	\$ 17,310
Telecommunications	\$ 66,220
Per Diem, Fees and Contracts	\$ 87,690
Total Funds Budgeted	\$ 2,599,605
State Funds Budgeted	\$ —0—
Total Positions Budgeted	94

2. Higher Education Assistance
Corporation Budget:

Payment of Interest and Fees	\$ 320,000
Total Funds Budgeted	\$ 320,000
State Funds Budgeted	\$ 253,000
Total Positions Budgeted	0

3. Georgia Student Finance
Authority Budget:

Guaranteed Educational Loans	\$ 3,410,000
Tuition Equalization Grants	\$ 11,100,000

Student Incentive Grants	\$ 3,740,505
North Georgia College	
ROTC Grants	\$ 135,000
Law Enforcement Personnel	
Dependents' Grants	\$ 28,000
Georgia Military Scholarship	
Grants	\$ 70,910
Total Funds Budgeted	\$ 18,484,415
State Funds Budgeted	\$ 16,293,130
Total Positions Budgeted	0

Budget Unit Object Classes:

Personal Services	\$ 2,048,205
Regular Operating Expenses	\$ 276,780
Travel	\$ 48,400
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 55,000
Equipment Purchases	\$ 17,310
Telecommunications	\$ 66,220
Per Diem, Fees and Contracts	\$ 87,690
Payment of Interest and Fees	\$ 320,000
Guaranteed Educational Loans	\$ 3,410,000
Tuition Equalization Grants	\$ 11,100,000
Student Incentive Grants	\$ 3,740,505
Law Enforcement Personnel	
Dependents' Grants	\$ 28,000
North Georgia College	
ROTC Grants	\$ 135,000
Georgia Military Scholarship	
Grants	\$ 70,910
Total Positions Budgeted	94
Authorized Motor Vehicles	1

Provided, that of the above appropriated amount relative to Educational Loans an amount not to exceed \$14,000 may be used to provide stipends for training recruitment, teacher and counselor personnel in health career fields and other fields for which funds are provided herein for the making of cancellable loans to students.

Provided, that the above appropriated amount relative to Educational Loans shall otherwise be used to provide loans to students as provided for in Code Sections 20-3-370 through 20-3-375. Provided further, however, that of said appropriated amount, the amounts designated below shall to the greatest extent possible be used to provide cancellable loans to students as designated below pursuant to provisions of Code Section 20-3-374, to wit: (a) an amount not less than \$1,435,000 is designated and committed for the purpose of providing cancellable loans to students in paramedical and other professional and

educational fields of study; (b) an amount not to exceed \$100,000 is designated and committed for the purpose of providing cancellable loans to students who are eligible members of the Georgia National Guard; (c) an amount not to exceed \$225,000 is designated and committed for the purpose of providing cancellable loans to classroom teachers seeking special education training; (d) an amount not to exceed \$30,000 is designated and committed for the purpose of providing cancellable loans to students who are to become agricultural teachers; and (e) an amount not to exceed \$135,000 is designated and committed for the purpose of providing cancellable loans to students who are to become mathematics or science teachers.

Provided, that the above appropriated amount relative to Student Incentive Grants provides for payment of need-based grants to undergraduate students as provided for in Code Sections 20-3-390 and 20-3-391.

Provided, that the above appropriated amount relative to Tuition Equalization Grants provides for payment of grants of \$700 per academic year, and for payment of grants for the summer school quarter or semester, to undergraduate students attending private colleges in Georgia as provided for in Code Sections 20-3-410 through 20-3-416.

Provided, that the above appropriated amount relative to North Georgia College ROTC Grants provides for payment of grants to eligible students as provided for in Code Sections 20-3-430 through 20-3-436.

Provided, that the above appropriated amount relative to Law Enforcement Personnel Dependents' Grants provides for payment of grants to eligible students as provided for in Code Sections 20-3-450 through 20-3-455.

Provided, that the above appropriated amount relative to North Georgia College Military Scholarship provides for payment of scholarships to select recipients as provided for in Code Sections 20-3-420 through 20-3-437.

Provided, that the above appropriated amount relative to Payment of Interest and Fees is designated and committed for the purpose of enabling the Georgia Higher Education Assistance Corporation to make state interest subsidy payments to lenders as provided for in Code Section 20-3-273, and loan discount fee payments to lenders as provided for in Code Section 20-3-274.

Provided, that from any of the above appropriated amounts any available funds may be utilized by the Georgia Higher Education Assistance Corporation for the

purpose of making timely payments of interest and special allowances to lenders as provided for in Code Section 20-3-272 and Code Section 20-3-319.

Section 41. Soil and Water Conservation Committee.

Budget Unit: Soil and Water Conservation Committee	\$	860,700
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1. Soil and Water Conservation Central Office Budget:

Personal Services	\$	418,441
Regular Operating Expenses	\$	41,444
Travel	\$	43,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	12,369
Equipment Purchases	\$	4,150
Computer Charges	\$	—0—
Real Estate Rentals	\$	21,765
Telecommunications	\$	11,000
Per Diem, Fees and Contracts	\$	132,785
Total Funds Budgeted	\$	684,954
State Funds Budgeted	\$	684,954
Total Positions Budgeted		12

2. Soil and Water Conservation Dam Safety Budget:

Personal Services	\$	137,610
Regular Operating Expenses	\$	13,395
Travel	\$	8,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	400
Equipment Purchases	\$	500
Computer Charges	\$	6,500
Real Estate Rentals	\$	4,141
Telecommunications	\$	3,200
Per Diem, Fees and Contracts	\$	2,000
Total Funds Budgeted	\$	175,746
State Funds Budgeted	\$	175,746
Total Positions Budgeted		5

Budget Unit Object Classes:

Personal Services	\$	556,051
Regular Operating Expenses	\$	54,839
Travel	\$	51,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	12,769
Equipment Purchases	\$	4,650

Computer Charges	\$	6,500
Real Estate Rentals	\$	25,906
Telecommunications	\$	14,200
Per Diem, Fees and Contracts	\$	134,785
Total Positions Budgeted		17
Authorized Motor Vehicles		3

Section 42. Teachers' Retirement System.

Budget Unit: Teachers' Retirement System	\$	2,319,000
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Departmental Operations Budget:

Personal Services	\$	1,472,220
Regular Operating Expenses	\$	73,800
Travel	\$	20,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	48,825
Equipment Purchases	\$	10,100
Computer Charges	\$	231,315
Real Estate Rentals	\$	111,000
Telecommunications	\$	53,485
Per Diem, Fees and Contracts	\$	189,000
Postage	\$	80,000
Cost of Living Increases for Local Retirement System Members	\$	1,015,000
Floor Fund for Local Retirement Systems	\$	1,304,000
Total Funds Budgeted	\$	4,609,345
State Funds Budgeted	\$	2,319,000
Total Positions Budgeted		62

Budget Unit Object Classes:

Personal Services	\$	1,472,220
Regular Operating Expenses	\$	73,800
Travel	\$	20,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	48,825
Equipment Purchases	\$	10,100
Computer Charges	\$	231,315
Real Estate Rentals	\$	111,000
Telecommunications	\$	53,485
Per Diem, Fees and Contracts	\$	189,000
Postage	\$	80,000
Cost of Living Increases for Local Retirement System Members	\$	1,015,000
Floor Fund for Local Retirement Systems	\$	1,304,000
Total Positions Budgeted		62
Authorized Motor Vehicles		1

Section 43. Department of Transportation.

Budget Unit: Department of Transportation	\$ 414,657,779
1. Planning and Construction Budget:	
Personal Services	\$ 74,799,806
Regular Operating Expenses	\$ 4,904,656
Travel	\$ 1,128,888
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 258,201
Equipment Purchases	\$ 58,233
Computer Charges	\$ —0—
Real Estate Rentals	\$ 28,295
Telecommunications	\$ 1,011,196
Per Diem, Fees and Contracts	\$ 6,862,995
Capital Outlay	\$ 389,519,894
Geodetic Control	\$ 306,986
Capital Outlay—Paving State and Local Schools and State Institutions	\$ 750,000
Capital Outlay—Paving State Parks and Historic Sites	\$ 500,000
Total Funds Budgeted	\$ 480,129,150
State Funds Budgeted	\$ 184,400,870
Total Positions Budgeted	3,023
2. Maintenance and Betterments Budget:	
Personal Services	\$ 57,668,922
Regular Operating Expenses	\$ 39,779,079
Travel	\$ 366,773
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 17,509
Equipment Purchases	\$ —0—
Computer Charges	\$ —0—
Real Estate Rentals	\$ 5,400
Telecommunications	\$ 158,747
Per Diem, Fees and Contracts	\$ 1,029,175
Capital Outlay	\$ 66,123,001
Total Funds Budgeted	\$ 165,148,606
State Funds Budgeted	\$ 162,348,606
Total Positions Budgeted	3,564
3. Facilities and Equipment Budget:	
Motor Vehicle Equipment Purchases	\$ 1,000,000
Equipment Purchases	\$ 2,163,420
Capital Outlay	\$ 131,200
Total Funds Budgeted	\$ 3,294,620
State Funds Budgeted	\$ 3,194,620

4. Assistance to Counties Budget:

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Grants to Counties	\$	9,317,013
Total Funds Budgeted	\$	9,317,013
State Funds Budgeted	\$	9,317,013

5. Administration Budget:

Personal Services	\$	8,908,788
Regular Operating Expenses	\$	960,097
Travel	\$	95,000
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	510,149
Equipment Purchases	\$	—0—
Computer Charges	\$	599,500
Real Estate Rentals	\$	1,058,245
Telecommunications	\$	275,766
Per Diem, Fees and Contracts	\$	245,974
Authority Lease Rentals	\$	24,710,358
State of Georgia General		
Obligation Debt Sinking Fund	\$	3,712,000
Total Funds Budgeted	\$	41,075,877
State Funds Budgeted	\$	40,795,877
Total Positions Budgeted		321

Appropriation of State funds in the foregoing Department of Transportation budgets shall be in conformity with and pursuant to Article III, Section X, Paragraph VII, subsection (b) of the State Constitution, and shall be in an amount at least equal to all money derived from motor fuel taxes received by the Fiscal Division of the Department of Administrative Services in the immediately preceding year, less the amount of refunds, rebate and collection costs authorized by law. The fiscal officers of the State are hereby directed, as of July 1 of each fiscal year, to determine the net collection of motor fuel tax received by the Fiscal Division of the Department of Administrative Services in the immediately preceding fiscal year and enter the full amount so determined on the records of the State as being the appropriation payable in lieu of the amount appropriated herein.

Provided, however, that objects for Activities financed by Motor Fuel Tax including Planning and Construction, Maintenance and Betterments, Authority Lease Rentals, General Obligation Debt Sinking Fund Payments, Administration, and Grants to Counties, may be adjusted for any additional appropriations and/or balances appropriated and brought forward from previous

years as requested by the Department of Transportation and approved by the Office of Planning and Budget.

For general administrative cost of operating the Department of Transportation, including equipment and compensation claims.

For State matching participation in costs of construction, reconstruction, improvement in highways, and highway planning, in cooperation with the Federal Government, including all cost items incident thereto. For the cost of road and bridge construction and surveys, maintenance and improving the State Highway System of roads and bridges, and the costs incident thereto provided all expenditures for county contracts shall be in accordance with and on the basis of average prices authorized by law. Provided, however, that funds shall be allocated to matching all Federal aid funds prior to the allocation of any funds for other works, and the Department of Transportation may add, delete and substitute Federal aid projects to secure the full benefit of the Federal aid program. Provided, further, that in order to meet the requirements of the Interstate System with regard to completion by a date fixed by existing Federal Statute of Federal-State 90-10 projects, the Office of Planning and Budget is hereby authorized and directed to give advanced budgetary authorization for the letting and execution of highway contracts essential to and included in such Interstate Program not to exceed the amount of State Motor Fuel Tax Revenues actually paid into the Fiscal Division of the Department of Administrative Services and constitutionally appropriated to the Department of Transportation.

For lease rental obligations of the Department of Transportation to the Georgia Highway Authority and the Georgia Building Authority in accordance with lease rental contracts now in existence and for appropriations to the "State of Georgia General Obligation Debt Sinking Fund" for the specific purpose of paying annual debt service requirements on new General Obligation debt to finance the construction or reconstruction of public roads and bridges approved by the Department of Transportation.

For grants to counties for aid in county road construction and maintenance to be distributed and disbursed to various counties of the State by the Fiscal Division of the Department of Administrative Services in the same proportional basis to each county as the proportion of each county's total public road mileage is to the total public road mileage in the State, as such mileage information is furnished by the Department of Transportation.

Provided, further, that a member of the governing authority of the county, designated by such authority, shall submit to the State Auditor a copy of its regular annual audit not later than six months after the end of the fiscal year for which such audit is made. The State Auditor shall compare the amount of funds distributed to each county in such year under the provisions of Code Section 48-14-3 against the amount of funds expended by each county in such year for the purposes authorized by said Section.

Provided further, it is the intent of this General Assembly that the Department of Transportation is authorized to use interstate rehabilitation funds for four-laning and passing lanes.

Provided that State Funds appropriated for on-system Resurfacing, Four-Laning and Passing Lanes in the foregoing activities may be used to match additional Federal Aid resulting from the increase in the Federal Motor Fuel Tax.

Appropriations for the foregoing activities include an appropriation that shall be utilized for the specific purpose and amounts as shown below:

Planning and Construction		
Geodetic Control	\$	306,986
Capital Outlay—Paving State and Local Schools and State Institutions	\$	750,000
Paving State Parks and Historic Sites	\$	500,000
Maintenance and Betterments		
Rehabilitation and Improvements—Off System	\$	3,000,000

This appropriation shall be accounted for separately from all other appropriations to the Department of Transportation, and shall be in addition to appropriations of an amount equivalent to motor fuel tax revenue required under Article III, Section X, Paragraph VII, subsection (b) of the State Constitution.

6. Assistance to Municipalities
 Budget:

Grants to Municipalities	\$	9,317,000
Total Funds Budgeted	\$	9,317,000
State Funds Budgeted	\$	9,317,000

For grants to municipalities for Capital Outlay in accordance with an Act approved March 31, 1965 (Ga.

Laws 1965, p. 458), as amended (Code Sections 36-40-41 through 36-40-45).

Provided, further, that a member of the governing authority of the municipality, designated by such authority, shall execute an affidavit annually that funds received under this Section have been expended in accordance with the law and the Constitution, and file the same with the Fiscal Division of the Department of Administrative Services. At the request of the Governor or the Office of Planning and Budget or the Director of the Department of Transportation, the State Auditor shall cause an audit to be made of any municipality to determine the use of such funds. The expense of such audit shall be deducted from funds granted to such municipality in any future year.

Provided, further, that the above sums shall be distributed and disbursed to the various municipalities on a quarterly basis, such payments to be made on the last day of each quarter.

7. Air Transportation Budget:

Personal Services	\$	500,000
Regular Operating Expenses	\$	512,900
Travel . .	\$	11,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	200
Equipment Purchases	\$	630,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	1
Telecommunications	\$	6,222
Per Diem, Fees and Contracts	\$	500
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	1,660,823
State Funds Budgeted	\$	1,276,450
Total Positions Budgeted		16

**8. Inter-Modal Transfer Facilities
Budget:**

Personal Services	\$	655,000
Regular Operating Expenses	\$	49,500
Travel . .	\$	16,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	22,000
Equipment Purchases	\$	400
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	20,718
Per Diem, Fees and Contracts	\$	700,000
Capital Outlay—Airport Development	\$	700,000

Capital Outlay—Airport	
Operational Improvements	\$ 1,000,000
Capital Outlay—Airport	
Approach Aid	\$ 100,000
Mass Transit Grants	\$ 2,016,475
Total Funds Budgeted	\$ 5,280,093
State Funds Budgeted	\$ 3,443,343
Total Positions Budgeted	22

9. Harbor Maintenance Budget:

Habor Maintenance Payments	\$ 564,000
Capital Outlay Land Acquisition	\$ —0—
Total Funds Budgeted	\$ 564,000
State Funds Budgeted	\$ 564,000

Budget Unit Object Classes:

Personal Services	\$ 142,532,516
Regular Operating Expenses	\$ 46,206,232
Travel	\$ 1,617,661
Motor Vehicle Equipment	
Purchases	\$ 1,000,000
Publications and Printing	\$ 808,059
Equipment Purchases	\$ 2,852,053
Computer Charges	\$ 599,500
Real Estate Rentals	\$ 1,091,941
Telecommunications	\$ 1,472,649
Per Diem, Fees and Contracts	\$ 8,838,644
Capital Outlay	\$ 455,774,095
Mass Transit Grants	\$ 2,016,475
Grants to Municipalities	\$ 9,317,000
Harbor Maintenance Payments	\$ 564,000
Grants to Counties	\$ 9,317,013
Authority Lease Rentals	\$ 24,710,358
Capital Outlay—Airport	
Development	\$ 700,000
State of Georgia General	
Obligation Debt Sinking	
Fund	\$ 3,712,000
Capital Outlay—Airport	
Operational Improvements	\$ 1,000,000
Capital Outlay—Airport	
Approach Aid	\$ 100,000
Geodetic Control	\$ 306,986
Capital Outlay—Paving	
State and Local Schools	
and State Institutions	\$ 750,000
Capital Outlay—Paving State	
Parks and Historic Sites	\$ 500,000
Total Positions Budgeted	6,946
Authorized Motor Vehicles	4,800

For the general administrative expenses of airport development, mass transit planning and development, the promotion of aviation safety, the provision of air transportation services, and for contractual expense for harbor maintenance.

Provided, that the Department of Transportation is authorized to retain such portion of its Air Transportation service income as is required to maintain and upgrade the quality of its equipment.

Provided, that the Department of Transportation is authorized to utilize State Airport Development Funds to finance up to but not exceeding one-half (½) of the Non-federal share when matching both Federal and Local Funds, and 50% of an individual airport project when matching Local Funds only with no Federal Fund participation. Provided, further, that the Department of Transportation is authorized to utilize State Airport Development Funds at 100% of the total cost of an individual airport project for airports owned by the State of Georgia.

Provided, that \$564,000 of the above allocation for harbor maintenance payments is designated and committed for payment for harbor maintenance and improvements at Savannah.

Provided, further, that the Department of Transportation is authorized and directed to transfer to Personal Services from other object classes such funds as are required to fund the increased Personal Services costs contemplated in this Act, subject only to approval by the Office of Planning and Budget.

Provided that the Department of Transportation is authorized to retain its Bus Rental Income to operate, maintain, and upgrade the department-owned buses.

Section 44. Department of Veterans Service.

Budget Unit: Department of Veterans Service	\$	12,344,087
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1. Veterans Assistance Budget:

Personal Services	\$	3,093,592
Regular Operating Expenses	\$	68,486
Travel	\$	84,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	17,000
Equipment Purchases	\$	4,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	188,768

Telecommunications	\$	55,500
Per Diem, Fees and Contracts	\$	5,000
Postage	\$	32,200
Total Funds Budgeted	\$	3,549,046
State Funds Budgeted	\$	3,309,667
Total Positions Budgeted		142
Authorized Motor Vehicles		1

2. Veterans Home and Nursing Facility—
Milledgeville Budget:

Capital Outlay	\$	—0—
Equipment Purchases	\$	27,865
Regular Operating Expenses for Projects	\$	18,185
Operating Expenses/Payments to Central State Hospital	\$	7,767,115
Total Funds Budgeted	\$	7,813,165
State Funds Budgeted	\$	6,419,960

3. Veterans Nursing Home—
Augusta Budget:

Capital Outlay	\$	—0—
Equipment Purchases	\$	11,960
Regular Operating Expenses for Projects	\$	—0—
Operating Expense/Payments to Medical College of Georgia	\$	3,384,220
Total Funds Budgeted	\$	3,396,180
State Funds Budgeted	\$	2,614,460

Budget Unit Object Classes:

Personal Services	\$	3,093,592
Regular Operating Expenses	\$	68,486
Travel	\$	84,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	17,000
Equipment Purchases	\$	43,825
Computer Charges	\$	—0—
Real Estate Rentals	\$	188,768
Telecommunications	\$	55,500
Per Diem, Fees and Contracts	\$	5,000
Capital Outlay	\$	—0—
Postage	\$	32,200
Operating Expense/Payments to Central State Hospital	\$	7,767,115
Operating Expenses/Payments to Medical College of Georgia	\$	3,384,220
Regular Operating Expenses for Projects	\$	18,185
Total Positions Budgeted		142
Authorized Motor Vehicles		1

Section 45. Workers' Compensation Board.

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 Budget Unit: Workers' Compensation Board \$ 4,447,543

1. Workers' Compensation
 Administration Budget:

Personal Services	\$	3,111,855
Regular Operating Expenses	\$	85,784
Travel	\$	40,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	34,000
Equipment Purchases	\$	12,000
Computer Charges	\$	225,420
Real Estate Rentals	\$	376,596
Telecommunications	\$	75,000
Per Diem, Fees and Contracts	\$	40,716
Postage	\$	51,800
Total Funds Budgeted	\$	4,053,171
State Funds Budgeted	\$	4,038,171
Total Positions Budgeted		127

2. Vocational Rehabilitation Budget:

Personal Services	\$	331,096
Regular Operating Expenses	\$	8,830
Travel	\$	10,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	2,000
Equipment Purchases	\$	350
Computer Charges	\$	—0—
Real Estate Rentals	\$	29,896
Telecommunications	\$	8,200
Per Diem, Fees and Contracts	\$	12,500
Postage	\$	6,500
Total Funds Budgeted	\$	409,372
State Funds Budgeted	\$	409,372
Total Positions Budgeted		15

Budget Unit Object Classes:

Personal Services	\$	3,442,951
Regular Operating Expenses	\$	94,614
Travel	\$	50,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	36,000
Equipment Purchases	\$	12,350
Computer Charges	\$	225,150
Real Estate Rentals	\$	406,492
Telecommunications	\$	83,200
Per Diem, Fees and Contracts	\$	53,216
Postage	\$	58,300
Total Positions Budgeted		142
Authorized Motor Vehicles		1

Section 46. State of Georgia General
Obligation Debt Sinking Fund.

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A. Budget Unit: State of Georgia General Obligation Debt Sinking Fund (Issued)	\$ 114,051,180
B. Budget Unit: State of Georgia General Obligation Debt Sinking Fund (New)	\$ 31,780,460

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$2,210,000 is specifically appropriated for the purpose of financing the construction and equipping of buildings and facilities under the control of the State Board of Regents at the University System through the issuance of not more than \$8,500,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$11,830,400 is specifically appropriated for the purpose of financing a school construction program throughout the State of Georgia, which will consist of the construction and equipping of school buildings and facilities, including vocational education comprehensive high schools, through the issuance of not more than \$91,003,014 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$8,975,200 is specifically appropriated for the purpose of financing the expansion of facilities under the control of the Georgia Ports Authority through the issuance of not more than \$34,520,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$2,600,000 is specifically appropriated for the purpose of financing the equipping of the Georgia World Congress Center through the issuance of not more than \$10,000,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$390,000 is specifically appropriated for the purpose of constructing and equipping a Regional Youth Development Center through the issuance of not more than \$1,500,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$3,499,860 is specifically appropriated for the purpose of financing the construction and equipping the Georgia Public Safety Training Academy in Monroe County, Georgia through the issuance of not more than \$13,461,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$1,339,000 is specifically appropriated for the purpose of financing the construction of a Regional Youth Development Center and the renovation of facilities under the control of the Board of Human Resources through the issuance of not more than \$10,300,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$936,000 is specifically appropriated for the purpose of financing the acquisition and clearing land for the deposit of spoilage through the issuance of not more than \$3,600,000 in principal amount of General Obligation Debt.

Section 47. In addition to all other appropriations for the State fiscal year ending June 30, 1984, there is hereby appropriated \$2,000,000 to be allocated to various state agencies for the purpose of paying unemployment compensation payments to former employees. Funds are to be distributed to the various agencies according to the method developed by the Office of Planning and Budget, the Department of Administrative Services and the Legislative Budget Office.

Section 48. There is hereby appropriated \$17,000,000 for the payment of the State cost of 1.2% increase in the employer contribution rate in the State Employees Health Insurance Plan and a .75% increase for the Teachers Plan to be effective July 1, 1983. The Office of Planning and Budget is authorized and directed to transfer funds from this Section to appropriate budget units for the purpose of making such payments.

Section 49. Cost-of-Living Increases. In addition to all other appropriations for the State fiscal year ending June 30, 1984, there is hereby appropriated \$113,821,510 for the purposes described herein: 1) An increase of 4% with a minimum of \$400 per annum for full-time employees of the executive, judicial and legislative branch of state government, effective July 1, 1983; 2) For a 5% increase on the current salary schedule for teachers, public librarians and other instructional and support personnel,

with first and second year teachers to be paid as those with two years of experience and with resumption of annual increments after completion of one year of experience and permanent certification, effective the following month, effective September 1, 1983; 3) To add one step to the current salary schedule, effective September 1, 1983; 4) For school bus drivers, a 5% salary increase, effective July 1, 1983; 5) For university system employees, a 5% salary increase, to be effective September 1, 1983 for academic contracted personnel; 6) A 5% salary increase, effective July 1, 1983, for non-academic personnel, and fiscal year contracted personnel of the university system and employees of the Athens and Tifton Veterinary Laboratories, the Poultry Veterinary Diagnostic Laboratories, the Cooperative Extension Service and the Agricultural Experiment Stations, provided that no cost of living increase be provided for officials and employees of Regents Central Office who are paid over \$30,000 per annum; and 7) An increase of 4% for State officials whose salary is set by Act 755 (H.B. 262) of the 1978 Regular Session of the Georgia General Assembly, as authorized in said Act, Code Section 45-7-4, and for secretaries for whom salaries are set by Act 279 (H.B. 360) of the 1977 Regular Session of the Georgia General Assembly, Code Sections 15-6-25 and 15-18-17, effective July 1, 1983.

Provided, further, that no funds shall be transferred from this section without prior review and approval by the Legislative Budget Office.

Section 50. In addition to all other appropriations for the State fiscal year ending June 30, 1984 there is hereby appropriated \$2,800,000 for the purpose of providing funds for the operation of regional farmers' markets in the Department of Agriculture, and there is hereby appropriated \$6,571,795 for the purpose of providing operating funds for the State physical health laboratories (\$175,000 - Budget Unit "A") and for State mental health/mental retardation institutions (\$6,396,795 - Budget Unit "C") in the Department of Human Resources. Provided, further, the Office of Planning and Budget is hereby authorized to transfer funds from this section to the appropriate departmental budgets on a quarterly basis in amounts equal to those of departmental remittances to the Fiscal Division of the Department of Administrative Services from agency fund collections.

Section 51. It is the intent of this General Assembly that appropriations to the object class "Authority Lease Rentals" shall be used entirely for payment to debt-sinking funds, and that no funds be withdrawn from debt-sinking funds except for the purpose of paying prin-

cipal, interest and trustees fees, or for transfer to another sinking fund.

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Section 52. It is the intent of this General Assembly that each and every agency, board, commission and authority receiving appropriations in this Act shall develop and enforce stringent regulations relating to the use of motor vehicles owned, leased or rented by the State, including provisions that employees authorized to utilize State vehicles for commuting to and from work shall not use such vehicles except for official State business.

Provided, further, it is the intent of this General Assembly that each State agency utilizing xerographic reproducing equipment maintain a log for each unit of equipment indicating the date, number of copies and such other data determined to be appropriate to control the utilization of such equipment. It is the further intent of this General Assembly that each State agency implement procedures to control usage of long-distance, GIST and credit card telephone calls, in order to mitigate the State's cost therefor.

Section 53. It is the intent of this General Assembly that to the extent to which Federal funds become available in amounts in excess of those contemplated in this Appropriations Act, such excess Federal funds shall be applied as follows, whenever feasible:

First, to supplant State funds which have been appropriated to supplant Federal funds, which such supplanted State funds shall thereupon be removed from the annual operating budgets; and

Second, to further supplant State funds to the extent necessary to maintain the effective matching ratio experienced in the immediately preceding fiscal year, which such supplanted State funds shall thereupon be removed from the annual operating budgets.

It is the further intent of this General Assembly that the Office of Planning and Budget utilize its budgetary and fiscal authority so as to accomplish the above-stated intent to the greatest degree feasible; and that at the end of this fiscal year, said Office of Planning and Budget provide written notice to the members of the Appropriations Committees of the Senate and House of Representatives of the instances of noncompliance with the stated intent of this Section.

Section 54. It is the intent of this General Assembly that each agency for which an appropriation is authorized herein shall maintain financial records in such a fashion as to enable the State Auditor to readily deter-

mine by Object Class the expenditures of each activity contained in this Appropriations Act.

Section 55. In addition to all other appropriations, there is hereby appropriated as needed, a specific sum of money equal to each refund authorized by law, which is required to make refund of taxes and other monies collected in error, farmer gasoline tax refund and any other refunds specifically authorized by law.

Section 56. No State appropriations authorized under this Act shall be used to continue programs currently funded by 100% Federal funds.

Section 57. Provided further that no State funds in this appropriation shall be paid to or on behalf of Georgia Indigent Legal Services or its affiliates, nor shall any State facilities be made available for their use, including but not limited to the Georgia Interactive Statewide Telecommunications Network either directly or indirectly.

Section 58. In accordance with the requirements of Article IX, Section VI, Paragraph 1a of the Constitution of the State of Georgia, as amended, there is hereby appropriated payable to each department, agency, or institution of the State sums sufficient to satisfy the payments required to be made in each year, under lease contracts now in existence or as provided for in this Appropriations Act between any department, agency, or institution of the State, and any authority created and activated at the time of the effective date of the aforesaid constitutional provision, as amended, or appropriated for the State fiscal year addressed within this Act, and for each and every fiscal year thereafter, until all payments required under lease contracts have been paid in full, and if for any reason any of the sums herein provided under any other provision of this Act are insufficient in any year to make the required payments in full, there shall be taken from other funds appropriated to the department, agency or institution involved, an amount sufficient to satisfy such deficiency in full and the lease payment constitutes a first charge on all such appropriations.

The General Assembly declares that the sums hereby appropriated for lease rentals are to pay the general obligations of the State incurred under valid lease contracts and such appropriations are to be paid from the general funds of the State as a first charge upon General Funds.

Section 59. All expenditures and appropriations made and authorized under this Act shall be according to the programs and activities as specified in the Governor's recommendations contained in the Budget Report sub-

mitted to the General Assembly at the 1983 regular session, except as otherwise specified in this Act; provided, however, the Director of the Budget is authorized to make internal transfers within a budget unit between objects, programs, and activities subject to the conditions that no funds whatsoever shall be transferred for use in initiating or commencing any new program or activity not currently having an appropriation of State funds, nor which would require operating funds or capital outlay funds beyond the fiscal year to which this appropriations Act applies, and provided, further, that no funds whatsoever shall be transferred between objects without the prior approval of at least eleven (11) members of the Fiscal Affairs Subcommittees in a meeting called to consider said transfers. This Section shall apply to all funds of each budget unit from whatever source derived. The State Auditor shall make an annual report to the Appropriations Committees of the Senate and House of Representatives of all instances revealed in his audit in which the expenditures by object class of any department, bureau, board, commission, institution or other agency of this State are in violation of this Section or in violation of any amendments properly approved by the Director of the Budget. In those cases in which the aforesaid Budget Report contains no recommendation by the Governor of expenditures as to objects, the Director of the Budget, except as to the Legislative and Judicial Branches of the Government, is authorized to allocate as to object such funds as he deems proper, but he shall not approve any operating budget containing any such allocation until such shall be submitted and approved in the same manner and under the same conditions provided hereinbefore for transfers.

Section 60. Wherever in this Act the term "Budget Unit Object Classes" is used, it shall mean that the object classification following such term shall apply to the total expenditures within the Budget Unit, and shall supersede the object classification shown in the Governor's Budget Report.

Section 61. It is the intent of the General Assembly that for the purposes of this Act,

(1) Authorized motor vehicles are defined as sedans, pick-up trucks, vans, station wagons and any other such vehicles for street and highway use, and

(2) The number of authorized motor vehicles indicated for each budget unit shall include leased vehicles and State-owned vehicles, and

(3) The Departments are not authorized to accept vehicles from surplus property to increase the number au-

thorized in this Act unless specifically approved by this General Assembly.

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Section 62. The Office of Planning and Budget is hereby directed to economize wherever possible and in the event any part of the appropriations provided in the foregoing Section of this Act shall be in excess of the actual approved budget allotments for the fiscal year, the amounts so in excess, as determined by the Office of Planning and Budget, shall cease to be an obligation of the State.

**Section 63. TOTAL STATE FUND
APPROPRIATIONS**

State F.Y 1984

\$ 4,018,000,000.

Section 64. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 65. All laws and parts of laws in conflict with this Act are hereby repealed.

Senator Coverdell of the 40th offered the following amendment:

Amend the substitute to HB 163 offered by the Senate Committee on Appropriations by inserting at the end of Section 33E the following language:

“Provided, that of the above appropriation relating to Grants to Independent Probation Systems, the Department shall, for disbursement purposes, compute the State cost per probationer on a state-wide basis pursuant to the formula used by the Office of Planning and Budget and make payments to the independent county probation systems utilizing this State cost per probationer.”

On the adoption of the amendment, the yeas were 33, nays 0, and the amendment was adopted.

Senator Cobb of the 28th offered the following amendment:

Amend the substitute to HB 163 offered by the Senate Committee on Appropriations by inserting between line 21 and line 22 on Page 170 Section 37, and after the word “Stations”, on line 15, Page 215 of Section 49 the following language:

“Provided that salary increases for employees who are paid over \$35,000 per annum shall be limited to \$2,000 per annum to include cost-of-living and within-grade increases.”

Senator Cobb of the 28th offered the following amendment:

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Amend the amendment offered by Senator Cobb of the 28th to the substitute to HB 163 offered by the Senate Committee on Appropriations by adding on line 2 after the word "to" and before "\$2,000" the following:

"not more than"

On the adoption of the amendment, the yeas were 33, nays 1, and the amendment adopted.

On the adoption of the amendment offered by Senator Cobb of the 28th, the yeas 35, nays 0, and the amendment was adopted as amended.

Senators Kennedy of the 4th and Coleman of the 1st offered the following amendment:

Amend the substitute to HB 163 offered by the Senate Committee on Appropriations by inserting in Section 26 on Page 98 between lines 9 and 10 the following language:

"Provided, further, \$125,000 of the funds appropriated to the Department of Human Resources, Public Health Local Services Activity is designated and committed for the purpose of funding the Community Cardiovascular Council in Savannah, Georgia."

On the adoption of the amendment, the yeas were 32, nays 0, and the amendment adopted.

The President resumed the Chair.

On the adoption of the substitute, the yeas were 40, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bowen
Brannon

Broun of 46th
Brown of 47th
Bryant
Burton
Cobb

Coggin
Coleman
Coverdell
Dawkins
Deal

Dean	Howard	Phillips
English	Hudgins	Scott of 2nd
Engram	Huggins	Scott of 36th
Fincher	Kennedy	Scott of 43rd
Foster	Kidd	Starr
Garner	Land	Stumbaugh
Gillis	Lester	Thompson
Harris	Littlefield	Timmons
Harrison	McGill	Trulock
Hill	McKenzie	Turner
Hine	Peevy	Tysinger
Holloway	Perry	Walker
Horton		

Those not voting were Senators:

Bond	Greene	Tate
Brantley		

On the passage of the bill, the yeas were 52, nays 0.

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

Senator Starr of the 44th moved that HB 163 be immediately transmitted to House.

On the motion, the yeas were 34, nays 0; the motion prevailed, and HB 163 immediately transmitted to the House.

The following general resolution of the Senate was taken up for the purpose considering the House amendment thereto:

SR 49. By Senators Allgood of the 22nd and Lester of the 23rd:

A resolution authorizing the placing of a portrait of Honorable Richard Dent in the State Capitol Building.

The House amendment was as follows:

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Amend SR 49 in the following manner:

On Page 2, line 17, add the word "Governor," before the word "President" so that line 17 shall read:

"be selected by the Governor, President of the Senate and the Speaker of the House of Representatives."

Senator Allgood of the 22nd moved that the Senate agree to the House amendment to SR 49.

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

Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Arker	Foster	Littlefield
Barnes	Garner	McGill
Bowen	Gillis	McKenzie
Bannon	Harris	Peevy
Bantley	Harrison	Perry
Brown of 46th	Hill	Scott of 2nd
Brown of 47th	Hine	Scott of 36th
Bryant	Holloway	Scott of 43rd
Burton	Horton	Starr
Boggin	Howard	Stumbaugh
Boleman	Hudgins	Tate
Overdell	Huggins	Timmons
Bawkins	Kennedy	Trulock
Beal	Kidd	Turner
Beean	Land	Tysinger
Benglish		

Those not voting were Senators:

Bond	Greene	Thompson
Bobb	Phillips	Walker
Bincher		

On the motion, the yeas were 49, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SR 49.

The following local bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 219. By Senators Phillips of the 9th and Peevy of the 48th:

A bill to amend an Act relating to education districts for the election members of the Board of Education of Gwinnett County, so as to provide for new and different districts and the election of members therefrom provide for all related matters; to provide effective dates.

The House amendment was as follows:

Amend SB 219 by striking all matter on lines 28 through 33 of Page 6 and inserting in lieu thereof the following:

“Section 1.1. (a) Not sooner than July 1, 1983, and not later than ten days after July 1, 1983, the election superintendent of Gwinnett County shall issue the call for a special primary for the purpose of nominating members of the board from Education Districts No. 2 and No. 3. The date of the special primary shall be set for a date not less than and not more than 60 days after the date of the call.”

By striking all matter on lines 19 through 24 of Page 6 and inserting in lieu thereof the following:

“1983.”

Senator Peevy of the 48th moved that the Senate agree to the House amendment to SB 219.

On the motion, the yeas were 33, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 219.

The following general bills of the House, favorably reported by the committee, were read the third time and put upon their passage:

HB 648. By Representatives Adams of the 36th and Robinson of the 58th:

A bill to amend an Act known as the “Metropolitan Atlanta Rapid Transit Authority Act of 1965,” so as to change the construction, completion, and operation priority of portions of the Authority’s rapid rail system.

Senate Sponsor: Senator Holloway of the 12th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

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Barnes	Garner	Peevy
Bowen	Gillis	Perry
Brantley	Harrison	Phillips
Brown of 47th	Hill	Scott of 2nd
Bryant	Hine	Scott of 36th
Burton	Holloway	Scott of 43rd
Cobb	Horton	Starr
Coggin	Howard	Stumbaugh
Coverdell	Hudgins	Tate
Dawkins	Kennedy	Thompson
Deal	Kidd	Timmons
Dean	Land	Trulock
English	Lester	Turner
Engram	Littlefield	Tysinger
Fincher	McGill	Walker
Foster	McKenzie	

Those not voting were Senators:

Allgood	Brannon	Greene
Barker	Broun of 46th	Harris
Bond	Coleman	Huggins

On the passage of the bill, the yeas were 47, nays 0.

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

675. By Representatives Galer of the 97th, Hirsch of the 96th and Groover of the 99th:

A bill to amend Article 1 of Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment in general, so as to specify when funds or benefits of a pension or retirement program shall be subject to garnishment.

Senate Sponsor: Senator Hudgins of the 15th.

The report of the committee, which was favorable to the passage of the bill, was read to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Brannon	Broun of 46th
Bowen	Brantley	Brown of 47th

Bryant	Harris	Peevy
Burton	Harrison	Perry
Cobb	Hill	Phillips
Coggin	Hine	Scott of 2nd
Coleman	Holloway	Scott of 36th
Coverdell	Horton	Scott of 43rd
Dawkins	Howard	Starr
Deal	Hudgins	Stumbaugh
Dean	Huggins	Tate
English	Kennedy	Thompson
Engram	Kidd	Timmons
Fincher	Land	Turner
Foster	Lester	Tysinger
Garner	McGill	Walker
Gillis	McKenzie	

Those not voting were Senators:

Allgood	Bond	Littlefield
Barker	Greene	Trulock

On the passage of the bill, the yeas were 50, nays 0.

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

Senator Hudgins of the 15th gave notice that, at the proper time, he would move that the Senate reconsider its action in passing HB 675.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 165. By Senator Kidd of the 25th:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to form of registration cards; to provide for absentee voter registration by persons outside of the United States.

The House substitute to SB 165 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to restrict the number of offices for which an individual may be nominated or be a candidate in any one election; to change the provisions relating to clerks and deputy registrars; to change the provisions relating to form of registration cards; to provide for absentee voter registra-

tion by persons outside of the United States; to provide procedures; to change the provisions relating to the keeping of registration cards and other papers, voter registration places, and office hours; to change the provisions relating to persons providing proper identification for the purpose of voter registration; to change the provisions relating to requirements for voting precincts; to change the definition of the term "absentee elector"; to change the provisions relating to the form of the official primary ballot; to require political parties to submit questions to their members by certain times; to change the provisions relating to uniformity of ballots in precincts; to change the procedures relating to unopposed candidates; to change the provisions relating to applications for absentee ballots; to provide procedures for absentee electors overseas to secure ballots for and vote in certain elections; to change the provisions relating to the call of special elections; to provide for the call of special primaries; to provide for unopposed candidates in special primaries; to provide that no special primary election will be held where there will be no opposed candidates in a precinct in a special primary; to change the provisions relating to qualifications of voters in municipal elections; to change the provisions relating to requirements for voting precincts in municipal elections; to change the provisions relating to the form of official primary ballots in municipal elections; to change the procedures relating to unopposed candidates in municipal elections; to change the provisions relating to uniformity of ballots within precincts in municipal elections; to change the definition of the term "absentee elector" as it applies to municipal elections; to change the provisions relating to special primaries or elections with respect to municipalities; to provide for unopposed candidates in special primaries held in municipalities; to provide that no special primary election will be held where there will be no opposed candidates in a precinct in a special or general primary to be held by the municipality; to permit a director, officer, or an employee of a public utility corporation to make a contribution to a political campaign on his or her own behalf; to permit officials and employees of any such public utility corporation to establish and administer a political action committee, which committee shall have the authority to receive and solicit contributions to be used exclusively for the purpose of influencing the outcome of an election or the nomination or election of individuals who are candidates for nomination or election to elective public office, excluding, however, candidates seeking election for positions on the Public Service Commission; to provide that the political action committee shall be a separate, segregated fund and that contributions to it shall be limited to voluntary contributions from employees, officers, directors, and their families; to provide that expenditures by a public utility corporation for the establishment and administration of a political action committee shall not be deemed a "contribution" or an "expenditure" as defined in Code Section 21-5-3, provided said expenditure which is reasonably identifiable is reimbursed to said public utility corporation from proceeds of said political action committee; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by striking in its entirety Code Section 21-2-136, relating to restrictions on the number of offices for which an individual may be nominated or be a candidate in any one election, and inserting in lieu thereof a new Code Section 21-2-136 to read as follows:

“21-2-136. No person shall be nominated, nor shall any person be candidate in a primary or election, for more than one of the following public offices to be filled at any one election: Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Comptroller General, Commissioner of Agriculture, Commissioner of Labor, United States senator or representative in Congress, Public Service Commissioner, Justice of the Supreme Court, Judge of the Court of Appeals, judge of the probate court, clerk of the superior court, tax commissioner, tax collector, sheriff, judge of the superior court, county treasurer, county school superintendent, tax receiver, and members of the Senate and House of Representatives of the General Assembly.”

Section 2. Said title is further amended by striking in its entirety subsection (a) of Code Section 21-2-212, relating to appointment of additional deputy registrars and clerks, and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) (1) The board of registrars in each county shall appoint deputy registrars to aid them in the discharge of their duties. The number of deputy registrars appointed to serve shall be determined by the board of registrars, except that additional registrars shall be appointed as would reasonably be required to afford qualified citizens an opportunity to register. Such deputy registrars shall serve without compensation unless the governing authority of the county, by resolution, authorizes compensation. In appointing deputy registrars, the registrars shall select persons who are reasonably representative of a cross section of significantly identifiable groups of the communities or areas where they are to serve. Such deputy registrars shall be subject to the provisions of subsection (a) of Code Section 21-2-213.

(2) Registrars may hire clerical help to assist them in their duties if the compensation required therefor has been first approved by the governing authority of the county. Such additional clerks shall be eligible to be appointed as deputy registrars for the purpose of registering voters in the county, but it shall not be necessary for such clerks to be electors of the county in which employed.”

Section 3. Said title is further amended by striking in its entirety subsection (b) of Code Section 21-2-217, relating to form of registration card, and inserting in lieu thereof a new subsection (b) to read as follows:

“(b) (1) The registration cards for use by applicants for absentee registration shall be in the same form as the above form of registration card, except that the affidavit and questions propounded to the applicant portions shall be eliminated and in lieu thereof the following form of affidavit shall be used:

I do swear (or affirm) that I am a citizen of the United States, the State of Georgia, and this county; that I am at least 18 years of age, or will be on the _____ day of _____, 19____; that my residence for voting purposes is located at _____ in such county; that my temporary address outside of this state is _____; or that I am otherwise qualified to register by absentee registration for the following reasons _____; that I possess the qualifications of an elector required

by the Constitution of the State of Georgia; that I am not registered to vote in any other county, or I am registered in _____ County of the state of _____ and request cancellation of my registration; that I am not registered to vote under any other name; that I have never been convicted in any court of competent jurisdiction of any felony involving moral turpitude, punishable by the laws of the State of Georgia with imprisonment in the penitentiary or, if so convicted, that I was pardoned on _____, or my sentence was completed on _____; and that the information contained elsewhere on this card is true.

I declare that the above is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the above statement I shall be guilty of a misdemeanor and may be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 12 months.

Date _____, 19__.

(Sign here) _____

(2) (A) An absentee voter who is a member of the armed forces of the United States or the merchant marine, is a spouse or dependent of a member of the armed forces or the merchant marine residing with or accompanying said member, or is temporarily residing overseas and will be absent from his county of residence until after the time for registering for an ensuing primary or election may make proper application for absentee registration on the official post card provided for by the Federal Voting Assistance Act of 1955, as amended.

(B) Applicants for absentee registration who permanently reside overseas shall only be authorized to register to vote for presidential electors, United States senator, and representative in Congress. The registration cards for use by applicants for absentee registration who permanently reside overseas shall be in the same form as the form of the registration card in subsection (a) of Code Section 21-2-217, except that the affidavit and questions propounded to the applicant portions shall be eliminated and in lieu thereof the following form of affidavit shall be used:

I, the undersigned, do swear (or affirm):

(1) That I am a citizen of the United States;

(2) That I presently reside at _____ which is outside any of the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands;

(3) That my last domicile (permanent residence) immediately prior to moving outside the United States was _____ in _____ County in the State of Georgia and I resided at that address from _____, 19, to _____, 19__;

(4) That since leaving the State of Georgia I do not presently maintain, and I have not maintained, another domicile and I am not presently and have not since leaving the State of Georgia been registered to vote in

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another state or election district of another state or territory or in a territory or possession of the United States;

(5) That I have a valid passport or record of identity and registration issued under the authority of the Secretary of State of the United States or, in lieu thereof, an alternative form of identification consistent with the Overseas Voting Rights Act of 1975, as amended, and applicable state or district requirements in the absence of a valid passport or card of identity and registration;

(6) That I am at least 18 years of age or will be on the _____ day of _____, 19____;

(7) That I have never been convicted in any court of competent jurisdiction of any felony involving moral turpitude, punishable by the law of the State of Georgia with imprisonment in the penitentiary, or, if so convicted, that I was pardoned on _____ or my sentence was completed on _____; and

(8) That the information contained on the enclosed registration card is true.

(Sign here) _____
Signature shall be the same as name appearing elsewhere on card

I declare that the above is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the above statement I shall be guilty of a misdemeanor and may be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 12 months.

Date _____, 19____.

Signature of voter

(3) A properly executed registration card submitted under the provisions of subparagraph (b)(2)(A) of this Code section, if submitted within 90 days of a primary or election in which the registrant is entitled to vote, shall be considered to be an application for an absentee ballot under Code Section 21-2-381, or a special absentee ballot under Code Section 21-2-381.1, as appropriate."

Section 3A. Said chapter is further amended by striking in its entirety Code Section 21-2-218, relating to location of main office of board of registrars, and inserting in lieu thereof a new Code Section 21-2-218 to read as follows:

"21-2-218. (a) In those counties where the registrars have a main office separate from the office of the tax collector or tax commissioner, the registrars shall keep the completed registration cards and their other papers in such office which shall be in the courthouse or other public building. If no such office exists, the registrars shall keep the completed registration cards and their other papers in the office of the tax collector or the tax commissioner; and such office shall be deemed the main office of the board of registrars.

(b) For the purpose of taking applications for registration and for the purpose of registering electors, such number of registrars or deputy registrars as shall be designated by the chief registrar shall be stationed at such main office where the completed registration cards are kept at such times as the office is open during regular office hours. The board of registrars, in addition to the main office, shall designate other fixed places throughout the county as would be reasonably necessary to receive applications for registration and for the registration of electors. In any county having a population of more than 100,000 according to the United States decennial census of 1960 or any such future census, the chief registrar in each even-numbered year shall designate and staff, on a full or part-time basis, additional voter registration places within the county at least six months prior to the voter registration deadline for the November election in that year. These additional offices for registration will have fixed hours of operation. Voter registration cards shall not be removed from the additional registration places except to be taken to the main office. The same degree of supervision and security provided for the main office to prevent registration irregularities will be provided to these additional offices. Blank registration cards shall be kept in the places designated for registration and completed registration cards shall be kept in the main office of the registrars.

(c) Blank registration cards shall be numbered and shall be issued only to deputy registrars who shall give the chief registrar a receipt therefor. The chief registrar shall maintain such receipts as he does other voter registration records. Registration shall be conducted only at the main office of the board of registrars and at such additional places as have been designated by the chief registrar pursuant to this article.

(d) Additional registration places and the hours of operation shall be advertised in a newspaper of general circulation in the county one or more times at least seven days prior to the first day for registration.

(e) The main office of the board of registrars in each county shall remain open for business during regular office hours on each business day, except Saturday. The main office, or such other offices, shall be open at such designated times other than the normal business hours as shall reasonably be necessary to facilitate registration and at such other hours as will suit the convenience of the public.

(f) All voter registration places shall be places open to the general public and frequented by the general public. Such places for temporary or permanent voter registration may include, but shall not be limited to, any of the following: churches, governmentally funded and managed public housing facilities, public social agencies, public child care centers, public recreation centers, public buildings, and shopping centers, multi-family apartment complexes, child care centers and educational facilities, provided that such places are in fact open to and frequented by the general public."

Section 4. Said title is further amended by striking in its entirety Code Section 21-2-221, relating to application to registration officer for voter registration, and inserting in lieu thereof a new Code Section 21-2-221 to read as follows:

“21-2-221. Any person desiring to register as an elector shall apply to a registrar or a deputy registrar and shall furnish such officer with proper identification and information which will enable him to fill in the blanks appearing on the registration card. When any person who seeks to register as an elector is asked to provide proper identification by a registrar or a deputy registrar, as required by law, it shall be sufficient for the applicant to exhibit his valid driver's license, birth certificate, credit card, food stamp card, social security card, check-cashing card, passport, school record, work identification record, utility bill, school identification or Medicaid, medicare, or welfare identification. On completion of the form, the officer shall administer the oath to the applicant and then have him sign it, and the officer shall attest it. Upon request of the applicant the officer taking the application shall read or repeat the oath distinctly to the applicant; and, if the applicant cannot sign his name, the officer shall sign it for him, the applicant making his mark thereon.”

Section 5. Said title is further amended by striking in its entirety Code Section 21-2-261.1, relating to requirements for voting precincts, and inserting in lieu thereof a new Code Section 21-2-261.1 to read as follows:

“21-2-261.1. (a) All voting precincts established or altered on or after July 1, 1983, shall consist of areas which are bounded on all sides only by:

(1) Visible features which are readily distinguishable upon the ground (such as streets, railroad tracks, streams, lakes, and ridges) and which are indicated upon official Department of Transportation maps; or

(2) The boundaries of counties and incorporated municipalities.

(b) No later than January 1, 1984, unless a waiver extending such deadline to January 1, 1985, is granted by the Secretary of State, the superintendent shall move the boundaries of all precincts so that they conform to the requirements of subsection (a) of this Code section and shall continue to promote the convenience of electors and the public interest. The superintendent shall within 30 days prior to the establishment of new boundaries required to conform with subsection (a) of this Code section publish a notice of such changes once a week for two weeks in the county organ and post a conspicuous notice of such changes in at least five public and conspicuous places in each affected precinct. At least one such notice shall be posted at or in the immediate vicinity of the polling place in each affected precinct. Each notice shall state the date upon which adoption of such changes is proposed to be made and shall direct interested persons to address their comments or questions to the superintendent.

(c) The superintendent shall notify the board of registrars within ten days after such changes are adopted.

(d) Not later than February 1, 1984, unless a waiver extending such deadline to February 1, 1985, has been granted by the Secretary of State, each superintendent shall file with the Secretary of State a current copy of a map of all precincts in the county. Thereafter the superintendent shall file with the Secretary of State:

(1) A map reflecting any changes in precincts within 20 days after the changes are made;

(2) A copy of any communications to or from the United States Justice Department relating to any precincts within 20 days after such communication is sent or received;

(3) A copy of any pleading initiating a court action potentially affecting any precincts within 30 days after it is filed;

(4) A copy of any court order affecting any precincts within 20 days after it is entered; and

(5) Any other documentation necessary to allow the Secretary of State to maintain a current listing of all precincts in the state.

(e) The Secretary of State shall be authorized to waive and postpone the effective dates of compliance as provided in subsections (b) and (d) of this Code section with respect to any superintendent if compliance by such dates would cause an undue hardship."

Section 6. Said title is further amended by striking in its entirety Code Section 21-2-380, relating to the definition of the term "absentee elector," and inserting in lieu thereof a new Code Section 21-2-380 to read as follows:

"21-2-380. As used in this article, the term 'absentee elector' means an elector of this state who is required to be absent from his precinct during the time of the primary or election he desires to vote in, or who will perform any of the official acts or duties set forth in this chapter in connection with the primary or election he desires to vote in, or who, because of physical disability, will be unable to be present at the polls on the day of such primary or election, or who, because the election or primary falls upon a religious holiday observed by such elector, will be unable to be present at the polls on the day of such primary or election, or who is a fireman required to remain on duty in his or her place of employment during the entire time the polls are open when such place of employment is within the precinct in which the voter resides."

Section 7. Said title is further amended by striking in its entirety subsection (d) of Code Section 21-2-284, relating to the form of official primary ballots, which subsection reads as follows:

"(d) If at any primary a political party shall submit to its members any matter or question to be voted upon, the party shall certify the wording of said question to the superintendent, if to be voted on by one county only, or to the Secretary of State, if to be voted on by more than one county; and the superintendent or Secretary of State shall have such language printed on the ballot form. To the left of each question there shall be placed the words 'Yes' and 'No' together with appropriate squares to the left of each for the convenient insertion of a cross (X) or check (✓) mark."

and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) If at any primary a political party shall submit to its members

any matter or question to be voted upon, the party shall by the day for certifying candidates for the primary election certify the wording of each question to the superintendent, if to be voted on by one county or to the Secretary of State, if to be voted on by more than one county, and the superintendent or Secretary of State shall have such language printed on the ballot form. To the left of each question there shall be placed the words 'Yes' and 'No' together with appropriate squares to the left of each for the convenient insertion of a cross (X) or check mark."

Section 8. Said title is further amended by striking in its entirety section (b) of Code Section 21-2-286, relating to uniformity of ballots within precincts, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Ballots shall be at least six inches long and four inches wide and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type, which shall not be smaller than the size known as 'brevier' or 'eight point body,' upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through, except that ballots being used in primaries by more than one party may be of different colors if the parties so agree. Each ballot shall be attached to a name stub, and all the ballots for the same precinct shall be bound together in books of 50 or 100, in such a manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The name stubs of the ballots shall be consecutively numbered and, in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper portion of the front of the ballot, separated from the remainder of the ballot by a horizontal perforated line so as to constitute a number strip and so prepared that the upper portion of the front of the ballot containing the number may be detached from the ballot before deposited in the ballot box. The number strip on the ballot shall also have the following words printed thereon: 'Tear off before depositing ballot in ballot box.'"

Section 9. Said title is further amended by striking in its entirety Code Section 21-2-291, which reads as follows:

"21-2-291. Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate, no name shall appear on the special election ballot unless a write-in candidate has qualified as provided by law. Further, if there are no opposed candidates, no eligible write-in candidates, and no issues to be submitted to the electorate, the election shall be conducted. Each such unopposed candidate shall be deemed to have voted for himself. The superintendent shall certify each unopposed candidate as elected in the same manner as he certifies other candidates as elected pursuant to Code Section 21-2-493."

and inserting in lieu thereof a new Code Section 21-2-291 to read as follows:

"21-2-291. Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a special election, no special election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate. Each such unopposed candidate shall be deemed to have voted for himself. Where feasible, the superintendent shall provide notice reasonably calculated to inform the affected electorate that no special election is to be conducted. The superintendent shall certify such unopposed candidate as elected in the same manner as he certifies other candidates as elected pursuant to Code Section 21-2-493."

Section 10. Said title is further amended by striking Code Section 21-2-381, relating to applications for absentee ballots, in its entirety and inserting in lieu thereof a new Code Section 21-2-381 to read as follows:

"21-2-381. (a) (1) Not more than 90 days prior to the date of the primary or election, or runoff of either, in which the elector desires to vote, any absentee elector may make, either by mail or in person in the registrar's office, an application to the board of registrars of the county of the elector's residence, for an official ballot of the elector's precinct to be voted at such primary, election, or runoff. In the case of an elector residing temporarily out of the county, the application for the elector's absentee ballot may, upon satisfactory proof of relationship, be made by his mother, father, aunt, uncle, sister, brother, spouse, son, daughter, mother-in-law, father-in-law, brother-in-law, or sister-in-law, of the age of 18 or over. The application shall be in writing and shall contain sufficient information for proper identification of the elector; the permanent or temporary address of the elector to which the absentee ballot shall be mailed; the identity of the primary, election, or runoff in which the elector wishes to vote; the reason for requesting the absentee ballot; and the name and relationship of the person requesting the ballot if other than the elector. No absentee ballot shall be mailed to an address other than the permanent or temporary out-of-county address of the elector. Relatives applying for absentee ballots for electors must also sign an oath stating that facts in the application are true. If the elector is unable to fill out or sign his own application because of illiteracy or physical disability, the elector shall make his mark, and the person filling in the rest of the application shall sign his name below it as a witness; provided, however, that one timely and proper application for an absentee ballot for use in a primary shall be sufficient to require the sending or delivery, to an eligible absentee elector who lives outside the county in which the election is held and is also a member of the armed forces of the United States, a member of the merchant marine of the United States or a spouse or dependent of a member of the armed forces or the merchant marine residing with or accompanying said member, an absentee ballot for such primary as well as for any runoffs resulting therefrom and for the election for which such primary shall nominate candidates. Further, such application for an absentee ballot to be used in any election shall be sufficient to require the sending and delivery of an absentee ballot for any runoffs resulting from such election. In any event, a separate and distinct application for an absentee ballot shall be required for the presidential preference primary held pursuant to Article 5 of this chapter and for any special election or special primary.

(2) A properly executed registration card submitted under the provisions of subparagraph (b)(2)(A) of Code Section 21-2-217, if submitted within 90 days of a primary or election in which the registrant is entitled to vote, shall be considered to be an application for an absentee ballot under this Code section, or for a special absentee ballot under Code Section 21-2-381.1, as appropriate.

(b) Upon receipt of a timely application, a registrar shall enter thereon the date received and shall determine if the applicant is eligible to vote in the primary or election involved. If found eligible, the registrar shall certify by signing in the proper place on the application and shall either mail the ballot as provided in this Code section or deliver the ballot to the elector within the confines of the registrar's office or deliver the ballot in person to the elector if he is confined to a hospital. If found ineligible, the board of registrars shall deny the application by writing the reason for rejection in the proper space on the application and shall promptly notify the applicant in writing of the ground of his ineligibility, a copy of which notification should be retained on file in the office of the board of registrars for at least one year. If the registrar is unable to determine the identity of the elector from information given on the application, he should promptly write to request additional information. In case of an unregistered applicant who is eligible for absentee registration, the board shall immediately mail a blank registration card as provided in Code Section 21-2-230, and such applicant, if otherwise qualified, shall be deemed eligible to vote by absentee ballot in such primary or election if the registration card, properly completed, is returned to the board on or before the last day for registering to vote in such primary or election. If the closing date for registration in the primary or election concerned has not passed, the registrar shall also mail a ballot to the applicant as soon as it is prepared and available; and the ballot shall be cast thereon if returned to the board not later than the close of the polls on the day of the primary or election concerned.

(c) In those counties in which the board of registrars provides application forms for absentee ballots, the board shall provide such quantity of the application form to the dean of each college or university located in that county as said dean determines necessary for the students of the college or university.

(d) (1) A citizen of the United States permanently residing outside the United States is entitled to make application for an absentee ballot from Georgia and to vote by absentee ballot in any election for presidential electors, United States senator, and representative in Congress:

(A) If he was last domiciled in Georgia immediately before his departure from the United States; and

(B) If he could have met all qualifications, except any qualification relating to minimum voting age, to vote in federal elections even though while residing outside the United States, he does not have a place of abode or other address in Georgia.

(2) An individual is entitled to make application for an absentee

ballot under paragraph (1) of this subsection even if his intent to return to Georgia may be uncertain, as long as:

(A) He has complied with all applicable Georgia qualifications and requirements which are consistent with 42 U.S.C. 1973dd concerning absentee registration for and voting by absentee ballots;

(B) He does not maintain a domicile, is not registered to vote, and is not voting in any other state or election district of a state or territory or in any territory or possession of the United States; and

(C) He has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or, in lieu thereof, an alternative form of identification consistent with 42 U.S.C. 1973dd and applicable state requirements, if a citizen does not possess a valid passport or card of identity and registration."

Section 11. Said title is further amended by adding between Code Sections 21-2-381 and 21-2-382 a new Code section, to be designated Code Section 21-2-381.1, to read as follows:

"21-2-381.1. (a) Notwithstanding any other provisions of this chapter, a qualified absentee elector, as defined in Code Section 21-2-380, may apply not earlier than 90 days before an election for a special write-in absentee ballot. This ballot shall be for presidential electors, United States senator, and representative in Congress.

(b) The application for a special write-in absentee ballot may be made on the federal post card application form or on a form prescribed by the Secretary of State.

(c) In order to qualify for a special write-in absentee ballot, the voter must state that he or she is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal post card application or on a form prepared by the Secretary of State and supplied and returned with the special write-in absentee ballot.

(d) Upon receipt of said application, the superintendent shall issue the special write-in absentee ballot which shall be prescribed and provided by the Secretary of State. Such ballot shall permit the elector to vote by writing in a party preference for each office, the names of specific candidates for each office, or the name of the person whom the voter prefers for each office."

Section 12. Said title is further amended by striking in its entirety Code Section 21-2-504, relating to special primaries or elections under certain situations, and inserting in lieu thereof a new Code Section 21-2-504 to read as follows:

"21-2-504. Whenever any primary or election shall fail to fill a particular nomination or office and such failure cannot be cured by a run-off primary or election, or whenever any person elected to public office shall die or withdraw prior to taking office, or whenever any person elected to

public office shall fail to take that office validly, the authority with whom the candidates for such nomination or office file notice of candidacy shall call a special primary or election to fill such position. If a special primary will not be held and unless otherwise provided by law, the call of special election shall be made within 45 days after the occurrence of the vacancy."

Section 13. Said title is further amended by striking in its entirety Code Section 21-2-540, relating to manner of conduct of special elections generally, and inserting in lieu thereof a new Code Section 21-2-540 to read as follows:

"21-2-540. Every special election shall be held and conducted in all respects in accordance with the provisions of this chapter relating to general elections; and the provisions of this chapter relating to general elections shall apply thereto insofar as practicable and as not inconsistent with any other provisions of this chapter. All special elections held at the time of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, so far as practicable, as are used for such general election. At least 29 days shall intervene between the call of a special primary and the holding of same, and at least 29 days shall intervene between the call of a special election and the holding of same. Candidates in special elections shall not be listed on the ballot according to party affiliation unless a candidate has been nominated in a special primary, in which event such a candidate shall have his name placed in a column under the name of his party."

Section 14. Said title is further amended by adding at the end of Article 14 of Chapter 2 a new Code section, to be designated Code Section 21-2-545, to read as follows:

"21-2-545. Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a special primary, no special primary shall be held in such precinct. The proper officials of the unopposed candidate's political party shall certify him as the party nominee for the office involved for the purpose of having his name placed upon the special election ballots or ballot labels. Where feasible, the superintendent shall provide notice reasonably calculated to inform the affected electorate that no special primary election is to be conducted. Each such unopposed candidate shall be deemed to have voted for himself. The superintendent shall certify any such unopposed candidate as nominated in the same manner as he certifies other candidates nominated pursuant to Code Section 21-2-493."

Section 15. Said title is further amended by striking in its entirety subsection (e) of Code Section 21-3-125, relating to qualifications of voters in municipal elections, and inserting in lieu thereof a new subsection (e) to read as follows:

"(e) In a municipality maintaining its own registration list, any person desiring to register as an elector shall apply to a registrar or a deputy registrar and shall furnish such officer with proper identification and information which will enable him to fill in all blanks appearing on the

registration card. When any person who seeks to register as an elector is asked to provide proper identification by a registrar or a deputy registrar, as required by law, it shall be sufficient for the applicant to exhibit his valid driver's license, birth certificate, credit card, food stamp card, social security card, check-cashing card, passport, school record, work identification record, utility bill, school identification, or Medicaid, medicare, or welfare identification. On completion of the form, the officer shall administer the oath to the applicant and then have him sign it, and the officer shall attest it. Upon request of the applicant, the officer taking the application shall read or repeat the oath distinctly to the applicant; and, if the applicant cannot sign his name, the officer shall sign it for him, the applicant making his mark thereto."

Section 16. Said title is further amended by striking in its entirety Code Section 21-3-161.1, relating to requirements for voting precincts in municipal elections, and inserting in lieu thereof a new Code Section 21-3-161.1 to read as follows:

"21-3-161.1. (a) All voting precincts established or altered on or after July 1, 1983, shall consist of areas which are bounded on all sides only by:

(1) Visible features which are readily distinguishable upon the ground (such as streets, railroad tracks, streams, lakes, and ridges) and which are indicated upon official Department of Transportation maps; or

(2) The boundaries of counties and incorporated municipalities.

(b) No later than January 1, 1984, unless a waiver extending such deadline to January 1, 1985, is granted by the Secretary of State, the governing authority shall move the boundaries of all precincts so that they conform to the requirements of subsection (a) of this Code section and continue to promote the convenience of electors and the public interests. The governing authority shall within 30 days prior to the establishment of any new boundaries required to conform with subsection (a) of this Code section publish a notice of such changes once a week for two weeks in the county organ and post a conspicuous notice of such changes in at least five public and conspicuous places in each affected precinct. At least one such notice shall be posted at or in the immediate vicinity of the polling place in each affected precinct. Each notice shall state the date upon which adoption of such changes is proposed to be made and shall direct interested persons to address their comments or questions to the superintendent.

(c) The governing authority shall notify the board of registrars within ten days after such changes are adopted.

(d) Not later than February 1, 1984, unless a waiver extending such deadline to February 1, 1985, has been granted by the Secretary of State, each governing authority shall file with the Secretary of State a current copy of a map of all precincts in the municipality. Thereafter the governing authority shall file with the Secretary of State:

(1) A map reflecting any changes in precincts within 20 days after the changes are made;

(2) A copy of any communications to or from the United States Justice Department relating to any precincts within 20 days after such communication is sent or received;

(3) A copy of any pleading initiating a court action potentially affecting any precincts within 30 days after it is filed;

(4) A copy of any court order affecting any precincts within 20 days after it is entered; and

(5) Any other documentation necessary to allow the Secretary of State to maintain a current listing of all precincts in the state.

(e) The Secretary of State shall be authorized to waive and postpone the effective dates of compliance as provided in subsections (b) and (c) of this Code section with respect to any governing authority if compliance by such dates would cause an undue hardship."

Section 17. Said title is further amended by striking in its entirety subsection (g) of Code Section 21-3-187, relating to form of official election ballot in municipal elections, which reads as follows:

"(g) Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate, then no name shall appear on the general election or special election ballot unless a write-in candidate has qualified as provided by law. Further, if there are no opposed candidates, no eligible write-in candidates and no issues to be submitted to the electorate within a precinct, no election shall be conducted in the precinct."

and inserting in lieu thereof a new subsection (g) to read as follows:

"(g) Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a general or special election, no election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate within a precinct."

Section 18. Said title is further amended by striking in its entirety subsection (a) of Code Section 21-3-188, relating to uniformity of ballots within precincts in municipal elections, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Ballots shall be at least six inches long and four inches wide and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type, which shall not be smaller than the size known as 'brevier' or 'eight point body,' upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through, except that ballots being used in primaries held by more than one party may be of different colors if the parties so agree. Each ballot shall be attached to a name stub, and all the ballots for the same precinct shall be bound together in books of 50 or 100, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be

bound separately. The name stubs of the ballots shall be consecutively numbered; and, in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper portion of the front of the ballot, separated from the remainder of the ballot by a horizontal, perforated line so as to constitute a number strip, and so prepared that the upper portion of the front of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box. The number strip on the ballot shall also have the following words printed thereon: 'Tear off before depositing ballot in ballot box.'"

Section 19. Said title is further amended by striking in its entirety Code Section 21-3-280, relating to the definition of the term "absentee elector" in municipal elections, and inserting in lieu thereof a new Code Section 21-3-280 to read as follows:

"21-3-280. The term 'absentee elector,' as used in this article, means an elector of the municipality who is required to be absent from said municipality during the time of the primary or election in which he desires to vote, or who will perform any of the official acts or duties set forth in this chapter in connection with the primary or election in which he desires to vote, or who, because of physical disability, will be unable to be present at the polls on the day of such primary or election, or who, because the election or primary falls upon a religious holiday observed by such elector, will be unable to be present at the polls on the day of such primary or election, or who is a fireman required to remain on duty in his or her place of employment during the entire time the polls are open when such place of employment is within the precinct in which the voter resides."

Section 20. Said title is further amended by striking in its entirety Code Section 21-3-408, relating to special primaries or elections under certain situations in municipalities, and inserting in lieu thereof a new Code Section 21-3-408 to read as follows:

"21-3-408. (a) Whenever any primary or election shall fail to fill a particular nomination or office and such failure cannot be cured by a run-off primary or election, or whenever any person elected to public office shall die or withdraw prior to taking office, or whenever any person elected to public office shall fail validly to take that office, the authority with whom the candidates for such nomination or office file notice of candidacy shall thereupon call a special primary or election to fill such position.

(b) Whenever any person elected to public office shall, after taking office, die, withdraw, or for any other reason create a vacancy in his office and the municipal charter fails to provide a method for the filling of such vacancy, the governing authority shall thereupon call a special election to fill such vacancy."

Section 21. Said title is further amended by adding at the end of Article 12 of Chapter 3 a new Code section, to be designated Code Section 21-3-410, to read as follows:

“21-3-410. Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a special or general primary, no special or general primary shall be held in that precinct. The proper officials of the unopposed candidate's political party shall certify him as the party nominee for the office involved for the purpose of having his name placed upon the special or general election ballots or ballot labels. Where feasible, the superintendent shall provide notice reasonably calculated to inform the affected electorate that a special or general primary election is to be conducted. Each such unopposed candidate shall be deemed to have voted for himself. The superintendent shall certify any such unopposed candidate as nominated in the same manner as he certifies other candidates nominated pursuant to Code Section 21-3-403.”

Section 22. Said title is further amended by striking in its entirety Code Section 21-5-10, relating to campaign contributions, and inserting in lieu thereof a new Code Section 21-5-10 to read as follows:

“21-5-10. (a) A person acting on behalf of a public utility corporation regulated by the Public Service Commission shall not make, directly or indirectly, any contribution to a political campaign.

(b) It shall, however, be lawful for a director, officer, or an employee of a public utility corporation to make a contribution to a political campaign on his or her own behalf and for officials and employees of such public utility corporation to establish and administer a political action committee, which committee shall have the authority to receive and solicit contributions to be used exclusively for the purpose of influencing the outcome of an election or the nomination or election of individuals who are candidates for nomination or election to public office, excluding, however, candidates seeking election for positions on the Public Service Commission. The political action committee shall be a separate, segregated fund and contributions to it shall be limited to voluntary contributions from employees, officers, directors, and their families.

(c) For purposes of this Code section, any expenditure by a public utility corporation solely for the establishment and administration of a political action committee shall not be deemed a 'contribution' or an 'expenditure' as defined in paragraphs (4) and (6) of Code Section 21-5-10, respectively, provided said expenditure which is reasonably identifiable is reimbursed to said public utility corporation from proceeds of said political action committee.”

Section 23. All laws and parts of laws in conflict with this Act are hereby repealed.

Senator Kidd of the 25th moved that the Senate agree to the House substitute for SB 165.

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

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Those voting in the affirmative were Senators:

Allgood	Foster	McGill
Barnes	Garner	McKenzie
Brannon	Gillis	Peevy
Brantley	Harris	Perry
Brown of 47th	Harrison	Phillips
Bryant	Hill	Scott of 2nd
Burton	Hine	Scott of 36th
Cobb	Holloway	Scott of 43rd
Coggin	Horton	Starr
Coleman	Howard	Tate
Coverdell	Hudgins	Thompson
Dawkins	Huggins	Timmons
Deal	Kennedy	Trulock
Dean	Kidd	Turner
English	Lester	Tysinger
Engram	Littlefield	Walker
Fincher		

Voting in the negative were Senators Land and Stumbaugh.

Those not voting were Senators:

Barker	Bowen	Greene
Bond	Broun of 46th	

On the motion, the yeas were 49, nays 2; the motion prevailed, and the Senate did to the House substitute to SB 165.

The following bill of the Senate was taken up for the purpose of considering the amendment thereto:

260. By Senator Holloway of the 12th:

A bill to amend Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to the size and weight of vehicles and loads, so as to authorize vehicles whose width does not exceed 102 inches on those highways designated by the department; to provide an effective date.

The House amendment was as follows:

Amend SB 260 by striking line 15 on Page 2 in its entirety and substituting in lieu thereof the following:

“; and provided, further, that”

By striking lines 21 through 27 on Page 2 in their entirety and substituting in lieu thereof the following:

“Interstate and Defense Highways standards and upon any additional road, street or highway on the State Highway System which the department determines is appropriate to provide reasonable access requirements in compliance with Public Law 97-987 and on which the department has posted appropriate signs specifying that use by such vehicles is authorized.”

By striking the word “or” on line 29 of Page 3 and substituting in lieu thereof the word “and”

By striking lines 10 through 19 on Page 4 in their entirety and substituting in lieu thereof the following:

“and Defense Highways standards and upon any road, street, highway on the State Highway System which the department determines is appropriate to provide reasonable access requirements in compliance with Public Law 97-987 and on which the department has posted appropriate signs specifying that use by such vehicles is authorized. The department may permit the operation of a semitrailer which exceeds 60 feet in length without highway designation.”

By inserting after the comma and before the word “no” on line 18 of Page 5 the following:

“or for vehicles transporting motor vehicles; when the vehicle or load or combination of vehicles and load exceeds 60 feet”

By striking the figure “60” on line 8 of Page 6 and substituting in lieu thereof the following:

“65”

By striking the figure “60” on line 15 of Page 6 and substituting in lieu thereof the following:

“65”

By adding immediately after the word “pounds” on line 20 of Page 7 the following:

“and a tandem axle weight of 34,000 pounds”

By inserting between the word “pounds” and the period on line 23 of Page 8 the following:

“; provided, further, that the maximum gross weight to be allowed on a tandem axle shall be 34,000 pounds for a vehicle or combination of vehicles carrying a gross weight of more than 73,280 pounds”

Senator Holloway of the 12th moved that the Senate agree to the House amendment to SB 260.

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

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Those voting in the affirmative were Senators:

Larker	Fincher	Lester
Larnes	Foster	McGill
Larntley	Garner	McKenzie
Laroun of 46th	Gillis	Peevy
Laroun of 47th	Harris	Phillips
Laroyant	Harrison	Scott of 2nd
Laruton	Hill	Scott of 36th
Lobb	Hine	Scott of 43rd
Loggins	Holloway	Starr
Loleman	Horton	Stumbaugh
Loverdell	Howard	Tate
Lawkins	Hudgins	Thompson
Leal	Huggins	Timmons
Lean	Kennedy	Trulock
English	Kidd	Tysinger
Ingram	Land	Walker

Voting in the negative were Senators Perry and Turner.

Those not voting were Senators:

Allgood	Bowen	Greene
Bond	Brannon	Littlefield

On the motion, the yeas were 48, nays 2; the motion prevailed, and the Senate adopted to the House amendment to SB 260.

The following general bill of the House, favorably reported by the committee, was the third time and put upon its passage:

439. By Representative Lambert of the 66th:

A bill to amend Code Section 43-4-11 of the Official Code of Georgia Annotated, relating to the qualification of applicants for examination or certificate of registration for persons engaged in the occupation of architecture, so as to delete certain provisions relating to examinations.

Senate Sponsor: Senator Walker of the 19th.

The report of the committee, which was favorable to the passage of the bill, was adopted.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

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Barker	Foster	McKenzie
Barnes	Garner	Peevy
Brantley	Gillis	Perry
Broun of 46th	Harris	Phillips
Brown of 47th	Harrison	Scott of 2nd
Bryant	Hill	Scott of 36th
Burton	Hine	Scott of 43rd
Cobb	Holloway	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Hudgins	Timmons
Deal	Kennedy	Trulock
Dean	Kidd	Turner
English	Lester	Tysinger
Engram	Littlefield	Walker
Fincher		

Those not voting were Senators:

Allgood	Dawkins	Land
Bond	Greene	McGill
Bowen	Huggins	Starr
Brannon		

On the passage of the bill, the yeas were 46, nays 0.

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

The following bill of the Senate was taken up for the purpose of considering Conference Committee report thereon:

SB 13. By Senator Kidd of the 25th:

A bill to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to make it unlawful knowingly and intentionally to destroy or cause physical injury to a police dog.

The Conference Committee report on SB 13 was as follows:

The Conference Committee on SB 13 recommends that both the Senate and the House of Representatives recede from their positions and that

attached Conference Committee Substitute to SB 13 be adopted.

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Respectfully submitted,

FOR THE SENATE:

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Culver Kidd
Senator, 25th District

/s/ Bob Hanner
Representative, 131st District

/s/ Floyd Hudgins
Senator, 15th District

/s/ Terry Coleman
Representative, 118th District

/s/ Max Brannon
Senator, 51st District

/s/ Larry Walker
Representative, 115th District

Conference Committee substitute to SB 13:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to make it unlawful knowingly and intentionally to destroy or cause serious or debilitating physical injury to a police dog; to define certain terms; to provide penalties; to provide a certain exception; 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 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, is amended by adding at the end of Part 1 of Article 4 a new Code section, to be designated Code Section 16-11-107, to read as follows:

“16-11-107 (a) As used in this Code section, the term:

(1) ‘Bomb detection dog’ means a dog trained to locate bombs or explosives by scent.

(2) ‘Firearms detection dog’ means a dog trained to locate firearms by scent.

(3) ‘Narcotic detection dog’ means a dog trained to locate narcotics by scent.

(4) ‘Narcotics’ means any controlled substance as defined in paragraph (4) of Code Section 16-13-21 and shall include marijuana as defined by paragraph (16) of Code Section 16-13-21.

(5) 'Patrol dog' means a dog trained to protect a peace officer and apprehend or hold without excessive force a person in violation of criminal statutes of this state.

(6) 'Police dog' means a bomb detection dog, a firearms detection dog, a narcotic detection dog, a patrol dog, or a tracking dog used by law enforcement agency.

(7) 'Tracking dog' means a dog trained to track and find a missing person, escaped inmate, or fleeing felon.

(b) Any person who knowingly and intentionally destroys or causes serious or debilitating physical injury to a police dog, knowing said dog to be a police dog, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years, or a fine not to exceed \$10,000.00, or both. This subsection shall not apply to the destruction of a police dog for humane purposes."

Section 2. This Act shall become effective upon its approval by Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act repealed.

Senator Kidd of the 25th moved that the Senate adopt the Conference Committee report on SB 13.

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

Those voting in the affirmative were Senators:

Allgood	Fincher	Lester
Barker	Foster	Littlefield
Barnes	Garner	McGill
Brannon	Gillis	McKenzie
Broun of 46th	Greene	Peevy
Brown of 47th	Harris	Perry
Bryant	Harrison	Phillips
Burton	Hill	Scott of 2nd
Cobb	Hine	Scott of 36th
Coggin	Holloway	Scott of 43rd
Coleman	Horton	Stumbaugh
Coverdell	Howard	Tate
Dawkins	Huggins	Thompson
Deal	Kennedy	Trulock
Dean	Kidd	Turner
English	Land	Walker
Engram		

Those not voting were Senators:

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Bond
Bowen
Brantley

Hudgins
Starr

Timmons
Tysinger

On the motion, the yeas were 49, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on SB 13.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

129. By Representative Birdsong of the 104th:

A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis.

Senate Sponsor: Senator Howard of the 42nd.

The Senate Committee on Human Resources offered the following amendment:

Amend HB 129 by adding before the comma on line 15 of Page 1 the following:

“and directed”

By adding before the quotation mark on line 18 of Page 1 the following:

“Such rules and regulations shall not become effective until such time as there are appropriated, by line item appropriation with specific reference to this Code section, funds to carry out such rules and regulations.”

On the adoption of the amendment, the yeas were 34, nays 0, and the amendment adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker

Barnes
Brantley

Broun of 46th
Brown of 47th

Bryant	Harris	Peevy
Burton	Hill	Perry
Cobb	Hine	Phillips
Coggin	Holloway	Scott of 2nd
Coleman	Horton	Scott of 36th
Coverdell	Howard	Scott of 43rd
Dawkins	Huggins	Starr
Deal	Kennedy	Stumbaugh
Engram	Kidd	Tate
Fincher	Land	Thompson
Foster	Lester	Trulock
Garner	Littlefield	Turner
Gillis	McGill	Walker
Greene	McKenzie	

Those not voting were Senators:

Bond	Dean	Hudgins
Bowen	English	Timmons
Brannon	Harrison	Tysinger

On the passage of the bill, the yeas were 47. nays 0.

The bill, having received the requisite constitutional majority, was passed and amended.

HB 266. By Representative Childs of the 53rd:

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 change a definition.

Senate Sponsor: Senator Turner of the 8th.

The following fiscal note, as required by law, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: February 10, 1983

SUBJECT: Fiscal Note—Substitute to House Bill 266 (LC 7 5279S)
Employees' Retirement System (ERS)

This Bill would revise the current law to remove the 4½% ceiling on the rate of regular interest set by the System's Board of Trustees for use in actuarial calculations.

The actuary for ERS has stated that this Bill would have no effect on the actual cost of the Retirement System.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

The report of the committee, which was favorable to the passage of the bill, was read to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barker	Fincher	McGill
Barnes	Foster	McKenzie
Bowen	Garner	Peevy
Brantley	Gillis	Perry
Broun of 46th	Greene	Phillips
Brown of 47th	Harris	Scott of 2nd
Bryant	Hill	Scott of 36th
Burton	Hine	Scott of 43rd
Cobb	Horton	Starr
Coggin	Howard	Stumbaugh
Coleman	Huggins	Tate
Coverdell	Kennedy	Thompson
Dawkins	Kidd	Trulock
Deal	Land	Turner
English	Lester	Walker

Those not voting were Senators:

Bond	Harrison	Timmons
Brannon	Holloway	Tysinger
Dean	Hudgins	

On the passage of the bill, the yeas were 48, nays 0.

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

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HB 363. By Representative Aiken of the 21st:

A bill to amend Code Section 33-27-1 of the Official Code of Georgia Annotated, relating to general requirements for policies of group life insurance, as to increase the maximum coverage for debtors.

Senate Sponsor: Senator Fincher of the 54th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	McGill
Barker	Foster	McKenzie
Barnes	Garner	Peevy
Bowen	Gillis	Perry
Brantley	Greene	Phillips
Brown of 46th	Harris	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Horton	Starr
Cobb	Howard	Stumbaugh
Coggin	Hudgins	Tate
Coleman	Huggins	Thompson
Dawkins	Kennedy	Trulock
Deal	Kidd	Turner
English	Land	Walker
Engram	Lester	

Those not voting were Senators:

Bond	Dean	Littlefield
Brannon	Harrison	Timmons
Coverdell	Holloway	Tysinger

On the passage of the bill, the yeas were 47, nays 0.

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

373. By Representatives Snow of the 1st, Darden of the 20th, Lawson of the 9th and others:

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A bill to amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to provide that the corporate name of a profit corporation shall not exceed 80 characters, including spaces and punctuation.

Senate Sponsors: Senators Allgood of the 22nd and Deal of the 49th.

The report of the committee, which was favorable to the passage of the bill, was read to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barker	Fincher	McGill
Barnes	Foster	McKenzie
Bond	Garner	Peavy
Bowen	Gillis	Perry
Brantley	Greene	Phillips
Brown of 46th	Harris	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Holloway	Scott of 43rd
Burton	Horton	Stumbaugh
Cobb	Howard	Tate
Coggin	Hudgins	Thompson
Coleman	Huggins	Trulock
Coverdell	Kennedy	Turner
Crawkins	Kidd	Tysinger
Deal	Land	Walker
English	Lester	

Those not voting were Senators:

Cannon	Harrison	Starr
Dean	Hine	Timmons

On the passage of the bill, the yeas were 50, nays 0.

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

Senator Peavy of the 48th introduced the doctor of the day, Dr. Julia Ashley, of Macon, Georgia.

The following general bills and resolution of the House, favorably reported by committees, were read the third time and put upon their passage:

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HB 356. By Representative Marcus of the 26th:

A bill to amend Code Section 48-13-51 of the Official Code of Georgia notated, relating to the levy by counties and municipalities of an excise on charges to the public for lodgings, so as to provide an additional excise from such tax.

Senate Sponsor: Senator Coverdell of the 40th.

The report of the committee, which was favorable to the passage of the bill, agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barker	Fincher	McGill
Barnes	Foster	McKenzie
Bond	Gillis	Peevy
Bowen	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Trulock
Dawkins	Kennedy	Turner
Deal	Kidd	Tysinger
Dean	Land	Walker
English	Lester	

Those not voting were Senators:

Brannon	Garner	Timmons
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On the passage of the bill, the yeas were 53, nays 0.

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

49. By Representatives Williams of the 54th and Brooks of the 34th:

~~A bill to amend Code~~ Section 18-4-62 of the Official Code of Georgia Annotated, relating to summons of garnishment and answers generally, so as to provide that in certain cases the garnishee may immediately answer a summons.

Senate Sponsor: Senator Scott of the 2nd.

he report of the committee, which was favorable to the passage of the bill, was
to.

in the passage of the bill, a roll call was taken, and the vote was as follows:

hose voting in the affirmative were Senators:

Ilgood	Fincher	Littlefield
arnes	Foster	McGill
owen	Gillis	Peevy
rantley	Greene	Perry
rown of 47th	Harris	Phillips
ryant	Harrison	Scott of 2nd
urton	Hine	Scott of 36th
obb	Holloway	Scott of 43rd
oggin	Horton	Starr
oleman	Howard	Stumbaugh
overdell	Hudgins	Tate
awkins	Huggins	Thompson
eal	Kennedy	Timmons
ean	Kidd	Turner
nglish	Land	Tysinger
ngram	Lester	Walker

hose not voting were Senators:

arker	Broun of 46th	McKenzie
ond	Garner	Trulock
rannon	Hill	

in the passage of the bill, the yeas were 48, nays 0.

he bill, having received the requisite constitutional majority, was passed.

19. By Representative Johnson of the 72nd:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement, so as to provide minimum funding standards for retirement or

pension systems for employees and officials of the State of Georgia and political subdivisions.

Senate Sponsor: Senator Turner of the 8th.

The following fiscal note, as required by law, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: February 17, 1983

SUBJECT: Fiscal Note—Substitute to House Bill 219 (LC 7 5320S)
Public Retirement Systems Standards Law

This substitute version of House Bill 219 would establish minimum funding standards for retirement or pension systems supported with public funds and would revise the legislative procedures for creating or amending retirement system. The major provisions of this Bill and their resultant fiscal impact are presented in the following paragraphs.

1. The minimum annual employer contribution would include the normal cost plus the amount necessary to amortize the unfunded actuarial liability over a 40-year period. For systems created after January 1983, the amortization period would be 30 years. The employer contribution for systems which are a level percentage amortization would have to be at least 4% of the unfunded liability for the period up to January 1989 and at least 4 ½% after that date.

The fiscal impact of this provision on each of the 306 local retirement systems and 14 state retirement systems cannot be determined without a detailed analysis of each system. A review of four systems administered by Fulton County indicated, however, that this provision could result in significant increases in employer contribution rates of systems that are not currently funded on a sound actuarial basis. The employer contributions made by Fulton County to each of its four systems have been less than the normal cost and the amount needed to amortize the unfunded actuarial liabilities over a 40-year period. For example, the expected employer contributions for the Fulton County School Pension Fund were approximately \$11.8 million less than the required \$15.6 million (as of November, 1981).

2. The administrators of each retirement system created by an Act

of the General Assembly (legislatively controlled retirement system) would be required to submit a certification to the Governor and each member of the General Assembly by July 1, 1984 indicating whether or not the system meets the minimum funding standards. Benefit increases could not be granted for any system not funded in accordance with the minimum standards.

Any fiscal impact that results from this provision would be favorable to the retirement systems.

3. The governing authorities of local retirement systems would be prohibited from granting a benefit increase or from creating a new retirement system until the existing systems are funded in accordance with the funding standards. Any violations of this rule would result in the withholding of state funds until the system conforms to minimum funding standards. The State Auditor would be required to list, in its three-year report to the Governor and the General Assembly, systems of political subdivisions not meeting minimum funding provisions.

This provision would have no significant fiscal impact on the retirement systems.

4. The Bill provides specific guidelines for introducing retirement bills and requires retirement bills with a fiscal impact to be introduced in the first year of a two-year legislative term and passed during the second year of a two-year legislative term. Additionally, a majority of the appropriate (House or Senate) retirement committee would be required to vote to consider bills further and such committee would be required to further perfect bills prior to submission to the State Auditor.

The State Auditor would be required to certify nonfiscal retirement bills and have actuarial investigations conducted for retirement bills having a fiscal impact. The Bill would require the State Auditor's actuarial investigation findings to present specific actuarial factors. The State Auditor would be authorized to employ or contract with actuaries or other personnel to accomplish these investigations.

The exact fiscal impact of this provision cannot be determined, however, any costs should be negligible. Increased costs may be incurred for actuarial investigations on individual bills.

5. The Bill provides for all retirement bills having a fiscal impact that are enacted by the General Assembly and approved by the Governor to become effective on the first day of July following the session during which it was enacted. Only bills that are concurrently funded would become law and all bills not concurrently funded would become null, void, and stand repealed on the first day of July following the session.

Any resultant fiscal impact of this provision would be favorable for the retirement systems.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

The Senate Committee on Retirement offered the following substitute to HB 21
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A BILL TO BE ENTITLED
AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement, so as to provide minimum funding standards for retirement pension systems for employees and officials of the State of Georgia and political subdivisions; to provide for a short title; to provide for a statement of purpose; to provide for definitions; to provide for controlling legislative procedures in connection with bills amending or creating retirement or pension systems; to provide procedures, requirements, and other matters relating to the foregoing; 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 47 of the Official Code of Georgia Annotated, relating to retirement, is amended by adding at the end thereof a new Chapter 20 to read as follows:

“CHAPTER 20

ARTICLE 1

47-20-1. This chapter shall be known and may be cited as the ‘Public Retirement Systems Standards Law.’

47-20-2. It is the purpose of this chapter to comply with the provisions of Article III, Section X, Paragraph V of the Constitution of Georgia requiring the General Assembly to enact legislation to define funding standards to assure the actuarial soundness of any retirement or pension system supported wholly or partially from public funds and to control legislative procedures so that no bill or resolution creating or amending any such retirement or pension system shall be passed by the General Assembly without concurrent provisions for funding in accordance with the defined funding standards.

47-20-3. As used in this chapter, the term:

(1) ‘Accumulated retirement system benefits’ means benefits that are attributable under the provisions of a retirement system to employees’ service rendered to a specific valuation date.

(2) ‘Actuarial accrued liability’ means that portion, as determined by a particular actuarial cost method, of the actuarial present value of retirement system benefits and expenses which is not provided for by future normal costs.

(3) ‘Actuarial assumptions’ means assumptions as to the occurrence of future events affecting retirement system costs such as: mortality, withdrawal, disability and retirement; changes in compensation and actuarial pension benefits; rates of investment earnings and asset appreciation.

tion or depreciation; procedures used to determine the actuarial value of assets, and other relevant items.

(4) 'Actuarial cost method' means a procedure for determining the actuarial present value of retirement system benefits and expenses and for developing an actuarially equivalent allocation of such value to time periods, usually in the form of a normal cost and an actuarial accrued liability. Acceptable actuarial cost methods are the aggregate, attained age, entry age, frozen attained age, frozen entry age, individual aggregate, individual level, individual spread gain and unit credit methods.

(5) 'Actuarial present value' means the value of an amount or series of amounts payable or receivable at various times from a retirement system, determined as of a given date by the application of a particular set of actuarial assumptions.

(6) 'Actuarial present value of accumulated retirement system benefits' means the amount as of a valuation date that results from applying actuarial assumptions to the accumulated retirement system benefits, with the actuarial assumptions being used to adjust those benefits to reflect the time value of money (through discounts for interest) and the probability of payment (by means of decrements such as for death, disability, withdrawal, or retirement) between the valuation date and the expected date of payments.

(7) 'Actuarial valuation' means the determination, as of a valuation date, of the normal cost, actuarial accrued liability, actuarial value of assets, and related actuarial present values for a retirement system.

(8) 'Actuarial value of assets' means the value of cash, investments, and other property belonging to a retirement system, as used by the actuary for the purpose of an actuarial valuation.

(9) 'Actuary' means an actuary who is enrolled under Subtitle C of Title III of the federal Employee Retirement Income Security Act of 1974, P. L. 93-406.

(10) 'Amortization contribution' means the excess in total employer and employee contributions over normal cost.

(11) 'Beneficiary' means a person receiving or entitled to receive a benefit pursuant to a retirement system.

(12) 'Benefit' means any benefit, including disability benefits, which is paid or payable to a beneficiary under a retirement system.

(13) 'Benefit increase' means a change in or amendment to a retirement system which results or will result in an increase in the benefits being paid or which will be paid to a beneficiary or potential beneficiary under a retirement system and includes any change in a retirement system which decreases the requirements for becoming eligible to receive a benefit and any change which grants or authorizes a member or members of a retirement system to obtain additional creditable service under the retirement system for service rendered in a capacity other than as a member of the retirement system.

(14) 'Employee' means officials and employees of the state or of department, board, bureau, commission, authority, or other agency thereof and the officials and employees of a political subdivision or agency thereof who are or who become members of a retirement system.

(15) 'Employee contribution' means that part of the compensation of an employee which is paid by or on behalf of an employee as a contribution to a retirement system.

(16) 'Employer' means the State of Georgia for any retirement system financially supported in whole or in part by appropriations made by the General Assembly, by the proceeds of a tax levied by law enacted by the General Assembly, or by fines and forfeitures or portions of fines designated by law as a source of funding for a retirement system; and for any retirement system supported in whole or in part by the funds of a political subdivision, 'employer' means the local governing authority authorizing or providing for the local retirement system.

(17) 'Employer contribution' means:

(A) Funds paid by an employer to support financially a retirement system;

(B) Public funds, whether by taxes, fines and forfeitures, or other sources, devoted to the financial support of a retirement system; and

(C) Any other funds, other than employee contributions, used to support financially a retirement system.

(18) 'Legislatively controlled retirement system' means a retirement system in existence on January 1, 1984, which was created by an Act of the General Assembly and which may be amended only by an Act of the General Assembly.

(19) 'Local governing authority' means the council, board of aldermen, board of commissioners, commissioner, or other person or body of persons entrusted by law with the administration, management, and control of the fiscal affairs of a political subdivision.

(20) 'Normal cost' means that portion of the actuarial present value of a retirement system benefits and expenses which is allocated to a valuation year by the actuarial cost method used for the retirement system.

(21) 'Political subdivision' means any county or municipality of this state.

(22) 'Retirement bill' means any bill or resolution introduced in the General Assembly which creates or affects a retirement system.

(23) 'Retirement system' means any retirement or pension plan or any other plan or program which exists on January 1, 1984, or which is created or established on or after that date, and which is maintained by an employer or maintained pursuant to law or other authority of an employer for the purpose of paying benefits to employees or their beneficiaries after employees cease active employment by retirement, disability,

death, or other termination. The term 'retirement system' shall include any plan or program which creates a retired position, commonly referred to as 'emeritus,' and provides a salary for the retired position in lieu of a retirement benefit. The term 'retirement system' shall not include an individual retirement account or other plan which provides for an individual account for each participant and for benefits based solely upon the amount contributed to the participant's account and any income, expenses, gains, and losses and any forfeitures of accounts of other participants which may be allocated to a participant's account.

(24) 'Retirement system administrator' means the board of trustees or other body or individual having responsibility, either by law or by other authority of an employer, for the management and administration of a retirement system.

(25) 'Unfunded actuarial accrued liability' means the excess of the actuarial accrued liability over the actuarial value of the assets of a retirement system under an actuarial cost method which so provides.

ARTICLE 2

47-20-10. (a) In order to assure the actuarial soundness of each retirement system, the minimum annual employer contribution for each retirement system, unless excepted by Code Section 47-20-13, shall be the sum of the amounts determined under paragraphs (1), (2), and (3) of this subsection minus the amount determined under paragraph (4) of this subsection.

(1) The normal cost of the retirement system for the year; plus

(2) The amounts necessary to amortize:

(A) The unfunded actuarial accrued liability over a period of 40 years in the case of a retirement system in existence on January 1, 1983, based on the first actuarial valuation of the retirement system which is made on or after January 1, 1984; or

(B) The unfunded actuarial accrued liability over a period of 30 years in the case of a retirement system which is created or established after January 1, 1983, based on the first actuarial valuation of the retirement system; plus

(C) The increase, if any, in unfunded actuarial accrued liability over a period of 20 years for any such increase which occurs after January 1, 1984, during any year as a result of changes made in the provisions of the retirement system affecting active employees; plus

(D) The increase, if any, in unfunded actuarial accrued liability over a period of 15 years for any such increase which occurs from experience under the actuarial assumptions applicable to the retirement system; plus

(E) The increase, if any, in unfunded actuarial accrued liability over a period of 30 years for any such increase resulting from changes in actuarial assumptions applicable to the retirement system; plus

(3) If not otherwise included in the calculations under paragraph (1) or (2) or (1) and (2) of this subsection:

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(A) The amount necessary to amortize over a period of ten years equal annual installments the increase, if any, in unfunded actuarial accrued liability resulting from benefit increases granted during the year beneficiaries under the retirement system; or

(B) The amount necessary to pay the amount of increase in benefit granted during the year to beneficiaries under the retirement system on current disbursement or pay as you go basis; minus

(4) The amount:

(A) Necessary to amortize the decrease, if any, in unfunded actuarial accrued liability over a period of 20 years for any such decrease which occurs after January 1, 1984, during any year as a result of changes made in the provisions of the retirement system; plus

(B) Necessary to amortize the decrease in unfunded actuarial accrued liability, if any, over a period of 15 years for any such decrease which occurs from experience under the actuarial assumptions applicable to the retirement system; plus

(C) Necessary to amortize the decrease in unfunded actuarial accrued liability, if any, over a period of 30 years for any such decrease resulting from changes in the actuarial assumptions applicable to the retirement system; plus

(D) In excess of the minimum annual employer contribution required by this Code section which accumulates after January 1, 1984, plus

(E) Employee contributions for the year.

(b) In the case of a retirement system which uses a formula relating to the compensation of the members of the retirement system as a basis for the calculation of benefits under the retirement system, the amortization amounts required by subsection (a) of this Code section, except for the amount determined under paragraph (3) of said subsection (a), may be determined as a level percentage of future compensation. If such level percentage amortization is used, the actuarial assumption for future annual payroll growth shall not exceed the actuarial assumed valuation interest rate of the retirement system less 2½ percent. If such level percentage amortization is used, the amortization of increases and decreases in unfunded actuarial accrued liability under subsection (a) of this Code section need not be reflected in the amortization contribution otherwise determined if the amortization contribution so determined is at least 1 percent of the unfunded actuarial accrued liability for the period up to January 1, 1989, and at least 4½ percent of the unfunded actuarial accrued liability after January 1, 1989.

(c) In determining the minimum annual employer contribution required under subsection (a) of this Code section:

(1) All benefits which it is reasonable to anticipate will be paid from the retirement system because of the current active members and payments to beneficiaries shall be taken into account; and

(2) All costs, liabilities, and other factors under the retirement system shall be determined by an actuary on the basis of an actuarial cost method and actuarial assumptions which, in the aggregate, are reasonable, considering the experience of the retirement system and reasonable expectations, and which, in combination, offer the actuary's best estimate of anticipated experience under the retirement system.

(d) Upon completion of the first actuarial investigation of a retirement system after January 1, 1984, and for each subsequent actuarial investigation, the minimum annual employer contribution required by this Code section shall be increased by an amount equivalent to the interest earned on such minimum annual employer contribution, based on the actuarial assumed valuation interest rate applicable to the retirement system, from the date of such actuarial investigation until the date the minimum annual employer contribution is made to the retirement system. This subsection shall not apply to a retirement system to which annual employer contributions are being made in excess of the minimum annual employer contribution required by this Code section.

(e) In no event will employee contributions of active members of a retirement system be used to pay benefits to beneficiaries under the retirement system.

47-20-11. In the case of a retirement system of a political subdivision, if the minimum funding standards provided by Code Section 47-20-10 would cause a severe financial hardship to the political subdivision if implemented on January 1, 1984, such minimum funding standard may be phased in over a period of four years beginning on January 1, 1984, for funding the normal cost and over a period of seven years beginning on January 1, 1984, for funding the total required minimum employer contribution. The provisions of this Code section shall not apply to any retirement system of a political subdivision which is created or established on or after January 1, 1983.

47-20-12. (a) The retirement system administrator of each legislatively controlled retirement system, based on the findings and conclusions of the actuary of the retirement system, shall submit a certification to the Governor and to each member of the General Assembly by not later than July 1, 1984, stating whether or not the retirement system is currently being funded in conformity with the minimum funding standards set forth in Code Section 47-20-10.

(b) Based on the certification provided for by subsection (a) of this Code section, any legislatively controlled retirement system which is not being funded in conformity with the minimum funding standards set forth in Code Section 47-20-10 shall not be amended or changed in any manner to grant any benefit increase until such time as the retirement system administrator, based on the findings and conclusions of the actuary of the retirement system, issues a new certification to the Governor and to each member of the General Assembly stating that the retirement

system is being funded in conformity with the minimum funding standards set forth in Code Section 47-20-10.

(c) Based on the certification provided for by subsection (a) of Code section, the retirement system administrator of any legislatively controlled retirement system which is not being funded in conformity with the minimum funding standards set forth in Code Section 47-20-10 shall not take any action to grant a benefit increase until such time as new certification is provided for by subsection (b) of this Code section issued by the retirement system administrator. The provisions of any law relating to a legislatively controlled retirement system which authorize the retirement system administrator to grant benefit increases from time to time is amended to conform with the requirements of this subsection.

(d) Any retirement bill introduced into the General Assembly in violation of subsection (b) of this Code section shall not be considered by the House or Senate or by any committee of the House or Senate. Any retirement bill in violation of subsection (b) of this Code section which is enacted by the General Assembly, whether or not the bill is approved by the Governor, shall not become law and shall be null, void, and of no force and effect and shall stand repealed in its entirety on the first day of July immediately following its enactment.

47-20-13. The minimum funding standards specified by Code Section 47-20-10 shall not apply to a retirement system which holds actuarial assets in excess of 150 percent of the actuarial present value of accumulated retirement system benefits.

ARTICLE 3

47-20-20. (a) In the case of a retirement system of a political subdivision, unless excepted by Code Section 47-20-13, neither the local governing authority by ordinance or resolution or other action nor the retirement system administrator shall take any action on or after January 1, 1984, to grant a benefit increase under any retirement system of the political subdivision until annual employer contributions to each retirement system of the political subdivision are in conformity with the minimum funding standards specified by Code Section 47-20-10. The local governing authority of a political subdivision shall not take any action on or after January 1, 1984, to create or establish any new retirement system until all existing retirement systems of that political subdivision are being funded in conformity with the minimum funding standards specified by Code Section 47-20-10. This limitation shall not prohibit a local governing authority from creating or establishing a new retirement system as a successor to the existing retirement system or systems of the political subdivision if the resulting new system and the remaining obligations under the previously existing system or systems are funded in accordance with the minimum funding standards specified by Code Section 47-20-10. The membership of such a successor retirement system need not be confined to the membership of the previously existing retirement system or systems.

(b) Unless excepted by Code Section 47-20-13 and subject to the provisions of Code Section 47-20-11, after January 1, 1984, the annual employer contribution to each retirement system of a political subdivision shall be in an amount equal to or greater than the minimum annual employer contribution required by Code Section 47-20-10.

47-20-21. (a) The retirement system administrator of each retirement system of a political subdivision shall comply fully with the requirements of Code Section 47-1-3 requiring the employment of an actuary and the completion of actual investigations once every three years. In addition to the other requirements specified by Code Section 47-1-3 for such actuarial investigations, each such investigation shall express the actuary's opinion, which shall be supported by such analysis as the actuary determines necessary, of the status of the retirement system with regard to the minimum funding standards specified in Code Section 47-20-10. Each such actuarial investigation shall also include an analysis of each change in or amendment to the retirement system since the previous investigation and shall identify any change or amendment which granted a benefit increase.

(b) If an actuarial investigation or a financial report which is submitted to the state auditor under Code Section 47-1-3 shows that an amendment or change was made in a retirement system of a political subdivision granting a benefit increase in violation of subsection (a) of Code Section 47-20-20 or shows that a retirement system of a political subdivision is not in conformity with the requirements of subsection (b) of Code Section 47-20-20, it shall be the duty of the state auditor to notify the director of the Fiscal Division of the Department of Administrative Services; and it shall be the duty of the director to withhold any state funds payable to the applicable political subdivision until the actuary of the applicable retirement system certifies to the state auditor and to the director that employer contributions to each retirement system of the political subdivision are in conformity with the minimum funding standards specified in Code Section 47-20-10.

(c) The report on the condition of local retirement systems submitted to the Governor and to members of the General Assembly pursuant to Code Section 47-1-4 shall include a separate list of each retirement system of each political subdivision which is not in conformity with the minimum funding standards specified by Code Section 47-20-10 and a separate attachment giving a full explanation of any action taken pursuant to subsection (b) of this Code section.

ARTICLE 4

Part 1

47-20-30. As used in this article, the term:

(1) 'Amendment' means any amendment, including a substitute bill, made to a retirement bill by any committee of the House or Senate or by the House or Senate.

(2) 'LC number' means that number preceded by the letters 'LC'

assigned to a bill by the Office of Legislative Counsel when that office prepares a bill for a member of the General Assembly.

(3) 'Nonfiscal amendment' means an amendment to a retirement bill having a fiscal impact, which amendment does not change any fact of an actuarial investigation specified in subsection (a) of Code Sec 47-20-36.

(4) 'Nonfiscal retirement bill' means any retirement bill other than one defined by paragraph (5) of this Code section.

(5) 'Retirement bill having a fiscal impact' means:

(A) Any retirement bill having the effect of creating or establishing a new retirement system; or

(B) Any retirement bill granting a benefit increase under a retirement system or affecting employer contributions, employee contributions, the normal cost, or the actuarial accrued liabilities of a retirement system.

47-20-31. No retirement bill may be introduced by any member of the General Assembly unless, at the time of its introduction, the bill printed thereon in the upper right portion of each page of the bill an LC number. Once a retirement bill is presented by the Office of Legislative Counsel to a member of the General Assembly, neither the Office of Legislative Counsel nor any person shall make any change in the retirement bill prior to its introduction into the General Assembly unless the bill is returned to the Office of Legislative Counsel and that office assigns a LC number to the bill.

Part 2

47-20-32. (a) A nonfiscal retirement bill may be introduced at any regular session of the General Assembly, but it must be introduced during the first ten days of a regular session. As a condition precedent to the introduction of a nonfiscal retirement bill, the member of the General Assembly who intends to be the primary sponsor of the bill must prepare an exact copy of the proposed bill, which must bear an LC number assigned by the state auditor. If the state auditor finds that the proposed bill is a nonfiscal retirement bill, said officer shall provide a written certification to that effect to the member of the General Assembly who intends to be the primary sponsor of the bill. Such certification shall specifically identify the proposed bill by reference to the LC number. If the proposed bill is introduced into the General Assembly, it shall have attached thereto the original of the certification of the state auditor that the bill is a nonfiscal retirement bill. If the LC number on the bill as offered for introduction is different from the LC number shown on the state auditor's certification or if the bill as offered for introduction does not bear an LC number on each page of the bill, the bill may not be accepted for introduction by the Secretary of the Senate or the Clerk of the House of Representatives, and the bill may not be considered by any committee of the House or Senate or by the House or Senate.

(b) If the state auditor is unable to determine that a proposed retirement bill is a nonfiscal retirement bill, the bill may not be accepted for introduction by the Secretary of the Senate or the Clerk of the House of Representatives, and the bill may not be considered by any committee of the House or Senate or by the House or Senate.

ment bill presented to him under subsection (a) of this Code section is a nonfiscal retirement bill, said officer shall not issue a certification under said subsection, and the bill shall be considered a retirement bill having a fiscal impact for all purposes under this article.

47-20-33. (a) After its introduction into the General Assembly, a nonfiscal retirement bill may not be amended in any manner to cause the bill to become a retirement bill having a fiscal impact. Any amendment to a nonfiscal retirement bill shall be submitted to the state auditor. Any such amendment shall be submitted to the state auditor by the chairman of the committee, if a committee amendment, or by the presiding officer of the Senate or House if the amendment was made by the Senate or House. If the state auditor certifies in writing that the amendment does not cause the bill to become a retirement bill having a fiscal impact, the bill, as amended, may continue in the legislative process as any other bill. If the state auditor will not certify that the amendment does not cause the bill to become a retirement bill having a fiscal impact or if the state auditor issues a written opinion that the amendment will cause the bill to become a retirement bill having a fiscal impact, the bill's progress in the legislative process will end, and the bill shall not be considered further by either the House or the Senate and shall not be passed by the General Assembly, and, if passed by the General Assembly, the bill shall not become law and shall be null, void, and of no force or effect and shall stand repealed in its entirety on the first day of July immediately following its enactment.

(b) If a nonfiscal retirement bill is amended to cause the bill to become a retirement bill having a fiscal impact, the amendment may be removed or changed by the committee which made the amendment, if a committee amendment, or by the Senate, if that body made the amendment, or by the House, if that body made the amendment. The version of the bill, with the amendment removed or changed, shall be submitted to the state auditor. If the state auditor certifies in writing that the version of the bill presented to that officer is a nonfiscal retirement bill, the bill may continue in the legislative process as any other bill, unless it is subsequently amended, and, in that event, this Code section shall apply to the subsequent amendment.

(c) A nonfiscal retirement bill which is not amended during the legislative process may be considered as any other bill.

Part 3

47-20-34. (a) Any retirement bill having a fiscal impact may be introduced in the General Assembly only during the regular session which is held during the first year of the term of office of members of the General Assembly. Any such retirement bill may be passed by the General Assembly only during the regular session which is held during the second year of the term of office of members of the General Assembly.

(b) When a retirement bill having a fiscal impact is introduced, it shall be assigned by the presiding officer of the Senate or the House, as the case may be, to the respective Senate or House standing committee on retirement. If a majority of the total membership of the respective

committee is opposed to the bill on its merits, no actuarial investigation provided for in Code Section 47-20-36 shall be necessary, and the bill shall not be reported out by the committee and shall not be adopted or considered by the House or Senate. If a majority of the committee wishes to consider the bill further and votes in favor of an actuarial investigation of the bill, an actuarial investigation shall be required as provided in Code Section 47-20-36. No retirement bill having a fiscal impact may be reported out of the committee to which it is assigned or may be considered or adopted by the House or Senate unless an actuarial investigation of the bill is made.

47-20-35. (a) A retirement bill having a fiscal impact which the committee wishes to consider shall first be perfected, if necessary, by the committee. The committee may delay further consideration of the bill until after the close of the regular session during which the bill was introduced, but the committee shall complete its consideration of the bill and submit the bill to the state auditor under Code Section 47-20-36 by not later than the first day of July immediately following the close of the legislative session. If the committee delays consideration until after the close of the session, it shall be authorized to meet not more than five days during the period beginning with the day following the close of the session and ending on June 15 immediately following the close of the session for the purpose of considering and perfecting the bill. If the bill originated in the Senate, the House Committee on Retirement shall be authorized to meet jointly with the Senate Committee on Retirement to consider and perfect a bill during the period following the close of a regular session, and, if the bill originated in the House, the Senate Committee on Retirement shall have the same authority. For attending meetings of their respective committees as authorized by this subsection, the members of the Senate and House committees on retirement shall receive the expenses and allowances provided by law for members of legislative interim committees. If a retirement bill having a fiscal impact is changed by the committee to which it is assigned, such change shall be accomplished only by a substitute bill, and no committee amendment to the bill, except by substitute, shall be authorized.

(b) Immediately after a retirement bill having a fiscal impact has been considered and perfected as provided in subsection (a) of this Code section, the chairman of the committee to which the bill was assigned shall transmit an exact copy of the bill, as perfected by the committee when applicable, to the state auditor. The copy submitted to the state auditor shall bear an LC number. The submission of the bill to the state auditor shall have attached thereto a letter signed by the chairman of the committee requesting the state auditor to make or cause to be made an actuarial investigation on the bill.

47-20-36. (a) If an actuarial investigation of a retirement bill having a fiscal impact is requested under Code Section 47-20-35, it shall be the duty of the state auditor to complete or cause to be completed such actuarial investigation by not later than December 1 of the same year during which the request for the actuarial investigation was made. The actuarial investigation shall include, but shall not be limited to, findings on the following factors as such factors are relevant to the retirement bill under consideration:

(1) The dollar amount of the increase in unfunded actuarial accrued liabilities which will result for the retirement system affected if the bill affects an existing retirement system;

(2) The dollar amount of unfunded actuarial accrued liabilities which will be created if the bill creates a new retirement system;

(3) The dollar amount of increase, on an annual basis, in the normal cost of the retirement system if the bill affects an existing retirement system;

(4) The dollar amount, on an annual basis, of the normal costs which will be incurred if the bill creates a new retirement system;

(5) A statement of the current employer contribution rate in effect for the retirement system if the bill affects an existing retirement system;

(6) A finding of whether or not the current employer contribution rate under paragraph (5) of this subsection is in conformity with the minimum funding standards specified by Code Section 47-20-10;

(7) A statement of the recommended current employer contribution rate if, under paragraph (6) of this subsection, the current employer contribution rate is not in conformity with the minimum funding standards specified by Code Section 47-20-10;

(8) A statement of the employer contribution rate, which must be in conformity with the minimum funding standards specified by Code Section 47-20-10, recommended if the bill amends an existing retirement system;

(9) A statement of the employer contribution rate, which must be in conformity with the minimum funding standards specified by Code Section 47-20-10, recommended if the bill creates a new retirement system; and

(10) A statement of the dollar amount of the annual employer contribution which will be necessary to maintain the retirement system affected or established by the bill in an actuarially sound condition.

(b) Upon its completion, an actuarial investigation shall be submitted by the state auditor to the chairman of the committee which requested it along with the following:

(1) A statement that the actuarial investigation is for the particular retirement bill, identified by LC number, submitted to the state auditor and that subsequent changes in the retirement bill will invalidate the actuarial investigation and the findings included therein; and

(2) A summary of the actuarial investigation which shall include the relevant findings specified in subsection (a) of this Code section.

(c) The chairman of the committee, upon receipt of the information provided for under subsection (b) of this Code section, shall cause the material submitted to such chairman under paragraphs (1) and (2) of said subsection to be printed by the Secretary of the Senate or the Clerk

of the House of Representatives, depending on whether the bill is a Senate bill or House bill, in sufficient quantity to attach a copy thereof to printed copies of the bill. The original of such material shall be attached by the Secretary of the Senate or Clerk of the House of Representatives to the original version of the substitute bill, as perfected by the committee under Code Section 47-20-35, if applicable, or to the original version of the bill as introduced if the bill was not changed by the committee prior to its submission to the state auditor for an actuarial investigation.

47-20-37 (a) When a retirement bill having a fiscal impact has had an actuarial investigation pursuant to Code Section 47-20-36, the bill may be considered at the next regular session of the General Assembly. If the bill as originally introduced was not changed by the committee and the original version was submitted to the state auditor for an actuarial investigation, then the original version of the bill is the only one, except as otherwise provided by subsection (b) of this Code section, which may be considered by any committee or by the House or Senate. If the original bill was substituted by the committee and the substitute version was the one submitted to the state auditor, then that substitute bill is the one, except as otherwise provided by subsection (b) of this Code section, which may be considered by any committee or by the House or Senate.

(b) After completion of an actuarial investigation, any amendment to a retirement bill having a fiscal impact shall be out of order and shall not be allowed either by a committee or by the House or Senate, except for a nonfiscal amendment. Any amendment to a retirement bill having a fiscal impact shall be submitted to the state auditor by the chairman of the committee, if a committee amendment, or by the presiding officer of the Senate or House if the amendment was made by the Senate or House. If the state auditor certifies in writing that the amendment is a nonfiscal amendment, then the bill as amended, with the state auditor's certification attached to the original of the amendment, may continue in the legislative process. If the state auditor will not certify that the amendment is nonfiscal or if the state auditor issues a written opinion that the amendment changes any factor of an actuarial investigation specified in subsection (a) of Code Section 47-20-36, the bill's progress in the legislative process will end, and the bill shall not be considered further by either the House or Senate and shall not be passed by the General Assembly, and, if passed by the General Assembly, the bill shall not become law and shall be null, void, and of no force and effect and shall stand repealed in its entirety on the first day of July immediately following its enactment.

(c) An amendment to a retirement bill having a fiscal impact which affects a factor of an actuarial investigation specified in subsection (a) of Code Section 47-20-36 may be removed or changed so that no such factor is affected by the amendment by the committee which made the amendment, if a committee amendment, or by the Senate, if that body made the amendment, or by the House, if that body made the amendment. The version of the bill with the amendment removed or changed shall be submitted to the state auditor. If the state auditor certifies in writing that the factors of an actuarial investigation specified in subsection (a) of Code Section 47-20-36 are not changed by the version of the bill submitted to that officer, then that version of the bill may continue

the legislative process unless it is subsequently amended, and, in that event, this Code section shall apply to the subsequent amendment.

ARTICLE 5

47-20-50. (a) Any retirement bill having a fiscal impact which is enacted by the General Assembly and which is approved by the Governor or which otherwise becomes law shall become effective on the first day of July immediately following the regular session during which it was enacted, but only if the enacted bill is concurrently funded as provided by this Code section. If an enacted bill, including one approved by the Governor, is not concurrently funded as required by this Code section, then such bill may not become effective as law and shall be null, void, and of no force and effect and shall stand repealed in its entirety on the first day of July immediately following its enactment.

(b) When a retirement bill having a fiscal impact amends a retirement system having employer contributions funded from appropriations by the General Assembly, then appropriations for the first fiscal year of effectiveness of the bill, after it becomes law, must include funds to pay the amount determined by the actuarial investigation under paragraph (10) of subsection (a) of Code Section 47-20-36, and future appropriations for subsequent fiscal years must include an amount necessary to maintain the actuarial soundness of the retirement system in accordance with the findings of the actuarial investigation. Any limitation on the rate of employer contributions that may be included in a law which is the source of authority for a retirement system affected by this subsection is amended to the extent necessary to comply with the requirements of this subsection.

(c) When a retirement bill having a fiscal impact amends a retirement system having employer contributions funded from portions of fines and forfeitures, then, if necessary to produce funds to pay the amount determined by actuarial investigation under paragraph (10) of subsection (a) of Code Section 47-20-36, either:

(1) The retirement bill having a fiscal impact or parallel legislation, which must become effective concurrently with the retirement bill, must revise the portion of fines and forfeitures designated for employer contributions to pay the amount determined under paragraph (10) of subsection (a) of Code Section 47-20-36; or

(2) The General Assembly by direct appropriations must supplement employer contributions from fines and forfeitures to the extent necessary to pay the amount determined under paragraph (10) of subsection (a) of Code Section 47-20-36.

(d) When a retirement bill having a fiscal impact amends a retirement system having employer contributions funded from the designation of the proceeds of a tax imposed by law, then either:

(1) The retirement bill having a fiscal impact or parallel legislation, which must become effective concurrently with the retirement bill, must revise the tax as necessary to pay the amount determined under paragraph (10) of subsection (a) of Code Section 47-20-36; or

(2) The General Assembly by direct appropriation must supplement employer contributions from the tax to the extent necessary to pay amount determined under paragraph (10) of subsection (a) of Code Section 47-20-36.

(e) When a retirement bill having a fiscal impact amends a retirement system having employer contributions funded wholly or partly from the funds of a political subdivision, that political subdivision has a duty to produce funds as necessary to pay all or its proportionate share of the amount determined by actuarial investigation under paragraph (10) of subsection (a) of Code Section 47-20-36.

(f) When a retirement bill having a fiscal impact creates a new retirement system, then employer contributions in conformity with the minimum funding standards of Code Section 47-20-10 and in conformity with paragraph (10) of subsection (a) of Code Section 47-20-36 must be made to the retirement system either by direct appropriations by the General Assembly or by another source of employer contributions specially provided for in the bill creating the new retirement system.

47-20-51. No provision of this chapter generally and no provision of Code Section 47-20-50 in particular shall:

(1) Create or be construed to create a contractual right to a retirement benefit or a contractual right in the provisions of a retirement system law which does not exist independently of the provisions of this chapter; and

(2) Impair, alter, or diminish or be construed to impair, alter, or diminish a contractual right to a retirement benefit or a contractual right in the provisions of a retirement system law which exists independently of the provisions of this chapter.

ARTICLE 6

47-20-60 (a) The state auditor shall be authorized to employ or contract with actuaries and other personnel to carry out the duties assigned to that officer by this chapter. Upon their approval by the Legislative Services Committee, expenses incurred by the state auditor in carrying out such duties shall be paid from funds appropriated or available to the legislative branch of the state government. When authorized to do so by the Legislative Services Committee, and such authorization may be renewed on a continuing basis by direction of the Legislative Services Committee entered upon its minutes, the legislative fiscal officer, upon certification by the state auditor of expenses incurred to carry out the duties assigned to that officer by this chapter, is authorized to expend legislative funds to pay such expenses.

(b) Retirement system administrators, state officials and employees and officials and employees of political subdivisions are authorized and directed to cooperate with and assist the state auditor in carrying out the duties assigned to that officer by this chapter.

47-20-61. The enrolled Act resulting from a bill which is subject to the legislative procedures provided by this chapter shall have attached

thereto the original or a true and correct copy of all certificates and summaries of actuarial investigations submitted by the state auditor pursuant to the requirements of this chapter.

47-20-62. This chapter shall become effective on January 1, 1984. Only nonfiscal retirement bills may be introduced at the 1984 regular session of the General Assembly. Retirement bills having a fiscal impact which were introduced at the 1983 regular session and which are still pending at the 1984 regular session shall be subject to the requirements of Code Section 47-20-50, except that the amount determined by actuarial investigation under paragraph (10) of subsection (a) of Code Section 47-20-36 shall be determined by the director of the Office of Planning and Budget and the state auditor pursuant to Code Sections 28-5-42 and 28-5-43, relating to fiscal notes."

Section 2. This Act shall become effective on January 1, 1984.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

The following fiscal note, as required by the Rules of the Senate, was read by the clerk:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: February 23, 1983

SUBJECT: Fiscal Note—Substitute to House Bill 219 (LC 7 5363S)
Public Retirement Systems Standards Law

This substitute version of House Bill 219 would establish minimum funding standards for retirement or pension systems supported with public funds and would revise the legislative procedures for creating or amending a retirement system. The major provisions of this Bill and their resultant fiscal impact are presented in the following paragraphs.

1. The minimum annual employer contribution would include the normal cost plus the amount necessary to amortize the unfunded actuarial liability over a 40-year period. For systems created after January 1, 1983, the amortization period would be 30 years. The amortization contribution for systems which are a level percentage amortization would have to be at least 4% of the unfunded liability for the period up to

January 1, 1989 and at least 4½% after that date. Any changes in minimum annual employer contribution required as a result of an actuarial investigation would be due on the date of such actuarial investigation. Failure to meet this deadline would result in a penalty in amount of interest (based on the actuarial assumed rate) on the required contribution from the date of the investigation to the date of payment.

The fiscal impact of this provision on each of the 306 local retirement systems and 14 state retirement systems cannot be determined without a detailed analysis of each system. A review of four systems ministered by Fulton County indicated, however, that this provision could result in significant increases in employer contribution rates of systems that are not currently funded on a sound actuarial basis. The employer contributions made by Fulton County to each of its four systems have been less than the normal cost and the amount needed to amortize unfunded actuarial liabilities over a 40-year period. For example, the expected employer contributions for the Fulton County School Pension Fund were approximately \$11.8 million less than the required \$15.6 million (as of November, 1981).

2. The administrators of each retirement system created by an act of the General Assembly (legislatively controlled retirement system) would be required to submit a certification to the Governor and a member of the General Assembly by July 1, 1984 indicating whether the system meets the minimum funding standards. Benefit increases could not be granted for any system not funded in accordance with minimum standards.

Any fiscal impact that results from this provision would be favorable to the retirement systems.

3. The governing authorities of local retirement systems would be prohibited from granting a benefit increase or from creating a new retirement system until the existing systems are funded in accordance with minimum funding standards. Any violations of this rule would result in the withholding of state funds until the system conforms to minimum funding standards. State funds would also be withheld from systems not meeting minimum annual employer contribution rates. The State Auditor would be required to list, in its three-year report to the Governor and the General Assembly, systems of political subdivisions not meeting minimum funding provisions.

This provision would have no significant fiscal impact on the retirement systems.

4. The Bill provides specific guidelines for introducing retirement bills and requires retirement bills with a fiscal impact to be introduced during the first year of a two-year legislative term and passed during the second year of a two-year legislative term. Additionally, a majority of the appropriate (House or Senate) retirement committee would be required to consider bills further and such committee would be required to forward perfect bills prior to submission to the State Auditor.

The State Auditor would be required to certify nonfiscal retirement bills and have actuarial investigations conducted for retirement bills.

ing a fiscal impact. The Bill would require the State Auditor's actuarial investigation findings to present specific actuarial factors. The State Auditor would be authorized to employ or contract with actuaries or other personnel to accomplish these investigations.

The exact fiscal impact of this provision cannot be determined. However, increased costs will be incurred for actuarial investigations on individual bills.

5. The Bill provides for all retirement bills having a fiscal impact that are enacted by the General Assembly and approved by the Governor to become effective on the first day of July following the session during which it was enacted. Only bills that are concurrently funded would become law and all bills not concurrently funded would become null, void, and stand repealed on the first day of July following the session.

Any resultant fiscal impact of this provision would be favorable for the retirement systems.

It should be noted that section 47-20-11 of this Bill states that this section shall not apply to any retirement system of a political subdivision which is created or established on or after January 1, 1983. The previous substitute version of this Bill (LC 7 5320S) used January 1, 1984 as a cut-off. Additionally, the section that should be coded 47-20-31 is coded 40-20-31.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

On the adoption of the substitute, the yeas were 32, nays 0, and the 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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Algood
Barker
Barnes
Bond
Bowen
Brannon
Brantley
Brown of 46th
Brown of 47th
Bryant

Burton
Cobb
Coggin
Coleman
Coverdell
Dawkins
Deal
English
Engram
Fincher

Foster
Garner
Gillis
Greene
Harris
Harrison
Hill
Hine
Holloway
Horton

Howard	McKenzie	Stumbaugh
Hudgins	Peevy	Tate
Huggins	Perry	Thompson
Kennedy	Phillips	Trulock
Kidd	Scott of 2nd	Turner
Land	Scott of 36th	Tysinger
Lester	Scott of 43rd	Walker
McGill	Starr	

Those not voting were Senators:

Dean	Littlefield	Timmons
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On the passage of the bill, the yeas were 53, nays 0.

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

Senator Turner of the 8th moved that HB 219 be immediately transmitted to the House.

On the motion, the yeas were 43, nays 0; the motion prevailed, and HB 219 was immediately transmitted to the House.

HR 158. By Representatives McVeigh of the 155th and Auten of the 156th:

A resolution authorizing and empowering the State of Georgia, acting and through its State Properties Commission, to grant and convey to the City of Brunswick, Georgia, its successors and assigns, an easement in certain real property owned or claimed by the state, situated on the Brunswick Altamaha Canal in Glynn County, Georgia, for the construction, installation, operation, maintenance, repair, and replacement thereon of an expansion of the existing Academy Creek Wastewater Treatment Facility.

Senate Sponsors: Senators Littlefield of the 6th and Bryant of the 4th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was follows:

Those voting in the affirmative were Senators:

Allgood	Barnes	Bowen
Barker	Bond	Brannon

Brantley	Gillis	McGill
Broun of 46th	Greene	McKenzie
Brown of 47th	Harris	Peevy
Bryant	Harrison	Perry
Burton	Hill	Phillips
Cobb	Hine	Scott of 2nd
Coggin	Holloway	Scott of 36th
Coleman	Horton	Scott of 43rd
Coverdell	Howard	Starr
Dawkins	Hudgins	Stumbaugh
Deal	Huggins	Tate
Dean	Kennedy	Thompson
English	Kidd	Trulock
Engram	Land	Turner
Fincher	Lester	Tysinger
Foster	Littlefield	Walker
Garner		

Not voting was Senator Timmons.

On the adoption of the resolution, the yeas were 55, nays 0.

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

The President announced that the Senate would stand in recess from 12:31 o'clock until 2:00 o'clock P.M.

At 2:00 o'clock P.M., the President called the Senate to order.

The following general bill of the House, favorably reported by the committee, was the third time and put upon its passage:

365. By Representatives Horne of the 103rd, Dunn of the 73rd, Isakson of the 21st and others:

A bill to amend an Act entitled "An Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens," so as to change the effective date.

Senate Sponsor: Senator Holloway of the 12th.

The Senate Committee on Judiciary offered the following amendment:

Amend HB 365 by striking from Page 14, line 32, the following:

"44-14-362",

and inserting in lieu thereof the following:

"44-14-361.1"

On the adoption of the amendment, the yeas were 30, nays 0, and the amendment was adopted.

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Senator Hine of the 52nd offered the following amendment:

Amend HB 365 by adding after the semicolon on line 5 of Page 1 following:

“to provide that under certain circumstances liens on certain personal property shall be created;”

By adding between lines 9 and 10 of Page 13 the following:

“Section 1.1. Said part is further amended by striking subsection of Code Section 44-14-363, relating to special liens on personal property, and inserting in lieu thereof a new subsection (c) to read as follows:

‘(c) (1) When possession of the property is surrendered to the debtor, the mechanic shall record his claim of lien within 90 days after the work is done and the material is furnished or, in the case of repair made on or to aircraft or farm machinery, within 180 days after the work is done and the material is furnished. The claim of lien shall be recorded in the office of the clerk of the superior court of the county where the owner of the property resides. The claim shall be in substance as follows:

“A.B., mechanic, claims a lien on _____ (here describe the property) of C.B., for work done, material furnished, and storage accruing in the case may be) in manufacturing, repairing, and storing (as the case may be) the same.”

(2) If possession of the personal property subject to a special lien provided in this Code section is surrendered to the debtor and if the special lien is not preserved by recording the claim of lien as provided in paragraph (1) of this subsection, the mechanic acquires a special lien on other personal property belonging to the debtor which comes into the possession of the mechanic. The special lien created by this paragraph shall be subject to the provisions of this Code section as to foreclosure and recording.’”

On the adoption of the amendment offered by Senator Hine of the 52nd, Senator Garner of the 30th called for the yeas and nays; the call was sustained, and the result was as follows:

Those voting in the affirmative were Senators:

Barnes
Brannon

Broun of 46th
Brown of 47th

Burton
Coggin

Overdell	Garner	Land
Awkins	Greene	Peevy
Neal	Hill	Scott of 43rd
Dean	Hine	Stumbaugh
Ingram	Hudgins	Thompson
Ister	Huggins	

Those voting in the negative were Senators:

Ilgood	Harris	McKenzie
Irker	Holloway	Perry
Yant	Kennedy	Phillips
Jobb	Kidd	Starr
Deleman	Lester	Turner
English	Littlefield	Tysinger
Gillis	McGill	Walker

Those not voting were Senators:

And	Harrison	Scott of 36th
Owen	Horton	Tate
Antley	Howard	Timmons
Ncher	Scott of 2nd	Trulock

On the adoption of the amendment, the yeas were 23, nays 21, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Ilgood	Dean	Hudgins
Irker	English	Huggins
Arnes	Ingram	Kennedy
Don of 46th	Fincher	Land
Don of 47th	Foster	Lester
Yant	Garner	Littlefield
Urton	Gillis	McGill
Jobb	Greene	McKenzie
Oggin	Harris	Peevy
Overdell	Hill	Perry
Awkins	Hine	Phillips
Neal	Holloway	Scott of 43rd

Starr
Stumbaugh

Thompson
Turner

Tysinger
Walker

Voting in the negative were Senators Brannon and Kidd.

Those not voting were Senators:

Bond
Bowen
Brantley
Coleman

Harrison
Horton
Howard
Scott of 2nd

Scott of 36th
Tate
Timmons
Trulock

On the passage of the bill, the yeas were 42, nays 2.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House insists on its position in substituting the following bill of the Senate:

SB 209. By Senators Gillis of the 20th and McGill of the 24th:

A bill to amend Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to the sale, etc., of agricultural products, so as to make it unlawful for any person to sell, package, or label any onions as "Vidalia onions" or use the term "Vidalia" in connection with the sale of onions unless such onions were grown in the "Vidalia production area"

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

HB 245. By Representatives Shepard of the 71st, Johnson of the 70th, Parham of the 105th and Moore of the 139th:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to issuance of bad checks, so as to change certain penalties and a definition.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 324. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

A bill to amend Article 2 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mortgages, so as to provide that a public utility company may, by a deed to secure debt, embrace, cover, convey, pledge, and encumber after-acquired property in certain circumstances.

Senate Sponsor: Senator Hine of the 52nd.

The Senate Committee on Judiciary offered the following substitute to HB 324:

A BILL TO BE ENTITLED AN ACT

To amend Article 1 of Chapter 13 of Title 44 of the Official Code of Georgia Annotated, relating to real or personal property which may be exempted from levy and sale, so as to provide for legislative intent; to change the requirements for eligibility to claim an exemption; to provide that a person who claims a debtor's exemption as a spouse or dependent of the debtor shall not be granted an exemption in that person's own right; to provide for editorial revision; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. It is the intent of this Act to implement certain changes required by Article I, Section I, Paragraph XXVI of the Constitution of the State of Georgia.

Section 2. Article 1 of Chapter 13 of Title 44 of the Official Code of Georgia Annotated, relating to real or personal property which may be exempted from levy and sale, is amended by striking said Article 1 in its entirety and inserting in lieu thereof a new Article 1 to read as follows:

“ARTICLE 1

Part 1

44-13-1. Except as otherwise provided in this article, there shall be exempt from levy and sale by virtue of any process whatever under the laws of this state any real or personal property or both of a debtor in the amount of \$5,000.00. No court or ministerial officer in this state shall ever have jurisdiction or authority to enforce any judgment, execution, or decree against property set apart under this Code section, including such improvements as may be made thereon from time to time, except for taxes, for the purchase money of the property, for labor done on the property, for material furnished for the property, or for the removal of encumbrances on the property.

44-13-2. Should a debtor refuse to apply for an exemption under this

article, the debtor's spouse, any person acting on behalf of the minor children of the debtor, or any person acting on behalf of the dependents of the debtor may make such application; and it shall be as binding as if done by the debtor. As used in this article, 'dependent' means a person whom the debtor may claim as a dependent for income tax purposes pursuant to Code Section 48-7-26.

44-13-3. It shall be the right of the applicant to supplement his exemption by adding to an amount already set apart, which amount is less than the whole amount of the exemption allowed by this article, enough to make his exemption equal to the whole amount allowed by resorting to the methods for setting apart and valuation of the exemptions provided in this chapter. The proceedings shall be in all respects the same.

44-13-4. (a) Each person seeking the benefit of the exemptions provided in this article shall apply by petition to the judge of the probate court of the county in which he resides or in which the debtor's minor children or dependents reside when the application is made for their benefit. The petition shall state:

- (1) The debtor for whom the exemption is claimed;
- (2) The names and ages of minor children and dependents of the debtor; and
- (3) Out of what and whose property exemptions are claimed.

The petition shall comply with all the requirements of the laws for the setting apart and valuation of the exemptions provided by this article.

(b) The applicant shall accompany his petition with a schedule containing a minute and accurate description of all real and personal property belonging to the person from whose estate the exemption is to be made so that persons interested may know exactly what is exempted and what is not and also with a list of his creditors and their post office addresses, if known, which must be sworn to by the applicant or his agent.

(c) For a failure to comply with this Code section either in the original petition which may be amended at any time prior to the final proceedings before the judge of the probate court or in the amended petition, the judge shall dismiss the petition.

(d) The applicant shall apply to the judge of the probate court for an order to the county surveyor or, if there is none, to some other surveyor to lay off any real property of the applicant and to make a plat of the same, which order the judge shall issue at once and give to the applicant.

44-13-5. Whenever the applicant does not possess a sufficient amount of realty located in the county of his residence, he may include in his application tracts of land located in counties other than that of his residence. In such case, the judge of the probate court before whom the application is made shall cause the survey, valuation, and plat of the lands lying in counties other than the residence of the applicant to be made by the county surveyor of the county where the lands are located.

44-13-6. It shall be the duty of any person who shall claim the benefit of the exemption allowed in this article to act in perfect good faith. As it is in the power of the debtor claiming an exemption of personal property to conceal part of his property or money and to claim the balance as exempt, it shall be the duty of the debtor, when he shall take steps in the probate court to have an exemption of personal property set off to him, to make a full and fair disclosure of all the personal property, including money, stocks, and bonds, which he may possess at the time. All such money or property which he may hold in excess of the exemption shall be subject to levy and sale for the payment of his just debts. If the money or other personal property which the debtor possesses at the time of his application or at the time he obtains the order of court setting off exempt property shall be fraudulently concealed or shall not be delivered up for the benefit of his creditors, no exemption shall be made in his favor until it shall be so delivered up. All orders of the court obtained by the fraudulent concealment of property or obtained while the debtor had personal property, money, stocks, or bonds which he kept out of the reach of the levying officer or did not in good faith deliver up for the benefit of his creditors shall be null and void and of no effect. In such event, the property set off to the debtor by such order or judgment shall be subject to levy and sale as if no such order or judgment had been rendered; and all property in which the debtor shall have invested the money, stocks, bonds, or personal property fraudulently concealed by him or kept out of the reach of his creditors shall be subject to levy and sale and liable to be sold for the payment of any debt then in existence. The debtor who is guilty of willful fraud in the concealment of part of his property which he possessed when he sought the benefit of the exemption shall on account of his fraud lose the benefit of the exemption, and his property shall be subject to the payment of all just debts which he owed at the time such fraud was committed; but the property, when once set off to him by order of the court, shall be exempt as against all debts contracted after that time.

44-13-7. When the schedule has been filed and the application has been made, the judge of the probate court, in order that all persons may know when action will be taken on the petition, shall publish in the newspaper in which the legal advertisements of the county are published, not more than twice, a notice as follows:

‘A. B. has applied for exemption of personalty, and setting apart and valuation of realty exempt from levy and sale under Article 1 of Chapter 13 of Title 44 of the Official Code of Georgia Annotated, and I will pass upon the same at M., on the day of , 19 , at my office. C. D., Judge of the Probate Court.’

44-13-8. In addition to the notice by publication required to be given by Code Section 44-13-7, the applicant or his agent shall give notice in writing of the filing of the application and of the day of hearing the same to each of his creditors residing in the county. Such notice shall be given at least five days before the hearing and shall be served personally or by leaving a copy at the residence or place of business of his creditor; and the fact that such notice has been given shall be verified by oath of the applicant or his agent. The applicant shall also notify creditors residing outside of the county of his application by preparing written notices of

his application and the day of hearing, which notices shall be delivered by him to the judge of the probate court together with stamped envelopes and, if the residence of the creditors shall be known to the petitioner, shall be directed by the judge and mailed to the persons residing out of the county at least 15 days before the day of the hearing.

44-13-9. The time fixed by the notice given pursuant to Code Sections 44-13-7 and 44-13-8 shall not be less than 20 nor more than 30 days from the date of the filing of the application and schedule.

44-13-10. (a) The surveyor to whom the applicant delivers the order pursuant to subsection (d) of Code Section 44-13-4 shall lay off the exempted real property on or out of the land claimed by the applicant and make a plat of the same and shall make an affidavit that the exempted real property is correctly platted and laid off and setting out its value. He shall return the affidavit to the judge of the probate court at least five days before the day appointed in the order for passing upon the application.

(b) It shall be a valid ground of objection to the propriety of any survey that it has been so made as to injure unjustly or needlessly the value of any land left unexempted by a disregard of the shape and location of the entire tract.

(c) Should any county surveyor fail to comply with his duty as prescribed by this Code section, he shall be punished for a contempt of court by the judge of the probate court.

44-13-11. If, at the time and place appointed for passing upon the application, no objection is raised by any creditor of the applicant, the judge of the probate court shall endorse upon the schedule and upon the plat: 'Approved this the day of , 19 ,' filling the blanks, and shall sign the schedule and plat officially and hand them to the clerk of the superior court of his county; and, when land out of his county is exempted, the judge shall transmit a certified copy of the exempted real property to the clerk of the superior court of each county in which exempted land is located. Each clerk of the superior court of a county in which exempted land is located shall record the exempted real property in a book to be kept for that purpose in his office, which record or a certified transcript thereof shall be competent evidence in all the courts of this state.

44-13-12. Should any creditor of the applicant desire to object to the schedule for want of sufficiency and fullness or for fraud of any kind or to dispute the valuation of the personalty, the propriety of the survey, or the value of the premises so platted as the exempted real property, he shall specify his objections in writing at the time and place appointed for the hearing.

44-13-13. Upon an objection being made as provided for in Code Section 44-13-12, unless the applicant shall so alter the schedule or plat or both as to remove the objections, the judge of the probate court shall appoint three disinterested appraisers to examine the property concerning which the objections are made and to value the same. On the appraisers' return under oath, if either the schedule or the plat shall be found to be

too large, such alterations shall be made in the schedule and in the plat as the judge may deem proper to bring them within the limits of the value allowed by this article. Thereafter, the judge shall approve the schedule and the plat as required by Code Section 44-13-11 and shall hand the same to the clerk of the superior court of his county who shall record the schedule and plat as required by Code Section 44-13-11. Either party dissatisfied with the judgment shall have the right to appeal under the same rules, regulations, and restrictions as are provided by law in cases of appeals from the probate court.

44-13-14. (a) If an applicant seeks to have an exemption set apart out of real property located in town which exceeds in value the amount of the exemption which he claims and to which he is entitled to complete his legal exemption and such realty cannot be so divided as to give an exemption of that value, the judge of the probate court may pass an order that, should such property be thereafter sold by virtue of any order, judgment, or decree of any court in this state, so much of the proceeds of the sale as may be necessary to make up, when added to the other exempted property of the applicant, if any, the full amount of the exemption allowed by law shall be paid over to the judge of the probate court by the officer making the sale to be invested in property selected by the applicant by some proper person appointed by such judge, which property shall constitute the exemption of the applicant or a part thereof, as the case may be, after the order of the probate court and the deed of reinvestment have been recorded by the clerk of the superior court.

(b) Should any ministerial officer of this state, upon being shown a certified copy of the order of the judge of the probate court provided for in subsection (a) of this Code section, fail to retain and pay over to such judge the proceeds as required or should any such judge receiving the proceeds fail to appoint the person required to have the proceeds invested and fail to turn over the proceeds to the person so appointed, such officer or judge and his sureties shall be liable to the applicant for the full amount of the money and 20 percent interest thereon for the period of time he wrongfully withholds the money or any part thereof.

44-13-15. When any person applies for an exemption of personalty and the personalty sought to be exempted consists of cash in whole or in part, before the cash shall be allowed as an exemption, it shall, under the direction of the judge of the probate court, be invested in such articles of personal property as the applicant may desire; when so invested and returned by schedule with or without other property as required by this article, such property shall constitute the exemption of personalty. In no case shall the allowance of cash without such investment be a valid exemption.

44-13-16. (a) Whenever the debtor shall desire the exempted property, whether real or personal, to be sold for reinvestment, an application for the sale of the property must be made to the judge of the superior court of the county where the debtor resides or the property is situated unless the judge is disqualified, in which case application may be made to the judge of the superior court of an adjoining circuit. Upon proper showing, the judge may order a sale of the property; and the proceeds shall be reinvested upon the same uses.

(b) A sale ordered pursuant to subsection (a) of this Code section shall operate to pass to the purchaser the entire interest and title of the beneficiaries in the exempted property and also the entire interest and title owned, before the exemption was made, by the party out of whose estate the property was so exempted.

(c) The purchaser shall receive the property sold and shall hold the same, as to all liens thereon against the original debtor and with the same exemption therefrom, for the same length of time as was allowed to the original debtor before the sale; and, by consent of all lien creditors, the liens of such creditors may be divested and transferred to the newly acquired property by the order of the court pursuant to subsection (a) of this Code section.

(d) An applicant who has obtained an exemption for the spouse, minor children, or dependents of the debtor may apply for an order of sale under subsections (a) through (c) of this Code section. All persons interested shall be parties to the proceeding.

(e) The judge of the superior court shall order the entire proceedings recorded in the minutes by the clerk of the superior court of the county in which the parties applying for the order of sale reside and, when land is to be sold, in the county where the land is located; and the judge shall provide the means and mode of sale and reinvestment as provided in this Code section.

(f) This Code section shall apply to the sale of any real or personal property set apart under this article.

44-13-17. Whenever any property has been set apart for the debtor's minor children or dependents and they desire the same to be sold for reinvestment but the debtor fails or refuses to join with them in the application to have such property sold for reinvestment or whenever a divorce has been granted to the spouse of the debtor and the property exempted by this article and sought to be sold for reinvestment has been awarded to that spouse, the proceedings for reinvestment shall be in all respects as binding upon all parties as if the debtor had joined with the minor children, dependents, or spouse, respectively, in the application.

44-13-18. All produce, rents, or profits arising from property in this state which is exempted under this article shall be for the support of those persons allowed such exemption and shall be exempt from levy and sale except as otherwise provided in this article.

44-13-19. Before the approval of the judge of the probate court may be demanded as provided in this article, the applicant shall pay to such judge the cost of the proceedings, including the clerk's cost for recording the same. The applicant shall be bound for such costs if the judge approves the application. If any person filing objections to the schedule or plat fails to have the same sustained, he shall pay the cost of the proceedings.

44-13-20. Property set apart pursuant to Code Section 44-13-2 for a spouse, for a spouse and minor children, for minor children alone, or for dependents of a debtor (1) upon the death of the spouse or the spouse's

remarriage, when set apart to the spouse alone, (2) upon the attaining of the age of majority by the minor children or their marriage during minority, when set apart for the minor children, (3) upon the death or remarriage of the spouse and the attaining of the age of majority by the minor children or the marriage of the minor children, when set apart to the spouse and minor children, and (4) upon a former dependent person's no longer being eligible to be claimed by the debtor as a dependent for income tax purposes pursuant to Code Section 48-7-26, shall revert to the estate from which it was set apart unless it was sold or reinvested pursuant to this article, in which case this Code section shall apply to and follow all the reinvestments unless the fee simple has been sold as provided in this article.

44-13-21. Nothing contained in this article shall be construed to prevent any debtor who does not wish to avail himself of the benefits of this article from claiming the exemptions allowed by Code Section 44-13-100. No person who is allowed the exemptions under Code Section 44-13-100 shall take any benefit under this article; nor shall any person who is allowed the exemptions under this article be allowed the exemptions under Code Section 44-13-100 unless the exempted property so elected is lost by virtue of a sale under an outstanding claim, in which event the election shall not bar an application for an exemption under this article not liable to the outstanding claim.

Part 2

44-13-40. Any debtor may, except as to wearing apparel and \$300.00 worth of household and kitchen furniture and provisions, waive or renounce his right to the benefit of the exemption provided for by this article by a waiver, either general or specific, in writing simply stating that he does so waive or renounce such right, which waiver may be stated in the contract of indebtedness or may be made contemporaneously therewith or may be made subsequent to the execution of the contract of indebtedness in a separate paper.

44-13-41. In case of a waiver and the levy of an execution, the debtor may select and set apart \$300.00 worth of household and kitchen furniture and provisions as free from levy and sale. If, when such selection is made, the plaintiff in fi. fa. shall be of the opinion that said property is of greater value than \$300.00, he may indemnify the levying officer and require him to proceed with the levy upon some part of the property or all if it be incapable of division. It shall then be the right of the debtor to make and deliver to the levying officer an affidavit stating substantially that the property selected is not of greater value than \$300.00. The levy and affidavit shall be returned to the next term of the superior court of the county of the residence of the debtor and shall be tried as cases of illegality, the only issue being the value of the property selected. The jury may find generally for the defendant in fi. fa., in which case the levy shall be dismissed, or may find specifically what portion of the property is of the value of \$300.00, which portion shall be exempted, and the balance shall be sold; provided, however, that the jury or other tribunal trying the issue made by the levy and affidavit may assess damages, not exceeding 25 percent of the value of the property levied upon, against the plaintiff in execution for any levy made not in

good faith for the collection of the execution but for the purpose of harassing the debtor.

44-13-42. Every debtor seeking the benefit of Code Section 44-13-41 shall make out a schedule of the debtor's household and kitchen furniture and provisions which shall set out the items and value thereof claimed to be exempt and shall return the schedule to the judge of the probate court of the county in which the applicant resides. It shall not be necessary to make any application for such exemption or to publish the schedule in a newspaper. The judge shall record the schedule in a book to be kept by him for that purpose.

44-13-43. A person eligible under Code Section 44-13-2 to claim a debtor's exemption as a spouse or dependent of the debtor may not, during the time the debtor's exemption is allowed that person as spouse or dependent, be granted an exemption in that person's own right under this article.

Part 3

44-13-60. (a) When an exemption under this article of realty and personalty or either has been applied for and set apart out of the property of a defendant in execution and the defendant in execution has no property except the real property on which the defendant resides on which to levy, if the plaintiff in execution seeks to have that real property levied on upon the ground that his debt falls within some or one of the classes for which the real property is bound under this article, such plaintiff, his agent, or his attorney may make an affidavit before any officer authorized to administer oaths that to the best of his knowledge and belief the debt upon which the execution is founded is one from which that real property is not exempt. Thereafter, it shall be the duty of the officer into whose hands the execution and the affidavit are placed to proceed at once to levy and sell as though the property had never been set apart.

(b) The defendant in execution may deny the truth of the plaintiff's affidavit by filing a counteraffidavit with the levying officer. If a counteraffidavit is filed, it shall be the duty of the levying officer to suspend further proceedings under the execution and to return the same together with the two affidavits to the court from which the execution issued.

44-13-61. At the first term of the court to which the execution and the affidavits have been returned, an issue shall be formed upon the same and tried as in cases of illegality.

44-13-62. When the finding upon the trial provided for in Code Section 44-13-61 is in favor of the plaintiff in execution, it shall be the duty of the levying officer to proceed immediately with the collection of the debt by the sale of the real property upon which the defendant in execution resides, if necessary. When the finding upon such issue is in favor of the defendant in execution, it shall operate to release that real property without prejudicing any other right of the plaintiff.

44-13-63. Except as provided in Code Section 44-13-60, any officer knowingly levying on or selling property made exempt from sale shall be

guilty of trespass; and any person allowed such exemption may recover for such trespass for their exclusive use.

Part 4

44-13-80. Whenever any person makes an application for an exemption of realty under this article and it appears by the return of the surveyor that the applicant is the owner of more real estate than is allowed to be exempt under this article, it shall be the duty of the judge of the probate court to appoint a receiver to take charge of the excess and to sell the same for the benefit of the creditors of the applicant under regulations set forth in this part.

44-13-81. Whenever any person makes an application for an exemption of personalty as provided for by this article and the schedule filed by the person discloses that the person has and is the owner of personal property in excess of that to which he is entitled to have as exempt, the excess shall be delivered by the judge of the probate court to a receiver who shall dispose of the excess for the benefit of the creditors of the applicant.

44-13-82. When a receiver is appointed as provided in Code Section 44-13-80, he shall proceed to advertise the real estate once a week for four weeks in the public newspaper in which the sheriff's sales of the county are advertised. On the first Tuesday of the month immediately following the last advertisement, the receiver shall expose the same for sale at public auction and the money arising from the sale of the property shall be delivered to the judge of the probate court for distribution among the several creditors of the applicant, such distribution to be made according to the dignity of the claims of the several creditors.

44-13-83. Personal property shall be disposed of in the manner provided in Code Section 44-13-82, except that the receiver shall advertise the same in three of the most public places of the county for 30 days and shall not be required to advertise the same in a public newspaper.

44-13-84. Nothing in this part shall be construed to authorize the appointment of more than one receiver.

44-13-85. If no creditors appear and file their claims before the day set apart for the sale of the property, the sale shall not take place; and the property in excess shall be turned over to the applicant.

44-13-86. When a receiver is appointed under Code Section 44-13-80, good bond and security shall be required of him by the judge of the probate court for the performance of his duty. The receiver shall be subject to rule in the superior court of the county where he was appointed, as sheriffs are, and shall, under rule of the superior court and not under the order of the judge of the probate court, pay out moneys received by him as sheriffs do when there are conflicting claims to moneys in his hands. When there are no conflicting claims, the receiver shall settle all the claims and turn over any excess to the party legally entitled to the same.

44-13-87. The applicant for exemption from levy and sale of prop-

erty under this article shall be permitted to select the property to be exempted but not to exceed the amount allowed by law.”
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Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 29, nays 0, and the 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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	McGill
Barnes	Foster	McKenzie
Brannon	Gillis	Peevy
Broun of 46th	Greene	Perry
Brown of 47th	Harris	Phillips
Bryant	Hill	Scott of 43rd
Burton	Hine	Starr
Cobb	Holloway	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Huggins	Trulock
Dawkins	Kennedy	Turner
Deal	Kidd	Tysinger
Dean	Lester	Walker
Engram	Littlefield	

Those not voting were Senators:

Barker	English	Land
Bond	Garner	Scott of 2nd
Bowen	Harrison	Scott of 36th
Brantley	Hudgins	Timmons

On the passage of the bill, the yeas were 44, nays 0.

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

HB 505. By Representatives Walker of the 115th and Evans of the 84th:

A bill to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions of the State and counties, so as to provide that earned-time allowances shall not be awarded to certain inmates.

Senate Sponsor: Senator Barnes of the 33rd.

Senator Barnes of the 33rd offered the following substitute to HB 505:

A BILL TO BE ENTITLED
AN ACT

To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions of the state and counties, so as to provide that inmates convicted of misdemeanor offenses and sentenced to confinement may be awarded good-time allowances based on institutional behavior; to provide for conversion from earned-time allowances to good-time allowances for certain county inmates; to delete those provisions relating to the awarding of earned-time allowances by the Board of Offender Rehabilitation for certain inmates; to provide that certain persons shall receive credit towards early release subject to certain conditions; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Title 42 of the Official Code of Georgia, relating to penal institutions of the state and counties, is amended by striking Code Section 42-4-7, relating to records of inmates, in its entirety and inserting in lieu thereof a new Code Section 42-4-7 to read as follows:

“42-4-7. (a) The sheriff shall keep, in a well-bound book provided for that purpose, a record of all persons committed to the jail of the county of which he is sheriff. This record shall contain the name of the person committed, his age, sex, race, under what process he was committed and from what court the process issued, the crime with which he was charged, the date of his commitment to jail, the day of his discharge, under what order he was discharged, and the court from which the order issued. This book shall be subject to examination by any person at any time. The sheriff shall keep the book on file in his office.

(b) (1) The sheriff, chief jailer, warden, or other officer designated by the county as custodian of inmates confined as county inmates as provided in subsection (a) of Code Section 17-10-3 shall award good-time allowances to such inmates based on institutional behavior. Good-time allowances shall not be awarded which exceed one-half of the period of confinement imposed.

(2) Upon receipt of an inmate sentenced to confinement as a county inmate, the custodian of such inmate shall compute the maximum good-time allowance that such inmate may earn. The custodian may make appropriate deductions from such maximum earnable good-time allow-

ance based on the institutional behavior of such inmate while in custody as a county inmate.

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(3) An inmate sentenced to confinement as a county inmate shall be released at the expiration of his sentence less the time deducted for good-time allowances.

(c) Commencing January 1, 1984, subsection (b) of this Code section, which provides for good-time allowances to be awarded to inmates sentenced to confinement as county inmates as provided in subsection (a) of Code Section 17-10-3, shall apply to all such inmates in confinement on December 31, 1983, and all inmates who commit crimes on or after January 1, 1984, and are subsequently convicted and sentenced to confinement as county inmates. Conversion of the computation of the sentences of county inmates in confinement on December 31, 1983, from earned-time governed sentences to good-time governed sentences shall be made by the sheriff or other custodian of such inmates."

Section 2. Said title is further amended by striking Code Sections 42-5-100 and 42-5-101, relating to the awarding of earned-time allowances to inmates, in their entirety, which read as follows:

"42-5-100. (a) The board shall formulate and promulgate rules and regulations providing for earned-time allowances to be awarded to inmates based upon the performance of the inmates, provided that earned-time allowances shall not be awarded to inmates sentenced to life imprisonment. The rules and regulations shall not provide for earned-time allowances exceeding one-half of the period of confinement imposed by the court. The rules and regulations shall differentiate between habitual offenders and other offenders for the purposes of awarding earned time. As used in this Code section, the term 'habitual offender' means any felony offender sentenced to or serving in custody of the department a third or subsequent felony incarceration in the state penal system since January 1, 1970; provided, however, that the provisions of this Code section relating to habitual offenders shall only apply to those felony offenders whose third or subsequent felony offense was committed after April 10, 1980. Additional sentences imposed on an offender during service of another sentence will be considered as the same incarceration.

(b) The wardens or superintendents of the various county or state correctional institutions within the state shall immediately notify the department, in writing, of any punishment imposed or other disciplinary action taken against any inmate under such warden's or superintendent's custody. The report shall be on forms prescribed and furnished by the department and shall show, among other things, the detail assignment and behavior record of the inmate. From the records so furnished, the commissioner or his assistants may suspend the inmate from receiving earned time for a specified period and may forfeit up to one-half the earned-time allowances where the disciplinary action involves a violation of correctional rules and regulations or forfeit all or any part of the earned-time allowances where the violation is a crime punishable by law.

(c) An inmate shall be released at the expiration of his term of sentence less the time earned as earned-time allowances.

(d) Persons convicted of misdemeanor offenses shall accrue earned-time allowances equal to one-half of the total misdemeanor sentence. This same earned-time allowance shall apply to inmates confined as county inmates as provided in paragraph (1) of subsection (a) of Code Section 17-10-3. Computation of this earned-time allowance shall be made by the sheriff of the county or the chief jailer, warden, or other officer designated by the county as custodian of such inmates.

42-5-101. (a) Commencing September 1, 1978, Code Section 42-5-100, which provides for earned-time allowances to be awarded to inmates based upon the performance of the inmate, shall apply to those persons sentenced to the state penal system prior to July 1, 1976, other than those sentenced to life imprisonment or death, such application being deemed beneficial to the sentenced person by shortening the projected period of incarceration. The commissioner shall make a conversion of the computation of the sentences of those persons sentenced to the state penal system prior to July 1, 1976, other than those sentenced to life imprisonment or death, by comparing the projected release date of each of such persons computed pursuant to Ga. L. 1956, p. 161, Section 24, prior to its amendment by Ga. L. 1976, p. 949, Section 1, which granted statutory good time and extra good time allowances, giving appropriate credit or deductions for statutory good time, extra good time, and forfeitures of good time and extra good time unrestored as of September 1, 1978, with a projected release date for each such person computed from the date of sentencing pursuant to Code Section 42-5-100 and the rules and regulations in force as of September 1, 1978, formulated and promulgated by the board by authority of Code Section 42-5-100, providing for earned-time allowances to be awarded to inmates, with forfeitures of good time and extra good time unrestored as of September 1, 1978, being treated in accordance with the earned-time rules and regulations concerning forfeited time. If the projected release date computed under the earned-time rules and regulations is earlier in time for a particular person sentenced prior to July 1, 1976, such projected earned-time release date shall be adopted by the commissioner as the projected release date for that person. If the projected release date computed under the earned-time rules and regulations is later in time for a particular person sentenced prior to July 1, 1976, the commissioner shall grant the person sufficient additional earned-time allowances so as to make that person's projected earned-time release date the same as the projected release date computed under Ga. L. 1956, p. 161, Section 24, prior to its amendment by Ga. L. 1976, p. 949, Section 1, which granted statutory good time and extra good time, and such date shall be adopted by the commissioner as the projected earned-time release date for that person. The commissioner shall accomplish administrative processing of the conversion, as of September 1, 1978, of the computation of the sentences of persons sentenced prior to July 1, 1976, other than those sentenced to life imprisonment or death, from good-time and extra good-time governed sentences to earned-time governed sentences in the following order:

(1) If conversion will foreseeably produce an immediate benefit to the person within 90 days from September 1, 1978, by September 30, 1978;

(2) If conversion will foreseeably produce an immediate benefit to

the person more than 90 days but less than 180 days from September 1, 1978, by October 31, 1978; and

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(3) If conversion will foreseeably produce an immediate benefit to the person more than 180 days from September 1, 1978, by November 30, 1978.

(b) Commencing September 1, 1978, Code Section 42-5-100, which provides for earned-time allowances to be awarded to inmates based upon the performance of the inmate, shall apply to persons convicted of misdemeanor offenses who are confined in county facilities prior to July 1, 1976, under the jurisdiction of the county as provided in paragraph (1) of subsection (a) of Code Section 17-10-3. Conversion of the computation of the sentences of those persons from good-time and extra good-time governed sentences to earned-time governed sentences shall be made by the sheriff of the county, chief jailer, warden, or other officer designated by the county as custodian of the inmate in the same manner and pursuant to the same schedule as the commissioner is directed to do for persons sentenced to the state penal system prior to July 1, 1976, by subsection (a) of this Code section.”

and inserting in lieu thereof the following:

“42-5-100. The earned-time allowances, which could have been awarded by the Board of Offender Rehabilitation to inmates based upon the performance of the inmate, in effect on December 31, 1983, shall not apply to:

(1) Those persons who commit crimes on or after January 1, 1984, and who are subsequently convicted and sentenced to the custody of the Board of Offender Rehabilitation;

(2) Those persons who have committed a crime prior to January 1, 1984, but who have not been convicted and sentenced as of December 31, 1983, and who are subsequently sentenced to the custody of the Board of Offender Rehabilitation, including those whose sentences have been probated or suspended, on or after January 1, 1984; however, such persons shall receive the full benefit of the earned-time allowances, in effect on December 31, 1983, and shall receive a release or discharge date computed as if they had been sentenced to the custody of the Board of Offender Rehabilitation, prior to December 31, 1983; or

(3) Those persons previously sentenced to the custody of the Board of Offender Rehabilitation, including those whose sentences have been probated or suspended, as of December 31, 1983; however, such persons shall receive the full benefit of the earned-time allowances in effect on December 31, 1983, and shall receive a release or discharge date the same as reflected in the records of such person on December 31, 1983, less any creditable earned time that such person could have earned as a result of forfeited earned time.”

Section 3. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force

and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 4. This Act shall become effective on January 1, 1984.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

Senator Kidd of the 25th moved that HB 505 be committed to the Senate Committee on Judiciary.

Senator Barnes of the 33rd moved the previous question.

Senator Kidd of the 25th moved that HB 505 be placed on the Table.

On the motion offered by Senator Kidd of the 25th to table HB 505, which motion takes precedence, the President ordered a roll call, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Dawkins	Lester
Barker	Deal	McGill
Bond	English	Peevy
Bowen	Gillis	Perry
Brannon	Harris	Scott of 36th
Brown of 47th	Howard	Scott of 43rd
Bryant	Hudgins	Starr
Cobb	Huggins	Tate
Coggin	Kidd	Timmons
Coleman		

Those voting in the negative were Senators:

Barnes	Foster	Phillips
Brantley	Garner	Stumbaugh
Broun of 46th	Greene	Thompson
Burton	Harrison	Trulock
Coverdell	Hine	Turner
Dean	Horton	Tysinger
Engram	Kennedy	Walker
Fincher	Land	

Those not voting were Senators:

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Hill
Holloway

Littlefield
McKenzie

Scott of 2nd

On the motion, the yeas were 28, nays 23; the motion prevailed, and HB 505 was placed on the Table.

HB 273. By Representative Cummings of the 17th:

A bill to amend Code Section 47-2-1 of the Official Code of Georgia Annotated, relating to definitions under the Employees' Retirement System of Georgia, so as to change the provisions relative to the definition of employee.

Senate Sponsor: Senator Turner of the 8th.

The following fiscal note, as required by law, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: February 17, 1983

SUBJECT: Fiscal Note—Substitute to House Bill 273 (LC 7 5331S)
Employees' Retirement System (ERS)
Teachers' Retirement System (TRS)

This Bill requires certified professional personnel employed for the first time by the State Board of Education (SBOE) or by the State Department of Education (SDOE) on and after July 1, 1983 to become members of TRS as a condition of employment unless such personnel elect membership in ERS at the time of their employment. The election would be irrevocable during the tenure of employment with the SBOE or the SDOE. Currently, these certified professional personnel become ERS members as a condition of employment.

The Bill defines certified professional personnel under TRS law as employees of the SBOE or the SDOE who are required to possess a valid professional certificate. The Bill also amends ERS and TRS definitions of employee and teacher, respectively, to include persons electing membership pursuant to this Bill.

The actuary has stated that there would be an additional cost to TRS. However, since the number of people who will be affected by this Bill cannot be predicted, an accurate estimate of this increased cost cannot be made. ERS would incur no additional cost pursuant to this Bill but would experience a decrease in new memberships. The actuary also stated that an overall higher cost to the State would result since the employees affected may be expected to select membership in the System providing the greatest benefits for them.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

The Senate Committee on Retirement offered the following substitute to HB 273:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 47-2-1 of the Official Code of Georgia Annotated, relating to definitions under the Employees' Retirement System of Georgia, so as to change the provisions relative to the definition of employee; 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 provide for a new definition; to change the provisions relative to the definition of a teacher; to provide that certain personnel may elect membership in the Employees' Retirement System of Georgia; to amend Code Section 47-4-101 of the Official Code of Georgia Annotated, relating to retirement benefits under the Public School Employees Retirement System, so as to change the provisions relating to the amount of the retirement benefit; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 47-2-1 of the Official Code of Georgia Annotated, relating to definitions under the Employees' Retirement System of Georgia, is amended by adding between paragraphs (16) and (17) a new paragraph (16.1) to read as follows:

“(16.1) The word ‘employee’ may include new certified professional personnel employed on and after July 1, 1983, for the first time by the State Board of Education or by the State Department of Education only if such personnel elect membership in the retirement system pursuant to subsection (h) of Code Section 47-3-60. As used in this paragraph, the term ‘certified professional personnel’ shall have the meaning provided for in paragraph (8.1) of Code Section 47-3-1.”

Section 2. Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the Teachers Retirement System of Georgia, is amended by adding between paragraphs (8) and (9) of Code Section 47-3-1, relating to definitions, a new paragraph (8.1) to read as follows:

“(8.1) ‘Certified professional personnel’ means employees of the State Board of Education or the State Department of Education who, by

policy of the State Board of Education, are required to possess a valid professional certificate issued by the State Department of Education.”

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Section 3. Said chapter is further amended by striking subparagraph (F) of paragraph (28) of Code Section 47-3-1, relating to definitions, in its entirety and substituting in lieu thereof a new subparagraph (F) to read as follows:

“(F) Any new certified professional personnel employed for the first time by the State Board of Education or by the State Department of Education on and after July 1, 1983, unless such personnel elect membership in the Employees’ Retirement System of Georgia pursuant to subsection (h) of Code Section 47-3-60, and any employee of the State Board of Education or the State Board of Vocational Education employed in a teaching, supervisory, or clerical capacity;”

Section 4. Said chapter is further amended by adding at the end of Code Section 47-3-60, relating to membership in the retirement system, a new subsection (h) to read as follows:

“(h) New certified professional personnel employed for the first time by the State Board of Education or by the State Department of Education on and after July 1, 1983, shall become members of the retirement system as a condition of employment, unless such personnel elect membership in the Employees’ Retirement System of Georgia at the time of their employment. Such election shall be made in writing to the board of trustees of this retirement system and to the board of trustees of the Employees’ Retirement System of Georgia. Once such election is made by such personnel, the election is irrevocable during the tenure of employment with the State Board of Education or the State Department of Education. The State Board of Education shall provide by regulation for informing prospective employees who are to be employed as certified professional personnel of the option provided for by this subsection so that such personnel may choose membership in this retirement system or the Employees’ Retirement System of Georgia at the time of their employment.”

Section 5. Code Section 47-4-101 of the Official Code of Georgia Annotated, relating to retirement benefits under the Public School Employees Retirement System, is amended by striking subsection (b) in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

“(b) Upon retirement on his normal retirement date, a member shall receive a monthly retirement benefit, payment of which shall commence on his normal retirement date and which shall be payable on the first day of each month thereafter during his lifetime. The amount of each monthly retirement payment shall be \$8.00 multiplied by the number of the member’s years of creditable service. The retirement benefit provided under this subsection shall be payable to those members who have already retired under this chapter as well as those members who retire in the future. If the General Assembly at any time appropriates some but not all of the funds necessary to fund the retirement benefits provided for in this subsection, then the retirement benefit otherwise payable under this subsection shall be reduced pro rata by the board in accordance with

the funds actually appropriated by the General Assembly for such purpose, but in no event shall the retirement benefit be less than \$7.00 multiplied by the member's years of creditable service."

Section 6. Sections 1 through 4 of this Act shall become effective on July 1, 1983. Section 5 of this Act shall become effective when the General Assembly appropriates the necessary funds to carry out the provisions of Section 5.

Section 7. All laws and parts of laws in conflict with this Act are repealed.

The following fiscal note, as required by the Rules of the Senate, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: February 24, 1983

SUBJECT: Fiscal Note—Substitute to House Bill 273 (LC 7 5370S)
Employees' Retirement System (ERS)
Teachers' Retirement System (TRS)
Public School Employees' Retirement System (PSERS)

The provisions of this Bill and their impact are addressed in the following paragraphs.

1. This provision requires certified professional personnel employed for the first time by the State Board of Education (SBOE) or by the State Department of Education (SDOE) on and after July 1, 1983 to become members of TRS as a condition of employment unless such personnel elect membership in ERS at the time of their employment. The election would be irrevocable during the tenure of employment with the SBOE or the SDOE. Currently, these certified professional personnel become ERS members as a condition of employment. This provision also defines certified professional personnel under TRS law as employees of the SBOE or the SDOE who are required to possess a valid professional certificate. ERS and TRS definitions of employee and teacher, respectively, are amended to include persons electing membership pursuant to this provision.

The actuary has stated that there would be an additional cost to

TRS. However, since the number of people who will be affected by this provision cannot be predicted, an accurate estimate of this increased cost cannot be made. ERS would incur no additional cost pursuant to this provision but would experience a decrease in new memberships. The actuary also stated that an overall higher cost to the State would result since the employees affected may be expected to select membership in the System providing the greatest benefits for them.

2. This provision would increase the normal retirement benefit for PSERS members from \$7 to \$8 per month for each year of service. This provision also increases the minimum retirement benefit to be granted, if the General Assembly does not appropriate all the funds necessary to pay all benefits, from \$6.50 to \$7 per month for each year of service. The increased benefits would apply to current retirees as well as active members.

The fiscal impact of this provision would depend upon the benefits appropriated by the General Assembly since benefit levels can range from a minimum to a normal benefit based on appropriation levels. The actuary for the System has indicated that to provide the normal benefit, the annual appropriation for this System would be approximately \$2.4 million more than current law would require. In the event the minimum benefit is provided, the annual appropriation would be approximately \$1.2 million more than to provide the current \$6.50 minimum.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

On the adoption of the substitute, the yeas were 30, nays 0, and the 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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Cobb	Fincher
Barker	Coggin	Foster
Barnes	Coleman	Garner
Bowen	Coverdell	Gillis
Brannon	Dawkins	Greene
Brantley	Deal	Harris
Broun of 46th	Dean	Harrison
Brown of 47th	English	Hine
Burton	Ingram	Holloway

Horton	McGill	Stumbaugh
Howard	McKenzie	Tate
Hudgins	Peevy	Thompson
Huggins	Perry	Timmons
Kennedy	Phillips	Trulock
Kidd	Scott of 36th	Turner
Land	Scott of 43rd	Tysinger
Lester	Starr	Walker
Littlefield		

Those not voting were Senators:

Bond	Hill	Scott of 2nd
Bryant		

On the passage of the bill, the yeas were 52, nays 0.

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

Senator Turner of the 8th moved that HB 273 be immediately transmitted to the House.

On the motion, the yeas were 39, nays 0; the motion prevailed, and HB 273 was immediately transmitted to the House.

HB 608. By Representatives Murphy of the 18th, Burruss of the 20th, Lee of the 72nd and others:

A bill to amend Code Section 50-5-78 of the Official Code of Georgia Annotated, providing that it shall be unlawful for the commissioner of the Department of Administrative Services or employees to have financial interest in contracts or accept money or gifts, so as to make provisions for the attendance at seminars, courses, lectures, briefings, or similar functions.

Senate Sponsor: Senator Kidd of the 25th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Barnes	Brannon
Barker	Bowen	Brantley

Broun of 46th	Garner	McKenzie
Brown of 47th	Gillis	Perry
Burton	Greene	Phillips
Cobb	Harris	Scott of 36th
Coggin	Harrison	Scott of 43rd
Coleman	Hine	Stumbaugh
Coverdell	Holloway	Tate
Dawkins	Horton	Thompson
Dean	Hudgins	Timmons
English	Kennedy	Trulock
Ingram	Kidd	Turner
Fincher	Lester	Walker
Foster	McGill	

Those voting in the negative were Senators:

Bond	Deal	Howard
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Those not voting were Senators:

Bryant	Land	Scott of 2nd
Hill	Littlefield	Starr
Huggins	Peavy	Tysinger

On the passage of the bill, the yeas were 44, nays 3.

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

HB 180. By Representatives Collins of the 144th, Murphy of the 18th, Walker of the 115th and others:

A bill to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxation, so as to provide for a program of grants for tax relief purposes to persons 62 years of age or older for sales tax paid and not otherwise reimbursed on prescription drugs.

Senate Sponsor: Senator Lester of the 23rd.

The Senate Committee on Banking and Finance offered the following substitute to HB 180:

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 the sales and use tax, so as to provide that sales occurring after July 1, 1984, of certain prescription drugs shall be

exempt from the imposition of the tax; 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 the sales and use tax, is amended by striking paragraph (45) in its entirety and inserting in lieu thereof a new paragraph (45) to read as follows:

“(45) The sale, use, storage, or consumption of paper stock which is manufactured in this state into catalogs intended to be delivered outside this state for use outside this state;”,

and by striking paragraph (46) in its entirety and inserting in lieu thereof a new paragraph (46) to read as follows:

“(46) Sales to blood banks having a nonprofit status pursuant to Section 501(c)(3) of the Internal Revenue Code; or”,

and by adding at the end thereof a new paragraph (47) to read as follows:

“(47) On or after July 1, 1984, sales of drugs by prescription to persons in this state when:

(A) The sale is to the person for whom the drugs were prescribed;

(B) The prescription is issued by a licensed physician; and

(C) The drugs are those which can only be dispensed by prescription.”

Section 2. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 37, nays 0, and the 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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brannon

Brantley
Broun of 46th
Brown of 47th
Burton
Cobb
Coggin

Coverdell
Dawkins
Deal
Dean
English
Engram

Fincher	Huggins	Scott of 36th
Foster	Kennedy	Scott of 43rd
Garner	Kidd	Starr
Gillis	Land	Stumbaugh
Greene	Lester	Tate
Harris	Littlefield	Thompson
Harrison	McGill	Timmons
Hine	McKenzie	Trulock
Holloway	Peevy	Turner
Horton	Perry	Tysinger
Howard	Phillips	Walker
Hudgins		

Those not voting were Senators:

Bryant	Hill	Scott of 2nd
Coleman		

On the passage of the bill, the yeas were 52, nays 0.

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

Senator Lester of the 23rd moved that HB 180 be immediately transmitted to the House.

On the motion, the yeas were 39, nays 0; the motion prevailed, and HB 180 was immediately transmitted to the House.

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

SB 209. By Senators Gillis of the 20th and McGill of the 24th:

A bill to amend Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to the sale, etc., of agricultural products, so as to make it unlawful for any person to sell, package, or label any onions as "Vidalia onions" or to use the term "Vidalia" in connection with the sale of onions unless such onions were grown in the "Vidalia production areas"

Senator Gillis of the 20th moved that the Senate adhere to its disagreement to the House substitute to SB 209, and that a Conference Committee be appointed.

On the motion, the yeas were 44, nays 0; the motion prevailed, and the Senate adhered to its disagreement to the House substitute to SB 209.

The President appointed as a Conference Committee on the part of the Senate the following: www.libtool.com.cn

Senators Gillis of the 20th, English of the 21st and McGill of the 24th.

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

HB 245. By Representatives Shepard of the 71st, Johnson of the 70th, Parham of the 105th and Moore of the 139th:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to issuance of bad checks, so as to change certain penalties and a definition.

Senator Garner of the 30th moved that the Senate insist upon the Senate amendment to HB 245.

On the motion, the yeas were 42, nays 0; the motion prevailed, and the Senate insisted upon the Senate amendment to HB 245.

Senator Allgood of the 22nd moved that the Senate do now adjourn until 9:00 o'clock A.M. tommorrow, and the motion prevailed.

At 3:24 o'clock P.M., the President announced the Senate adjourned until 9:00 o'clock A.M. tomorrow.

Senate Chamber, Atlanta, Georgia

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Tuesday, March 1, 1983

Thirty-eighth Legislative Day

The Senate met pursuant to adjournment at 9:00 o'clock A.M. today and was called to order by the President.

Senator Barker of the 18th reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

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

HB 834. By Representatives Jones of the 78th and Dunn of the 73rd:

A bill to amend an Act creating a new charter for the City of Locust Grove, so as to change provisions relating to officers of the city dealing with the City.

HB 835. By Representatives Lawson, Wood and Jackson of the 9th:

A bill to provide for the Magistrate Court of Hall County; to provide that the judge of the Probate Court of Hall County shall serve as chief magistrate of Hall County.

HB 836. By Representatives Hirsch of the 96th, Buck of the 95th, Galer of the 97th and others:

A bill to amend an Act establishing the Municipal Court of Columbus, so as to provide for an increase in civil jurisdiction; to provide for the salaries of the judge, clerk, and marshal of said court.

HB 837. By Representatives Colwell and Twiggs of the 4th:

A bill to create the Bald Mountain Water and Sewer Authority.

HB 690. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation provisions relating to the sheriff, the chief deputy sheriff, the deputy sheriffs, and the chief investigator.

HB 692. By Representative Darden of the 20th:

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the clerk of the court; to change the compensation of the chief deputy clerk.

HB 693. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change compensation of the clerk of the Probate Court of Cobb County.

HB 694. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the provisions relating to the compensation of the clerk of the superior court and the deputy clerk of the superior court.

HB 695. By Representatives Darden and Thompson of the 20th:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the provisions relating to the supplement to be paid to each of the judges of the superior court of said circuit.

HB 697. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the judge of the probate court.

HB 813. By Representative Isakson of the 21st:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the county supplement for the district attorney.

HB 806. By Representatives Isakson, Atkins and Johnson of the 21st and others:

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A bill to amend an Act entitled "An Act to amend an Act creating the State Court of Cobb County (formerly the Civil and Criminal Court of Cobb County)", so as to create an office of magistrate.

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

HB 163. By Representatives Murphy of the 18th, McDonald of the 12th, Walker of the 115th and others:

A bill to make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984.

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

HB 388. By Representatives Connell of the 87th, Padgett of the 86th, Barnes of the 90th and others:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment Number 74.

HB 569. By Representative Connell of the 87th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment Number 65 ., which amendment exempts from City of Augusta ad valorem taxes certain capital improvements for commercial and business establishments.

HB 662. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment (Res. Act 94), duly ratified at the 1958 general election and proclaimed by the Governor to be a part of the Constitution of 1945.

HB 663. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to amend Code Section 48-5-149 of the Official Code of Georgia Annotated relating to rate of interest and penalty on delinquent taxes in certain counties, so as to change certain population brackets and the census year upon which the brackets are based.

HB 665. By Representatives Barnes of the 90th and Padgett of the 86th:

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A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment (Res. Act 605), duly ratified at the 1952 general election and proclaimed by the Governor to be a part of the Constitution of 1945, and subsequently made a part of the Constitution of 1976, which amendment authorized a combined Board of Health for the City of Augusta and Richmond County.

HB 666. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to amend an Act establishing the compensation of certain officials in Richmond County, so as to change the compensation of certain officials; to provide for the payment of such compensation.

HB 687. By Representative Darden of the 20th:

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, so as to change the compensation of said judge.

The House has agreed to the Senate substitutes to the following bills of the House:

HB 209. By Representatives Young of the 134th, Randall of the 101st, Daugherty of the 33rd and others:

A bill to amend Article 7 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to tenancy in common, so as to provide for the sale of the interests of petitioners for partition to other parties in interest in property sought to be partitioned.

HB 71. By Representatives Johnson, Benefield and Lee of the 72nd and Isakson of the 21st:

A bill to amend Chapter 40 of Title 43 of the Official Code of Georgia Annotated, relating to real-estate brokers and sales persons, so as to change certain provisions relating to real estate license fees.

HB 75. By Representatives Childers and McKelvey of the 15th, Richardson of the 52nd and Murphy of the 18th:

A bill to amend Code Section 48-5-291 of the Official Code of Georgia Annotated, relating to qualifications for members of county boards of tax assessors, so as to remove the requirement that a member be 72 years of age or less.

HB 615. By Representatives Milford and Clark of the 13th:

~~A bill to amend an Act placing the clerk of the superior court and the probate judge of Hart County on an annual salary, so as to provide for the compensation of the probate judge.~~

The House has agreed to the Senate amendment to the following bill of the House:

HB 287. By Representative Mostiler of the 75th:

A bill to amend Code Section 8-2-135 of the Official Code of Georgia Annotated, relating to licenses for manufactured homes, so as to provide for a change in manufacturing fees.

The House has agreed to the Senate substitute, as amended by the House, to the following bill of the House:

HB 189. By Representatives Walker of the 115th, Evans of the 84th, Smyre of the 92nd and Murphy of the 18th:

A bill to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials, so as to change the salaries of certain officials.

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

SB 30. By Senator Dean of the 31st:

A bill to amend Code Section 28-4-1 of the Official Code of Georgia Annotated, relating to the Legislative Services Committee, so as to change a committee name; to provide an effective date.

SB 42. By Senator Timmons of the 11th:

A bill to amend Code Section 47-2-310 of the Official Code of Georgia Annotated, relating to the coverage of Georgia Federal-State Shipping Point Inspection Service employees under the Employees' Retirement System of Georgia, so as to change the provisions relating to credit for previous service.

SB 72. By Senators Tate of the 38th, Horton of the 17th and Kidd of the 25th:

A bill to amend Code Section 47-2-292 of the Official Code of Georgia Annotated, relating to county tax commissioners, tax collectors, and tax receivers and the employees of such officials being members of the Employees' Retirement System of Georgia, so as to provide that such officials taking office after a certain date shall be members of the retirement system as a condition of holding office.

SB 169. By Senator Barnes of the 33rd:

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A bill to amend Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to operators of private detective and private security agencies, so as to authorize the Georgia Board of Private Detective and Security Agencies to suspend licenses pending a hearing for failure to renew canceled bonds or failure to supply a financial affidavit in lieu of bonds.

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

SB 81. By Senator Coverdell of the 40th:

A bill to amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system shall have the right to remain members of local retirement systems.

SB 154. By Senator Lester of the 23rd:

A bill to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants and registered public accountants.

SB 2. By Senators Cobb of the 28th, Stumbaugh of the 55th, Turner of the 8th and others:

A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to require the operator of any vehicle with glass installed in the windshield or front windows, which glass is transparent from only one side, to stop immediately and roll down the front windows of such vehicle when apprehended by a law enforcement officer.

SB 276. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Hancock County; to provide for terms of office.

SB 278. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, as amended, so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk.

- SB 280.** By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th;
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A bill to amend an Act changing the boundaries of the seven education districts of the Cobb County School District, as amended, so as to change the provisions relating to the compensation of the chairman and other members of the board of education.

- SB 146.** By Senators Holloway of the 12th and Kidd of the 25th:

A bill to amend Code Section 34-7-4 of the Official Code of Georgia Annotated, relating to payment of outstanding wages to surviving spouse or minor children by certain employers, so as to eliminate the maximum amount which can be paid to the surviving spouse or minor children of state employees.

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

- SB 161.** By Senators Lester of the 23rd and Gillis of the 20th:

A bill to amend Code Section 7-1-37 of the Official Code of Georgia Annotated, relating to restrictions on the commissioner, officials, and examiners and penalties for violations, so as to provide that the restrictions applicable to certain prohibited financial transactions shall only apply to the commissioner, the statutory deputy commissioner, and professional examining personnel.

- SB 45.** By Senators Turner of the 8th, Deal of the 49th, Perry of the 7th and others:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to criminal issuance of bad checks, so as to change the penalty for certain crimes involving bad checks.

- SB 32.** By Senator Kidd of the 25th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to minimum salaries for judges of the probate courts.

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

- SR 121.** By Senators Howard of the 42nd and Kidd of the 25th:

A resolution directing the Composite State Board of Medical Examiners to develop and adopt appropriate rules and regulations relating to the abuse of amphetamines and amphetamine-like drugs.

SR 112. By Senator Howard of the 42nd:

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A resolution authorizing the conveyance of certain real property located in Glynn County, Georgia, to Mrs. Margaret Burke White.

The House has adopted the report of the Committee of Conference on the following bill of the Senate:

SB 13. By Senator Kidd of the 25th:

A bill to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to make it unlawful knowingly and intentionally to destroy or cause physical injury to a police dog.

The following bills of the Senate were introduced, read the first time and referred to committee:

SB 309. By Senator Barnes of the 33rd:

A bill to create the Cobb County Stadium Authority and to authorize such Authority to acquire, construct, equip, maintain and operate one or more athletic stadia and the usual facilities related thereto, parking facilities or parking areas in connection therewith, recreation centers and areas, including but not limited to, athletic fields, parking facilities or parking areas in connection therewith.

Referred to Committee on Federal, State and Community Affairs.

SB 310. By Senator Littlefield of the 6th:

A bill to amend an Act placing the clerk of the superior court, the judge of the probate court, and the tax commissioner of Brantley County on annual salaries in lieu of the fee system of compensation, as amended, so as to change the compensation of certain officials.

Referred to Committee on Federal, State and Community Affairs.

SB 311. By Senator Littlefield of the 6th:

A bill to amend an Act placing the sheriff of Brantley County on an annual salary in lieu of the fee system of compensation, as amended, so as to change the compensation of the sheriff.

Referred to Committee on Federal, State and Community Affairs.

The following bills of the House were read the first time and referred to committee:

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HB 388. By Representatives Connell of the 87th, Padgett of the 86th, Barnes of the 90th and others:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment Number 74.

Referred to Committee on Federal, State and Community Affairs.

HB 569. By Representative Connell of the 87th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment Number 65 ., which amendment exempts from City of Augusta ad valorem taxes certain capital improvements of commercial and business establishments.

Referred to Committee on Federal, State and Community Affairs.

HB 662. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment (Res. Act 94), duly ratified at the 1958 General Election and proclaimed by the Governor to be a part of the Constitution of 1945.

Referred to Committee on Federal, State and Community Affairs.

HB 663. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to amend Code Section 48-5-149 of the Official Code of Georgia Annotated, relating to rate of interest and penalty on delinquent taxes in certain counties, so as to change certain population brackets and the census year upon which the brackets are based.

Referred to Committee on Federal, State and Community Affairs.

HB 665. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment (Res. Act 605), duly ratified at the 1952 General Election and proclaimed by the Governor to be a part of the Constitution of 1945, and subsequently made a part of the Constitution of 1976, which amendment authorized a combined Board of Health for the City of Augusta and Richmond County.

Referred to Committee on Federal, State and Community Affairs.

HB 666. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to amend an Act establishing the compensation of certain officials in Richmond County, so as to change the compensation of certain officials; to provide for the payment of such compensation.

Referred to Committee on Federal, State and Community Affairs.

HB 687. By Representative Darden of the 20th:

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, so as to change the compensation of said judge.

Referred to Committee on Federal, State and Community Affairs.

HB 690. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation provisions relating to the sheriff, the chief deputy sheriff, the deputy sheriffs, and the chief investigator.

Referred to Committee on Federal, State and Community Affairs.

HB 692. By Representative Darden of the 20th:

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the clerk of the court; to change the compensation of the chief deputy clerk.

Referred to Committee on Federal, State and Community Affairs.

HB 693. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the clerk of the Probate Court of Cobb County.

Referred to Committee on Federal, State and Community Affairs.

HB 694. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the provisions relating to the compensation of the clerk of the superior court and the deputy clerk of the superior court.

Referred to Committee on Federal, State and Community Affairs.

HB 695. By Representatives Darden and Thompson of the 20th:

~~A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the provisions relating to the supplement to be paid to each of the judges of the superior court of said circuit.~~

Referred to Committee on Federal, State and Community Affairs.

HB 697 By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the judge of the probate court.

Referred to Committee on Federal, State and Community Affairs.

HB 806. By Representatives Isakson, Atkins and Johnson of the 21st and others:

A bill to amend an Act entitled "An Act to amend an Act creating the State Court of Cobb County (formerly the Civil and Criminal Court of Cobb County)", so as to create an office of magistrate.

Referred to Committee on Federal, State and Community Affairs.

HB 813. By Representative Isakson of the 21st:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the county supplement for the district attorney.

Referred to Committee on Federal, State and Community Affairs.

HB 834. By Representatives Jones of the 78th and Dunn of the 73rd:

A bill to amend an Act creating a new charter for the City of Locust Grove, so as to change provisions relating to officers of the city dealing with the city.

Referred to Committee on Federal, State and Community Affairs.

HB 835. By Representatives Lawson, Wood and Jackson of the 9th:

A bill to provide for the Magistrate Court of Hall County; to provide that the judge of the Probate Court of Hall County shall serve as chief magistrate of Hall County.

Referred to Committee on Federal, State and Community Affairs.

HB 836. By Representatives Hirsch of the 96th, Buck of the 95th, Galer of the 97th and others:

A bill to amend an Act establishing the Municipal Court of Columbus, so as to provide for an increase in civil jurisdiction; to provide for the salaries of the judge, clerk, and marshal of said court.

Referred to Committee on Federal, State and Community Affairs.

HB 837. By Representatives Colwell and Twiggs of the 4th:

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A bill to create the Bald Mountain Water and Sewer Authority.

Referred to Committee on Federal, State and Community Affairs.

The following reports of standing committees were read by the Secretary:

Mr. President:

The Committee on Banking and Finance has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 440. Do pass by substitute.

Respectfully submitted,

Senator Lester of the 23rd District, Chairman

Mr. President:

The Committee on Banking and Finance has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 282. Do pass.

HB 421. Do pass as amended.

HB 441. Do pass.

Respectfully submitted,

Senator Lester of the 23rd District, Chairman

Mr. President:

The Committee on Children and Youth has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 79. Do pass.

Respectfully submitted,

Senator Hudgins of the 15th District, Chairman

Mr. President:

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The Committee on Consumer Affairs has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 568. Do pass.

HB 625. Do pass.

Respectfully submitted,

Senator Bond of the 39th District, Chairman

Mr. President:

The Committee on Federal, State and Community Affairs has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 234. Do pass by substitute.

HB 279. Do pass.

HB 339. Do pass.

HB 449. Do pass.

HB 537. Do pass by substitute.

HB 538. Do pass by substitute.

HB 652. Do pass.

HB 653. Do pass.

HB 705. Do pass.

HB 729. Do pass.

HB 752. Do pass.

HB 753. Do pass.

HB 758. Do pass.

HB 762. Do pass.

HB 763. Do pass.

HB 779. Do pass.

HB 780. Do pass.

HB 785. Do pass.

HB 786. Do pass.

HB 787. Do pass.

HB 793. Do pass.

HB 796. Do pass.

HB 800. Do pass.

HB 803. Do pass.

HB 808. Do pass.

HB 811. Do pass.

HB 818. Do pass.

HB 819. Do pass.

HB 820. Do pass.

HB 821. Do pass.

HB 822. Do pass.

HB 823. Do pass.

HB 824. Do pass.

HB 827. Do pass.

HB 829. Do pass.

Respectfully submitted,

Senator Scott of the 43rd District, Chairman

Mr. President:

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The Committee on Federal, State and Community Affairs has had under consideration the following bills and resolution of the House and Senate and has instructed me to report the same back to the Senate with the following recommendations:

HB 247.	Do pass by substitute.	HB 420.	Do pass by substitute.
HB 340.	Do pass as amended.	HB 448.	Do pass.
HB 368.	Do pass.	SR 191.	Do pass.

Respectfully submitted,

Senator Scott of the 43rd District, Chairman

Mr. President:

The Committee on Governmental Operations has had under consideration the following bills and resolutions of the House and Senate and has instructed me to report the same back to the Senate with the following recommendations:

HB 606.	Do pass.	SR 143.	Do pass.
HB 622.	Do pass.	HR 30.	Do pass.
HB 638.	Do pass.		

Respectfully submitted,

Senator Kidd of the 25th District, Chairman

Mr. President:

The Committee on Human Resources has had under consideration the following bills and resolutions of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 118.	Do pass.	HB 544.	Do pass.
HR 260.	Do pass.	HB 545.	Do pass.
HR 287.	Do pass.	HB 639.	Do pass.

Respectfully submitted,

Senator Howard of the 42nd District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bill of the

House and has instructed me to report the same back to the Senate with the following recommendation:

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HB 2. Do pass.

Respectfully submitted,

Senator Deal of the 49th District, Chairman

Mr. President:

The Committee on Offender Rehabilitation has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 407. Do pass.

HB 458. Do pass by substitute.

HB 548. Do pass.

Respectfully submitted,

Senator Garner of the 30th District, Chairman

Mr. President:

The Committee on Public Utilities has had under consideration the following resolution of the House and has instructed me to report the same back to the Senate with the following recommendation:

HR 222. Do pass.

Respectfully submitted,

Senator Brown of the 47th District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 168. Do pass.

Respectfully submitted,

Senator Turner of the 8th District, Chairman

The following bills and resolutions of the Senate and House were read the second time: www.libtool.com.cn

SB 234. By Senator Allgood of the 22nd:

A bill to amend an Act chartering the City of Augusta as the "City Council of Augusta," as amended, so as to change the corporate limits of said city; to provide an effective date.

SR 143. By Senator Trulock of the 10th:

A resolution electing Mrs. Shirley Altman of Thomas County as a member of the State Election Board.

SR 168. By Senators Deal of the 49th, Turner of the 8th, Coverdell of the 40th and others:

A resolution urging the board of trustees of the Employees' Retirement System of Georgia and the Attorney General to take certain action with respect to applications for involuntary separation benefits.

SR 191. By Senator Scott of the 43rd:

A resolution creating an Urban County and Municipal Study Committee.

HR 30. By Representatives Ware of the 77th, Lee of the 72nd, Bray of the 91st and others:

A resolution proposing an amendment to the Constitution so as to provide that the office of any state, county, or municipal elective official shall be declared vacant upon such elective official qualifying, in a general election or primary, or special election or special primary, for another state, county, or municipal office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins prior to the expiration of such official's term of office.

HR 222. By Representatives Horne of the 103rd, Pinkston of the 100th, Randall of the 101st and Groover of the 99th:

A resolution authorizing and empowering the State of Georgia, acting by and through its State Properties Commission, to grant and convey to the Bibb County Board of Commissioners, its successors and assigns, certain real property owned or claimed by the state, located within the City of Macon, Bibb County, Georgia.

- HR 260. By Representatives White of the 132nd, Brooks of the 34th, Randall of the 101st and others:

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A resolution relative to reducing the infant mortality rate in Georgia.

- HR 287. By Representatives Childs of the 53rd, Murphy of the 18th, Mostiler of the 75th and others:

A resolution urging the Department of Human Resources to comply with Resolution No. 199, Ga. L. 1982, p. 1352, which urged the transfer of state property owned by the Department of Human Resources to the American Heart Association for the purpose of constructing the State Headquarters Building.

- HB 2. By Representatives Walker of the 115th, Evans of the 84th and Karrh of the 109th:

A bill to amend Code Section 48-6-4, relating to real estate transfer tax, so as to provide that an actually recorded instrument shall constitute legal notice if the tax has not been paid.

- HB 79. By Representative Robinson of the 58th:

A bill to amend Chapter 4 of Title 29 of the Official Code of Georgia Annotated, relating to guardians of minors, so as to provide for the appointment, in certain cases, of a temporary guardian for a minor when the actual whereabouts of one or both of the minor's natural guardians are unknown or when the minor is alleged by the person having actual custody of such minor to be in need of a guardian.

- HB 118. By Representatives Lord of the 107th, Cox of the 141st, Barger of the 108th and others:

A bill to amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, the "Georgia Post-mortem Examination Act," so as to require the release of certain dead bodies within a certain time limit in the absence of certain findings.

- HB 247. By Representatives Bolster of the 30th, Adams of the 36th and Johnson of the 70th:

A bill to amend Chapter 42 of Title 36, the "Downtown Development Authorities Law," so as to change the legislative purpose.

- HB 279. By Representatives Padgett of the 86th, Barnes of the 90th, Brown of the 88th and Connell of the 87th:

A bill to abolish the office of County Treasurer in Richmond County; to provide for the creation of the office of County Treasurer Emeritus in Richmond County.

HB 282. By Representative Mangum of the 57th:

A bill to amend Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to tax sales, so as to change the amount payable for redemption.

HB 339. By Representatives Greer of the 39th and Adams of the 36th:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," as amended so as to provide that the retail sales and use tax for the Authority shall be at the rate of one percent until June 30, 2012, and shall thereafter be reduced to one-half percent, and to provide for the use of the proceeds.

HB 340. By Representative Greer of the 39th:

A bill to amend an Act known as "The Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to specify the compensation of the members of the Authority's Board of Directors.

HB 368. By Representative Williams of the 48th:

A bill to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to the creation, appointment, and duties of county boards of equalization, so as to provide an alternate method of selecting members and alternate members of county boards of equalization.

HB 407. By Representatives Coleman of the 118th, Colwell of the 4th and Hays of the 1st:

A bill to amend Article 2 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to wardens, superintendents, and other personnel of the Department of Offender Rehabilitation, so as to confer upon canine handlers employed by the Department of Offender Rehabilitation all of the powers of a police officer of this state when engaged in their official duties.

HB 420. By Representatives Kilgore of the 42nd, Crosby of the 150th, Collins of the 144th and others:

A bill to amend Chapter 8 of Title 33 of the Official Code of Georgia Annotated, relating to insurance fees and taxes, so as to provide for the imposition of license fees upon life insurance companies and their agents or brokers.

HB 421. By Representatives Collins of the 144th, Burruss of the 20th, Crosby of the 150th and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to provide procedures for appeals of assessments to the State Board of Equalization.

- HB 440.** By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

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A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations and federal savings and loan associations.

- HB 441.** By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Article 7 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to state aid to local systems, so as to authorize a program of grants of state funds to local systems to alleviate financial burdens which may be imposed by alteration of the method of taxation of financial institutions.

- HB 448.** By Representatives Colwell of the 4th, Dobbs of the 74th, Cox of the 141st and others:

A bill to amend Article 1 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the Department of Administrative Services, so as to authorize the Department of Administrative Services to provide for administrative services to local political subdivisions under certain circumstances.

- HB 449.** By Representative Padgett of the 86th:

A bill to provide for and create a merit system of employment and personnel administration for employees of the sheriff in Richmond County.

- HB 458.** By Representatives Coleman of the 118th, Hays and Snow of the 1st and others:

A bill to amend Code Section 42-5-58 of the Official Code of Georgia Annotated, relating to the punishment of inmates generally in correctional institutions and to transfers of inmates, so as to change the provisions relating to the use of certain restraints.

- HB 537.** By Representatives Jackson of the 83rd and Evans of the 84th:

A bill to amend an Act creating a new board of commissioners of Columbia County, so as to change the composition of districts from which members are elected.

- HB 538.** By Representatives Jackson of the 83rd and Evans of the 84th:

A bill to amend an Act providing for the election of members of the board of education of Columbia County, so as to change the composition of education districts.

HB 544. By Representatives Clark of the 55th and Steinberg of the 46th:

~~A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals and related institutions, so as to provide that hospitals be required to provide certain information regarding charges.~~

HB 545. By Representatives Clark of the 55th and Steinberg of the 46th:

A bill to amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," so as to prohibit the failure to comply with certain provisions concerning billing for hospital and long-term care services.

HB 548. By Representatives Hays of the 1st, Oliver of the 121st and Colwell of the 4th:

A bill to amend Code Section 42-5-36 of the Official Code of Georgia Annotated, relating to confidentiality of information supplied by inmates and penalties for the breach thereof, so as to extend the status of privileged information and secrets of the state to investigation reports and intelligence data prepared by the Internal Investigations Unit of the Department of Offender Rehabilitation.

HB 568. By Representatives Lucas of the 102nd and Adams of the 16th:

A bill to amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used car dealers, so as to revise the laws regulating used car dealers.

HB 606. By Representatives Lee of the 72nd, Murphy of the 18th, Burruss of the 20th and others:

A bill to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, generally, so as to prohibit certain conduct by public officials and public employees; to provide a code of ethics for public servants.

HB 622. By Representative Lane of the 111th:

A bill to amend Code Section 21-3-94 of the Official Code of Georgia Annotated, relating to reopening of qualification for office in nonpartisan municipal elections, so as to provide for the reopening of qualification for office upon the death of a candidate in nonpartisan municipal elections.

HB 625. By Representatives Dixon of the 151st, Bishop of the 94th and Crosby of the 150th:

A bill to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change the provisions relating to the special elections held for the purpose of determining whether the manufacture, sale, and distribution of distilled spirits shall be authorized.

HB 638. By Representative Wilson of the 20th:

~~A bill to amend Code Section 28-2-1, relating to apportionment of the House of Representatives and qualifications of its members, so as to change the composition of certain state representative districts.~~

HB 639. By Representatives Chambless of the 133rd, Phillips of the 125th, Hooks of the 116th and Crawford of the 5th:

A bill to amend Code Section 31-7-8 of the Official Code of Georgia Annotated, relating to reports of certain disciplinary actions against persons authorized to practice medicine, so as to change the conditions under which those reports are required.

HB 652. By Representatives Porter of the 119th and Coleman of the 118th:

A bill to amend an Act consolidating the office of tax receiver and tax collector of Laurens County into the office of tax commissioner of Laurens County, so as to change the compensation of the tax commissioner.

HB 653. By Representatives Porter of the 119th and Coleman of the 118th:

A bill to amend an Act placing the judge of the Probate Court of Laurens County on an annual salary in lieu of fees, so as to change the compensation of the judge of the probate court.

HB 705. By Representatives Cox of the 141st and Long of the 142nd:

A bill to create and establish an airport authority in all counties of this state having a population of not less than 25,400 nor more than 25,900 according to the United States decennial census of 1980 or any future such census and to provide for the powers of the authority.

HB 729. By Representatives Morton of the 47th, Richardson of the 52nd, Davis of the 45th and others:

A bill to amend an Act creating a new charter for the City of Doraville so as to change the term of office for the mayor and members of the council.

HB 752. By Representatives Redding of the 50th, Davis of the 45th, Childs of the 53rd and others:

A bill to amend an Act creating the State Court of DeKalb County, so as to authorize the clerk of court to assign docket numbers to certain documents and to then forward a copy of such documents to the solicitor of the court.

HB 753. By Representatives Davis of the 45th, Robinson of the 58th, Lawrence of the 49th and others:

A bill to amend an Act creating and establishing the State Court of DeKalb County (formerly the Civil and Criminal Court of DeKalb County), so as to provide for procedure of said court.

HB 758. By Representatives Sherrod of the 143rd and Long of the 142nd:

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A bill to amend an Act creating the Small Claims Court of Thomas County, so as to provide that the judge of the court shall be elected.

HB 762. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend an Act creating a board of commissioners of Thomas County, so as to provide for the election of members of the board and for the districts from which they shall be elected.

HB 763. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to costs and compensation of probate judges, so as to change the amount of the court costs charged by the probate judges of all counties having a population of not less than 38,000 and not more than 38,200.

HB 779. By Representatives Chambliss of the 133rd, White of the 132nd, Balkcom of the 140th and Young of the 134th:

A bill to amend an Act creating the Small Claims Court of Dougherty County, so as to change a certain designation.

HB 780. By Representatives Chambliss of the 133rd, White of the 132nd, Balkcom of the 140th and Young of the 134th:

A bill to amend an Act creating the State Court of Dougherty County, so as to change a certain designation.

HB 785. By Representatives Smith of the 152nd and Moody and Byrd of the 153rd:

A bill to amend an Act providing a new charter for the City of Hoboken, Georgia, so as to change certain fines.

HB 786. By Representative Smith of the 152nd:

A bill to amend an Act creating a board of commissioners of Bacon County, so as to provide for commissioner districts; to provide for a chairman and members of the board.

HB 787. By Representative Smith of the 152nd:

A bill to repeal specifically an Act providing for boards of commissioners in counties having a population of not less than 9,365 and not more than 9,385 according to the United States decennial census of 1980 or any future such census.

HB 793. By Representative Adams of the 79th:

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A bill to further define, prescribe, and enlarge the powers of the Thomaston-Upson County Office Building Authority.

HB 796. By Representative Murphy of the 18th:

A bill to amend an Act placing the sheriff and the ordinary of Haralson County on an annual salary in lieu of the fee system of compensation, so as to change the compensation of the probate judge of Haralson County (formerly ordinary of Haralson County).

HB 800. By Representative Long of the 142nd:

A bill to amend an Act incorporating the City of Cairo, so as to extend the corporate limits of said city.

HB 803. By Representative Porter of the 119th:

A bill to amend an Act providing a new charter for the City of Dublin, so as to increase the maximum fine of the city court from \$500.00 to \$1000.00.

HB 808. By Representative Copelan of the 106th:

A bill to provide a new charter for the City of White Plains; to provide for corporate boundaries.

HB 811. By Representatives Kilgore of the 42nd, Watts of the 41st and Johnson of the 70th:

A bill to amend an Act creating the Douglas Judicial Circuit, so as to change the amount of the supplement paid to the superior court judges of the Douglas Judicial Circuit from funds of Douglas County.

HB 818. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act placing the sheriff and clerk of the Superior Court of Wayne County on a salary basis in lieu of a fee basis of compensation, so as to change the provisions relative to the compensation of the clerk of the superior court.

HB 819. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act establishing the State Court of Wayne County (formerly the City Court of Jesup in and for the County of Wayne), so as to change the compensation of the judge and the solicitor.

HB 820. By Representatives Waldrep of the 80th, Jones of the 78th and Dunn of the 73rd:

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A bill to provide for an investigator for the district attorney of the Flint Judicial Circuit; to provide for the compensation, powers, duties, term of office, and expenses of the investigator.

HB 821. By Representative Balkcom of the 140th:

A bill to amend an Act creating the Board of Commissioners of Early County, so as to provide that the members of the board of commissioners shall be elected for a term of four years.

HB 822. By Representative Balkcom of the 140th:

A bill to amend an Act creating the State Court of Early County, so as to authorize the county governing authority to determine the compensation of the judge of the state court.

HB 823. By Representative Balkcom of the 140th:

A bill to abolish the present mode of compensating the judge of the Probate Court of Early County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

HB 824. By Representative Balkcom of the 140th:

A bill to amend an Act creating and establishing the Small Claims Court of Early County, so as to abolish the present mode of compensating the judge of the Small Claims Court of Early County, known as the fee system.

HB 827. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating the State Court of Screven County, so as to change the provisions relative to the compensation of the judge and solicitor of said court.

HB 829. By Representatives Lawler, Darden and Burruss of the 20th and others:

A bill to amend an Act reincorporating the City of Austell, so as to change the corporate limits of said city.

The following local, uncontested bills of the Senate and House, favorably reported by the committee, were read the third time and put upon their passage:

SB 303. By Senator Barnes of the 33rd:

A bill to amend an Act known as the "South Cobb Development Authority Act," so as to provide for the enlargement of the South Cobb Development Area.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 49, nays 0.

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

SB 305. By Senators Phillips of the 9th and Peevy of the 48th:

A bill to amend an Act providing for districts for the election of the Board of Education of Gwinnett County, as amended, so as to change the compensation of the board and provide for expense allowances.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

SB 306. By Senator Engram of the 34th:

A bill to provide for the Magistrate Court of Fayette County; to state legislative intent.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

SB 307. By Senator Brannon of the 51st:

A bill to amend an Act providing for the office of Commissioner of Gordon County, as amended, so as to change the provisions relative to the county administrator.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

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SB 308. By Senator Coggin of the 35th:

A bill to create and establish the East Point Building Authority, a body corporate and politic and an instrumentality of the State of Georgia.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 350. By Representative Crosby of the 150th:

A bill to amend an Act creating the office of commissioner of Atkinson County, so as to change the compensation of the chairman and the other members of the board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 556. By Representatives Auten of the 156th and McVeigh of the 155th:

A bill to amend an Act creating the Brunswick-Glynn County Charter Commission, so as to extend the time within which said commission shall complete its work.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 676. By Representative Lord of the 107th:

~~A bill to amend an~~ A bill to amend an Act creating a new charter for the Town of Oconee, so as to change the fines and punishments which may be imposed by the mayor or recorder's court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 688. By Representatives Darden and Thompson of the 20th:

A bill to amend an Act creating a new charter for the City of Kennesaw, so as to change the corporate limits of the city.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 710. By Representatives Lambert of the 66th and Dobbs of the 74th:

A bill to amend an Act relating to jurisdiction of the Newton County probate court over violations of ordinances of Newton County, so as to provide that prosecutions shall be commenced by a citation completed and served by any authorized agent of the county.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 736. By Representative Carter of the 146th:

A bill to amend an Act creating a board of commissioners for Cook County, so as to change the provisions relating to the compensation of the members of the board of commissioners.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 49, nays 0.

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

HB 739. By Representatives Clark and Milford of the 13th:

A bill to amend an Act amending, consolidating, and superseding the several Acts incorporating the City of Colbert and creating a new charter for said city, so as to change the punishment that may be imposed by the person holding and presiding over the police court of said city for violations of the charter of ordinances of said city.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 749. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act creating a board of commissioners of Jeff Davis County, so as to change the composition of the districts from which members of the board of commissioners are elected.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 750. By Representatives Brown of the 154th and Chance of the 129th:

A bill to amend an Act establishing the State Court of Liberty County (formerly the City Court of Hinesville), so as to change the compensation of the judge and solicitor of the said court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 751. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act providing for the election of the board of education of Jeff Davis County, so as to change the composition of the education districts from which the members of the board of education are elected.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 755. By Representatives Ginsberg of the 122nd, Triplett of the 128th, Hamilton of the 124th and others:

A bill to amend an Act creating and organizing the Board of Commissioners of Chatham County, so as to change the provisions relating to the commissioner districts of the county.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 757. By Representatives Patten of the 149th, Collins of the 144th, Reaves of the 147th and others:

A bill to amend an Act providing for a supplement to the compensation of a judge of the Superior Courts of the Southern Judicial Circuit, so as to change the amount of such supplement paid by Brooks, Colquitt, Echols, and Lowndes counties.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

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HB 759. By Representatives Barger on of the 108th and Godbee of the 110th:

A bill to abolish the present mode of compensating the probate judge of Burke County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 760. By Representatives Barger on of the 108th and Godbee of the 110th:

A bill to amend an Act creating the board of commissioners of Burke County, so as to provide for the election of the members of the board of commissioners from districts.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 761. By Representatives Barger on of the 108th and Ross of the 82nd:

A bill to abolish the mode of compensating the probate judge of Jefferson County known as the fee system; to provide in lieu thereof an annual salary for said officer.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 767 By Representatives Dobbs of the 74th and Lambert of the 66th:

A bill to specify what homestead exemptions from Newton County and Newton County School District ad valorem taxation shall be available to residents of Newton County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 778. By Representative Auten of the 156th:

A bill to amend an Act placing the clerk of the Superior Court and judge of the Probate Court of Glynn County on an annual salary, so as to change the provisions relative to the personnel of the office of the judge of the probate court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 794. By Representative Hanner of the 131st:

A bill to amend an Act providing a new charter for the City of Leary in Calhoun, so as to change the corporate limits of the City.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 795. By Representative Murphy of the 18th:

A bill to amend an Act creating the office of county commissioner of Haralson County, so as to change the compensation of the county commissioner of Haralson County.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 49, nays 0.

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

HB 797. By Representative Russell of the 64th:

A bill to authorize the governing authority of Barrow County to provide for supplemental compensation for the judge of the superior court in the Piedmont Judicial Circuit.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 798. By Representative Russell of the 64th:

A bill to provide that the board of commissioners of Barrow County shall have the right and power to assess and collect license fees and taxes from all persons, firms, and corporations doing business in the unincorporated areas of Barrow County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 799. By Representative Jones of the 78th:

A bill to amend an Act to provide that the grand jury selecting members of the county board of education of Butts County shall be authorized to select two members from certain militia districts, so as to provide an additional procedure to be used in the selection of members of the county board of education.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 801. By Representatives Chambless of the 133rd, Young of the 134th, White of the 132nd and Balkcom of the 140th:

A bill to amend an Act creating a board of commissioners of Dougherty County, so as to change the commission districts; to clarify that elections and terms under the changed districts shall remain the same as under these districts as formerly described.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 802. By Representative Reaves of the 147th:

A bill to abolish the method of compensating the judge of the Probate Court of Brooks County known as the fee system; to provide in lieu thereof an annual salary.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 804. By Representatives Twiggs and Colwell of the 4th:

A bill to amend an Act placing the sheriff of Towns County on an annual salary, so as to change the compensation of the sheriff; to change the provisions relating to deputies.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 809. By Representatives Colwell and Twiggs of the 4th:

~~A bill to amend an~~ A bill to amend an Act providing for a Board of Commissioners of Fannin County, so as to change the provisions relating to the compensation of the chairman and members of the board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

HB 810. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act providing an annual salary for the coroner of Fannin County, so as to change the compensation of the coroner.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 49, nays 0.

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

SB 298. By Senator Greene of the 26th:

A bill to amend an Act providing a new charter for the City of Macon, as amended, so as to change the corporate limits of said city.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to SB 298:

**A BILL TO BE ENTITLED
AN ACT**

To amend an Act providing a new charter for the City of Macon, Georgia, approved March 23, 1977 (Ga. L. 1977, p. 3776), as amended, so as to change the corporate limits of said city; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act providing a new charter for the City of Macon, Georgia, approved March 23, 1977 (Ga. L. 1977, p. 3776), as amended, is amended by adding a new subsection (d) at the end of Section 1-105 to read as follows:

“(d) The corporate limits of the city shall not include any territory lying and being in Jones County, Georgia, and any territory lying and being in Jones County, Georgia, is deannexed from the corporate limits of the City of Macon.”

Section 2. This Act shall become effective only if the governing authority of the City of Macon and the governing authority of Jones County enter into a contract which relates to the provision of governmental services in the area removed from the City of Macon by this Act and which recites that it is entered into pursuant to this Act. If such a contract is entered into then this Act shall become effective on the date the contract is entered into.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 0, nays 49, and the committee substitute was lost.

Senators Greene of the 26th and Harris of the 27th offered the following substitute to SB 298:

A BILL TO BE ENTITLED AN ACT

To amend an Act providing a new charter for the City of Macon, Georgia, approved March 23, 1977 (Ga. L. 1977, p. 3776), as amended, so as to change the corporate limits of said city; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act providing a new charter for the City of Macon, Georgia, approved March 23, 1977 (Ga. L. 1977, p. 3776), as amended, is amended by adding a new subsection (d) at the end of Section 1-105 to read as follows:

“(d) The corporate limits of the city shall not include the following described five tracts within Jones County which are deannexed and removed from the corporate limits of the City of Macon, the boundaries of which tracts are described as follows:

TRACT A

BEGINNING at the point of intersection of line dividing Land Lots 56, 57, 74 and 75, Seventh District, thence angle right and travel N 43 degrees 50' E along the line dividing Land Lots 56 and 57, Seventh District, Jones County, Georgia a distance of 1100 feet to a point; thence angle left and travel N 46 degrees 10' W a distance of 400 feet to a point; thence angle right and travel N 43 degrees 50' E a distance of 400 feet to a point; thence angle left and travel N 46 degrees 10' W a distance of 2581 feet, more or less, to the point of intersection of said line and the line dividing Land Lot 55 and 56; thence angle left and travel S

45 degrees 23' W a distance of 1600 feet, more or less, to the point of intersection of the lines dividing Land Lots 55, 56, 75 and 76; thence angle left and travel in a southeasterly direction 2981 feet, more or less, along the line dividing Land Lots 56 and 75, said line also being the boundary line between Bibb County and Jones County, Georgia to the point of intersection of line dividing Land Lots 56, 57, 74 and 75, Seventh District, Jones County and being the point of beginning.

TRACT B

BEGINNING at a point on the northeasterly line of Land Lot 76, 7th Land District, County of Bibb, State of Georgia, where same is intersected by an extension of the northwesterly line of the 100' right-of-way of Millerfield Road; thence travel in a northwesterly direction along said land lot line, said line being the line dividing Bibb County and Jones County, Georgia, a distance of 2460 feet, more or less, to the northwesterly line of said Land Lot 76; thence angle right and travel northeasterly along the line of Land Lot 55 a distance of 37 feet, more or less, to a point on the northeasterly line of the 80 foot right-of-way of Joycliff Road; thence angle right and travel in a southeasterly direction along said right-of-way line a distance of 2475 feet, more or less, to a point on the northwesterly line of the 100 foot right-of-way of Millerfield Road; thence angle right and travel in a southwesterly direction along an extension of said right-of-way line of Millerfield Road a distance of 50 feet, more or less, to point of beginning.

TRACT C

BEGINNING at the point of intersection of line dividing Land Lots 54 and 55, 7th District, Jones County, Georgia, where said point intersects the northeastern right-of-way line of Joycliff Road; thence travel in a northeasterly direction along the line dividing Land Lots 54 and 55 a distance of 1600 feet, more or less, to a point on the southern boundary line of the now or formerly Jack Butts Property; thence angle left and travel in a northwesterly direction along the southern boundary line of said Butts Property a distance of 210 feet, more or less, to the southwest corner of said property; thence angle right and travel in a northeasterly direction along the western boundary line of said Butts Property a distance of 630 feet, more or less, to the northwest corner of said property; thence angle right and travel in a southeasterly direction along the northern boundary line of said Butts Property a distance of 210 feet, more or less, to the point of intersection of said line and the line dividing Land Lots 54 and 55; thence angle left and travel in a northeasterly direction along the line dividing Land Lots 54 and 55 a distance of 750 feet, more or less, to the point of intersection of the lines dividing Land Lots 50, 51, 54 and 55, thence angle left and travel in a northwesterly direction along the line dividing Land Lots 51 and 54 a distance of 3000 feet, more or less, to the point of intersection of the lines dividing Land Lots 51, 52, 53 and 54; thence angle left and travel in a southwesterly direction along the line dividing Land Lots 53 and 54 a distance of 2340 feet, more or less, to the point of intersection of said line and the western corner of Lots 19 and 20, Block H, Section 4, Kingsview Village Subdivision; thence angle left and travel in a southeasterly direction along the southwestern boundary line of Lots 19, 18, 15 and part of 14, said Block H, a distance of

420 feet, more or less, to the point of intersection of said line and the northwestern boundary line of Lot 6, said Block H; thence angle right and travel in a southwesterly direction along the northwestern boundary line of Lot 6, 5 and 4, Block H, Section IV, Kingsview Subdivision and an extension there of a distance of 630 feet, more or less, to a point where said line intersects the line dividing Land Lots 77 and 54; thence angle left and travel in a southeasterly direction along line dividing Land Lots 77 and 54, a distance of 2580 feet, more or less, to point, said point being the intersection of Land Lots 54, 55, 76 and 77; thence angle left and travel in a northeasterly direction along the line dividing Land Lots 54 and 55 a distance of 37 feet, more or less, to the point of beginning.

TRACT D

BEGINNING at a point where the line dividing Bibb County and Jones County, Georgia intersects the northeastern boundary line of Lot 34, Horseshoe Drive Subdivision, as recorded in Plat Book 22, Page 20, Clerk's Office, Bibb Superior Court; thence angle right and travel in a southeasterly direction along the northeastern boundary line of Lot 34 a distance of 150 feet, more or less, to the northwest corner of Lot 37; thence angle left and travel in an easterly direction along the northern boundary line of Lots 37, 38, 39 and 40, Horseshoe Drive Subdivision a distance of 360 feet, more or less, to the point of intersection of said line and the western right-of-way line of Adahi Drive; thence angle right and travel in a southeasterly direction across Adahi Drive to the point of intersection of the eastern right-of-way line of Adahi Drive and the southern boundary line of Lot 60, Horseshoe Drive Subdivision; thence angle left and travel in an easterly direction along the southern boundary line of Lot 60 a distance of 216 feet, more or less, to the southeast corner of said lot; thence angle left and travel in a northeasterly direction along the eastern boundary line of Lot 60 a distance of 123 feet, more or less, to the point of intersection of said line and the eastern boundary line of Horseshoe Drive Subdivision; thence angle left and travel in a northerly direction along the eastern boundary line of Horseshoe Drive Subdivision a distance of 472 feet, more or less, to the northeast corner of Lot 65; thence angle left and travel in a westerly direction along the northern boundary line of Lot 65 a distance of 162 feet, more or less, to the point of intersection of said line and the eastern right-of-way of Adahi Drive; thence angle right and travel in a northerly direction along the eastern right-of-way line of Adahi Drive a distance of 293 feet, more or less, to the point of intersection of said line and the southern right-of-way line of New Clinton Road; thence angle left and travel in a southwesterly direction along the southern right-of-way line of New Clinton Road a distance of 685 feet, more or less to the point of intersection of said line and the line dividing Bibb County and Jones County, Georgia; thence angle left and travel in a southeasterly direction along the line dividing Bibb County and Jones County a distance of 60 feet, more or less, to the point of beginning.

TRACT E

BEGINNING at a point where the line between Bibb County and Jones County, Georgia intersects the northeastern boundary line of North Forest Hills Subdivision said line also being the line dividing Land

Lots 154 and 157, Eighth District, as shown on a drawing prepared by Joe F. Tamplin for Fickling and Walker Development Company, dated April 1959, and on record in the City Engineer's Office; thence angle right and travel in a northwesterly direction along the line dividing Land Lots 154 and 157 a distance of 1000 feet, more or less, to the point of intersection of the lines dividing Land Lots 153, 154, 157 and 158, said point also being the northern most corner of said North Forest Hills Subdivision, thence angle left and travel in a southwesterly direction along the line dividing Land Lots 157 and 158, a distance of 1000 feet, more or less, to the point of intersection of the line dividing Bibb County and Jones County, Georgia; thence angle left and travel in an easterly direction along the line dividing Bibb County and Jones County, Georgia a distance of 1414 feet, more or less, to the point of beginning."

Section 2. (a) The territory described in Tracts A and E in Section 1 of this Act shall be deannexed and removed from the corporate limits of the City of Macon on the date this Act is approved by the Governor or on the date it becomes law without his approval.

(b) Except as hereinafter provided, the territory described in Tracts B, C, and D in Section 1 of this Act shall be deannexed and removed from the corporate limits of the City of Macon only if the governing authority of the City of Macon and the governing authority of Jones County enter into a contract which relates to the provision of governmental services in the area removed from the City of Macon by this Act and which recites that it is entered into pursuant to this Act. If such a contract is entered into then this Act shall become effective on the date the contract is entered into. In the event no such contract is entered into prior to March 1, 1984, Tracts B, C, and D shall be deannexed and removed from the corporate limits of the City of Macon on that date.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute offered by Senators Greene of the 26th and Harris of the 27th, the yeas were 49, nays 0, and the substitute was adopted.

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, the yeas were 49, nays 0.

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

The President called for the morning roll call, and the following Senators answered to their names:

Allgood
Barker

Barnes
Bond

Bowen
Brannon

Brantley	Gillis	McGill
Broun of 46th	Greene	McKenzie
Brown of 47th	Harris	Peevy
Bryant	Harrison	Perry
Burton	Hill	Scott of 2nd
Cobb	Holloway	Scott of 36th
Coggin	Horton	Scott of 43rd
Coleman	Howard	Starr
Coverdell	Hudgins	Stumbaugh
Dawkins	Huggins	Tate
Deal	Kennedy	Thompson
Dean	Kidd	Trulock
English	Land	Turner
Engram	Lester	Tysinger
Foster	Littlefield	Walker
Garner		

Those not answering were Senators:

Fincher	Phillips	Timmons
Hine		

Senator Brannon of the 51st introduced the chaplain of the day, Reverend Jarrell E. Dickerson, of McCaysville, Georgia, who offered scripture reading and prayer.

The following resolutions of the Senate were read and adopted:

SR 192. By Senators Coleman of the 1st, Scott of the 2nd and Bryant of the 3rd:

A resolution urging the administrator of the Veterans' Administration to reestablish the Outpatient Treatment Clinic in Savannah, Georgia.

SR 193. By Senator Barker of the 18th:

A resolution recognizing Major General Cornelius Nugteren.

SR 194. By Senators Scott of the 2nd, Bond of the 39th, Tate of the 38th and others:

A resolution extending congratulations to the Honorable Harold Washington.

SR 195. By Senator Kidd of the 25th:

A resolution relative to the Response to the People Executive Treaty to Stop Drugs at the Source.

SR 196. By Senator Kidd of the 25th:

A resolution relative to the Response to the People Executive Treaty to Stop Drugs at the Source.

SR 197. By Senator Kidd of the 25th:

A resolution creating the Milledgeville Youth Development Center Study Committee.

SR 198. By Senator Kidd of the 25th:

A resolution relative to the Response to the People Executive Treaty to Stop Drugs at the Source.

SR 199. By Senator Foster of the 50th:

A resolution expressing regret at the passing of Mr. Roger Bowling.

SR 200 By Senator Foster of the 50th:

A resolution recognizing Mr. Gerald Willis.

SR 201. By Senator Harris of the 27th:

A resolution commending the Robert E. Lee Institute Junior Army ROTC Rifle Team.

SENATE RULES CALENDAR

Tuesday, March 1, 1983

THIRTY-EIGHTH LEGISLATIVE DAY

- HB 707 Laws Applicable to General Assembly—certain constitutional principles (J&CL—25th)
- HB 310 Pharmacists, Pharmacies—regulate third party prescription programs (AMENDMENT) (Ins—49th)
- HB 437 Nursing—provide for reinstatement (Hum R—25th)
- HB 89 State Licensed and Bonded Warehouses—remove exemption from provisions (AMENDMENT) (Ag—24th)
- HB 400 Medical Intern—no regular exam before year as intern (SUBSTITUTE) (Hum R—42nd)
- HB 419 Joint County, City Sales Tax—new cities share in proceeds (B&F—34th)
- HB 530 Fulton County Homestead Exemption—change date for filing application (F&F—40th)
- HR 255 Georgia Railroad Freight Depot—urge restoration for state museum (ED&T—41st)

- HB 551 Hospital Liens—nursing home care, treatment, services (Hum R—52nd)
- HB 320 Forestry Commission Director—not in classified service, Merit System (NREQ—20th)
- HB 532 Capital Outlay Funds for Education—average daily attendance projections (SUBSTITUTE) (Ed—44th)
- HB 299 Shoplifting—redefine crime (Judy—35th)
- HB 379 Secretary of State—fee for accepting service of process (Gov Op—1st)
- HB 386 Dentists and Hygienists—service of documents (Hum R—26th)
- HB 436 Superior Court Clerks—change provisions on additional training (Gov Op—10th)
- HB 297 Adequate Program for Education in Georgia (APEG)—minimum salaries for school bus drivers (App—21st)
- HB 476 Municipal Corporation Home Rule Powers—redefine actions defining criminal offenses (J&CL—26th)
- HB 427 Dealers, Salesmen Filing Surety Bonds—exempt Securities Investor Protection Corporation (B&F—23rd)
- HB 294 Cosmetologists—change definition (Gov Op—25th)
- HB 460 Electrical Contractors, Plumbers, Conditioned Air Contractors—new code chapter (I&L—41st)
- HB 507 Hospitals—staff membership, privileges to certain psychologists (SUBSTITUTE) (Hum R—33rd)
- HB 585 Hospitals—approved disaster preparedness plan (Hum R—27th)
- HR 220 Fulton County—conveyance of state property to Atlanta for sewerage (FS&CA-G—43rd)
- HB 566 Local Water, Sewer Projects—use of guaranteed revenue bonds to finance (NREQ—33rd)
- HB 196 Firemen's Pension Fund—redefine fireman and volunteer fireman (Ret—18th)
- HB 513 Board of Recreation Examiners—change termination date (NREQ—20th)
- HB 567 Georgia Development Authority—revise provisions relating to (SUBSTITUTE) (NREQ—33rd)
- HB 231 Crime of Fleeing Police Officer—change punishment (J&CL—33rd)
- HB 45 Probate in Solemn Form—mail service of notice of petition (J&CL—48th)
- HB 580 Supreme Court—may extend terms by rule or order (SUBSTITUTE) (J&CL—25th)
- SR 132 Peace Officers' Annuity and Benefit Fund Study Committee—create (Ret—34th)

Respectfully submitted,

/s/ Dean of the 31st, Chairman
Senate Rules Committee

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 707. By Representative Groover of the 99th:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to laws applicable to the General Assembly, so as to recognize certain constitutional principles.

Senate Sponsor: Senator Kidd of the 25th.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Kidd
Broun of 46th	Foster	Lester
Brown of 47th	Greene	McGill
Bryant	Harris	Peevy
Cobb	Hill	Perry
Coggin	Hine	Scott of 2nd
Coleman	Howard	Scott of 36th
Dawkins	Hudgins	Starr
Deal	Kennedy	Walker

Those voting in the negative were Senators:

Barker	Engram	McKenzie
Bond	Garner	Scott of 43rd
Bowen	Harrison	Stumbaugh
Brannon	Holloway	Thompson
Brantley	Horton	Trulock
Burton	Huggins	Turner
Coverdell	Land	Tysinger
Dean		

Those not voting were Senators:

Barnes	Littlefield	Tate
Fincher	Phillips	Timmons
Gillis		

On the passage of the bill, the yeas were 27. nays 22.

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

Senator Kidd of the 25th gave notice that, at the proper time, he would move that the Senate reconsider its action in defeating HB 707.

The President stated that the motion would be taken up for consideration immediately following HB 400 on the Senate Rules Calendar for today.

HB 310. By Representatives Parham of the 105th, Atkins of the 21st and Thomas of the 69th:

A bill to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to regulate third-party prescription programs.

Senate Sponsor: Senator Deal of the 49th.

The Senate Committee on Insurance offered the following amendment:

Amend HB 310 by striking lines 17 through 20 of Page 6 and inserting in lieu thereof the following:

“programs”

By striking the period on line 33 of Page 9 and inserting in lieu thereof the following:

“; provided, however, if the administrator is an insurance company licensed to transact insurance in this state or if the administrator is a self-insurer and is approved by the Commissioner of Insurance, then such administrator shall not be required to give bond to the Commissioner of Insurance.”

By striking lines 5 through 7 on Page 11 and inserting in lieu thereof the following:

“thereof, plus attorneys’ fees.”

On the adoption of the amendment, the yeas were 7, nays 27, and the amendment was lost.

Senators Deal of the 49th, Barnes of the 33rd and Dean of the 31st offered the following substitute to HB 310:

**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 regulate third-party prescription programs; to provide for legislative intent; to provide for definitions; to provide for approval, revocation, and suspension of certain third-party prescription programs; to provide for registration and bonding of program administrators and other persons offering such programs and provide for the administration of programs; to prohibit certain claims by participating pharmacies; to provide for liability for the use of certain cancelled program identification cards; to provide for penalties, remedies, and venue; 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 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by striking Part 5 thereof, the "Third-party Prescription Program Act," which reads as follows:

"Part 5

26-4-140. This part shall be known as the 'Third-party Prescription Program Act.'

26-4-141. The General Assembly finds that certain practices are unfair to providers of pharmaceutical services, are burdensome and costly to those providers, result in unfair increased costs to certain consumers, and threaten the availability of pharmaceutical services to the public. The General Assembly further finds that there is a need for regulation of certain practices engaged in by some third-party prescription program administrators.

26-4-142. As used in this part, the term 'third-party prescription program' means any system of providing for the reimbursement of pharmaceutical services under a contractual arrangement or agreement between a provider of the services and another party who is not the consumer of those services. The programs may include, but not be limited to, employee benefit plans whereby a consumer receives prescription drugs or other pharmaceutical services and those services are paid for by an agent of the employer or others.

26-4-143. After April 8, 1980, no third-party prescription programs shall be instituted in this state unless:

(1) The program administrator has given written notice of the provisions of the particular program to all pharmacies in this state; and

(2) All pharmacies in this state have had 30 days from the date of said notice to enroll in the particular program.

26-4-144. Any agreement or contract entered into in this state between the program administrator of a third-party program and a pharmacy shall include a statement of the method and amount of reimbursement to the pharmacy for services rendered to persons enrolled in the program, the frequency of payment by the program administrator to the pharmacy for services rendered, and a method for the adjudication of complaints or the settlement of disputes between the parties.

26-4-145. No agreement between a program administrator and a pharmacy shall establish reimbursement rates or procedures for services rendered to persons covered by the plan which are less than the prevailing rates paid by ordinary consumers for the same or similar services.

26-4-146. (a) At least 30 days prior to the effective date of the cancellation, the administrator of a program shall notify all pharmacies enrolled in the program of any cancellation of the coverage of benefits of any group enrolled in the program. In those cases wherein the administrator of a program is not notified at least 30 days prior to the effective date of the cancellation, he shall notify all pharmacies enrolled in the program of the cancellation as soon as practicable after having received the notice.

(b) All persons enrolled in a program shall be notified of its cancellation, and the administrator of the program shall make every reasonable effort to gain possession of any plan identification cards such persons may have been issued pursuant to the provisions of the program.

(c) Any person who utilizes a program identification card to obtain services from a pharmacy after having received notice of the cancellation of his benefits shall be liable to the program administrator for all moneys paid by the program administrator for any services received pursuant to the illegal use of the identification card.

26-4-147. (a) No program administrator shall deny payment to any pharmacy for services which may have resulted from the fraudulent or illegal use of an identification card by any person, unless the pharmacy has been notified that the card has been cancelled or discontinued and that the program administrator has been unsuccessful in attempting to regain possession of the card.

(b) No program administrator shall withhold any payments to any pharmacy beyond the time period specified in the payment schedule provisions of the agreement, except that individual claims for payment may be returned to the pharmacy for causes such as incomplete or illegible information and may then be resubmitted by the pharmacy to the program administrator after the appropriate corrections have been made.

26-4-148. This part shall not apply to any services rendered pursuant to Article 7 of Chapter 4 of Title 49, the 'Georgia Medical Assistance Act of 1977.'",

and inserting in its place a new Part 5 to read as follows:

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“Part 5

26-4-140. This part shall be known and may be cited as the ‘Third-party Prescription Program Law of 1983.’

26-4-141. The General Assembly finds that certain practices are unfair to providers of pharmaceuticals, are burdensome and costly to those providers, result in unfair increased costs to certain consumers, and threaten the availability of pharmaceuticals to the public. The General Assembly further finds that there is a need for regulation of certain practices engaged in by some third-party prescription program administrators.

26-4-142. As used in this part, the term:

(1) ‘Administrator’ means that person, corporation, or business entity which administers a program, is legally liable for any payments to a participating pharmacy under a program, or both.

(2) ‘Commissioner’ means the Commissioner of Insurance.

(3) ‘Contract’ means a program contract.

(4) ‘Enrollee’ means a consumer who receives pharmaceuticals under a program.

(5) ‘Participating pharmacy’ means a pharmacy having a contract to provide pharmaceuticals to enrollees under a program.

(6) ‘Pharmaceuticals’ means drugs, devices, or services available from a pharmacy.

(7) ‘Prevailing rate’ means the average wholesale price of the pharmaceutical during the applicable period, plus the usual, customary, and reasonable dispensing fee added thereto, provided that in no event shall the amount submitted for reimbursement by a pharmacy under this part exceed the 85th percentile of the retail price charged by all pharmacies in Georgia for the same or similar pharmaceuticals during such period of time or the actual price charged by the submitting pharmacy to consumers, other than enrollees, for the same or similar pharmaceuticals during such period of time, whichever is less.

(8) ‘Program’ means a third-party prescription program.

(9) ‘Program contract’ means that contract creating rights and obligations between a participating pharmacy and a program or administrator.

(10) ‘Program identification card’ means a document which identifies enrollees as participants in a program.

(11) ‘Third-party prescription program’ means any system of providing payments or reimbursement of payments made for pharmaceuticals pursuant to a contract between a pharmacy and another party, including insurance companies and administrators of programs, who are not con-

sumers of the pharmaceuticals under that contract and shall include, without being limited to, insurance plans whereby an enrollee receives pharmaceuticals which are paid for by insurance companies or administrators, or by an agent of his employer, or by others.

26-4-143. (a) Unless the program is exempt under subsection (b) of this Code section, no administrator, person, corporation, or business entity shall offer, operate, or administer a program in this state unless that program has been submitted to the Commissioner of Insurance, in a manner provided by the Commissioner, and is approved by the Commissioner as complying with the requirements of this part.

(b) (1) A program contract existing immediately prior to the effective date of this part shall be exempt from the requirements of this part but shall not be renewed or otherwise extended beyond its renewal or expiration date, respectively, as specified immediately prior to the effective date of this part, unless the program under the renewed or extended contract is approved by the Commissioner under subsection (a) of this Code section, except that if no such expiration or renewal date is provided in that program contract, the program contract shall be submitted not later than March 1, 1984, to the Commissioner for approval.

(2) A program providing pharmaceuticals pursuant to Article 7 of Chapter 4 of Title 49, the 'Georgia Medical Assistance Act of 1977,' shall be exempt from the requirements of this part.

(3) A policy or plan regulated under Title 33, relating to insurance, which does not include or utilize a third-party prescription program or contract shall be exempt from the requirements of this part.

(c) A program approved by the Commissioner may have that approval revoked or suspended if it fails to meet any requirements therefor specified in this part or if it fails to be administered in conformity with those requirements.

(d) Disapproval or revocation or suspension of approval of a program by the Commissioner of Insurance shall constitute a contested case for purposes of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

26-4-144. (a) A program offered in this state and not exempt under subsection (b) of Code Section 26-4-143 shall provide all of the following:

(1) A statement of the method, frequency, and amount of claim reimbursement to participating pharmacies;

(2) That any valid claim for pharmaceuticals under this program will be paid to a participating pharmacy within 30 days after the claim is received by the administrator if that claim is complete, accurate, and legible, as determined by the administrator;

(3) That any valid claim not paid as required in paragraph (2) of this Code section shall be subject to interest at the rate specified in paragraph (1) of subsection (b) of Code Section 33-25-10, relating to payment of interest on life insurance proceeds;

(4) That reimbursement rates for pharmaceuticals shall not be less than the prevailing rates therefor paid by consumers who are not enrollees;

(5) That each participating pharmacy and enrollee will be notified in writing by the administrator of the cancellation of any program at least 30 days prior to the effective date of cancellation, except that where the administrator is not notified of such cancellation at least 30 days prior to the effective date of cancellation, the written notice shall be provided within 30 days after the administrator received his notification;

(6) That program identification cards issued to an enrollee show an expiration date;

(7) That the administrator shall make reasonable efforts to gain possession of all program identification cards upon cancellation of a program for which the cards were issued;

(8) That a valid claim by a participating pharmacy will not be denied upon the basis of the fraudulent use of a program identification card;

(9) That at least 30 days prior to the date a program becomes effective, the program contract therefor shall be offered to all pharmacies located within those counties wherein reside enrollees in that program, which pharmacies shall have at least 30 days from the time they receive the offer to accept that offer and become participating pharmacies;

(10) That any audit by a program to verify claims by a participating pharmacy shall comply with generally accepted accounting principles and procedures but shall not extrapolate randomly sampled data as a basis for reimbursement from the pharmacy which is audited or from one participating pharmacy to be the corresponding data for another participating pharmacy. In the event a claim against a participating pharmacy for reimbursement is based upon a program audit, the administrator of the program shall submit details of the audit to that participating pharmacy, and any dispute relating thereto shall be resolved under the dispute resolution procedures required under paragraph (11) of this Code section, with the Commissioner of Insurance to render a final binding decision in the dispute if either party is dissatisfied with the outcome under the dispute resolution procedure; and

(11) A dispute resolution procedure for disputes between the program or administrator and participating pharmacies and between the program or administrator and enrollees.

(b) A program which meets the requirements of subsection (a) of this Code section shall not be administered except in conformity with those requirements, and the administration of that program except in conformity with those requirements shall constitute a violation of this Code section by the administrator of that program.

26-4-145. A participating pharmacy shall not submit claims for payment for pharmaceuticals under a program for charges in excess of those

charged by that pharmacy to consumers, other than enrollees, for the same or similar pharmaceuticals.

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26-4-146. (a) On and after the effective date of this part, no person, corporation, or business entity shall serve as administrator of a program which has no administrator registered under this Code section unless that person, corporation, or business entity is registered as administrator of that program with the Commissioner of Insurance.

(b) No administrator may be registered unless the administrator gives bond to the Commissioner of Insurance conditioned to pay all losses, damages, and expenses incurred as a result of any violation of this part by the administrator or the program being administered thereby. The bond shall be with a surety approved by the Commissioner in the amount of \$200,000.00 or the total annual payments made in the immediately preceding year by all programs administered by that administrator, whichever is greater; provided, however, if the administrator is an insurance company licensed to transact insurance in this state or if the administrator is a self-insurer and is approved by the Commissioner of Insurance, then such administrator shall not be required to give bond to the Commissioner of Insurance.

(c) No program shall be required to have more than one administrator registered and bonded under this Code section.

(d) An administrator may have his registration suspended or revoked by the Commissioner upon any violation of this part by the administrator or when any program administered by the administrator fails to conform to the requirements of this part. The refusal by the Commissioner to register an administrator and the suspension or revocation of an administrator's registration shall constitute a contested case for purposes of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(e) Records, information, and other identifying matter obtained through the submission of a claim for reimbursement by a participating pharmacy shall be used exclusively and solely for the purposes of verification and payment to the participating pharmacy and policyholder and for no other purposes.

26-4-147. No enrollee may utilize a program identification card to obtain pharmaceuticals after the program has been cancelled and after the enrollee has received notification of the cancellation, and if such card is so utilized, that enrollee shall be liable to the administrator of that program for the cost of those pharmaceuticals.

26-4-148. (a) Any person, corporation, or business entity which violates subsection (a) of Code Section 26-4-146 shall be guilty of a misdemeanor.

(b) Any person, corporation, or business entity which violates any provision of this part shall be subject to a civil penalty in the amount of \$1,000.00 for each act in violation of this part or, if the violation was knowing and willful, a civil penalty of \$5,000.00 for each act in violation of this part.

(c) Any person injured as a result of a violation of this part may bring an action against that person, corporation, or business entity violating this part for the recovery of all actual damages occurring as a result thereof, plus attorneys' fees.

(d) Any person, corporation, or business entity subject to civil penalties or an action for damages under this Code section may be sued in the county in this state in which the person resides or corporation or business entity maintains an office or, if neither residing nor maintaining an office in this state, in the Superior Court of Fulton County.

(e) All penalties and remedies provided in this Code section are cumulative of each other and of any other penalties and remedies otherwise provided by law."

Section 2. This Act shall become effective on January 1, 1984.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Scott of the 43rd offered the following amendment:

Amend the substitute to HB 310 offered by Senators Deal of the 49th, Barnes of the 33rd and Dean of the 31st by striking on Page 3 lines 1 through 6 and by striking on Page 5 lines 11 through 23.

On the adoption of the amendment, Senator Scott of the 43rd called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Howard	Scott of 2nd
Coggin	Hudgins	Scott of 36th
Coleman	Kidd	Scott of 43rd
Dean	Littlefield	Starr
Hine	McGill	Tate
Holloway	Perry	Trulock
Horton		

Those voting in the negative were Senators:

Allgood	Cobb	Gillis
Barker	Coverdell	Greene
Bowen	Dawkins	Harris
Brannon	Deal	Harrison
Brantley	English	Hill
Broun of 46th	Engram	Huggins
Brown of 47th	Fincher	Kennedy
Bryant	Foster	Land
Burton	Garner	Lester

McKenzie
 Peevy
 Phillips

Thompson
 Timmons
 Turner

Tysinger
 Walker

Not voting were Senators Bond and Stumbaugh.

On the adoption of the amendment, the yeas were 19, nays 35, and the amendment was lost.

On the adoption of the substitute, the yeas were 50, nays 0, and the substitute offered by Senators Deal of the 49th, Barnes of the 33rd and Dean of the 31st was adopted.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
 Barker
 Barnes
 Bowen
 Brannon
 Brantley
 Broun of 46th
 Brown of 47th
 Bryant
 Burton
 Cobb
 Coggin
 Coleman
 Coverdell
 Dawkins
 Deal
 Dean
 English

Engram
 Fincher
 Foster
 Garner
 Gillis
 Greene
 Harris
 Harrison
 Hill
 Hine
 Holloway
 Horton
 Howard
 Hudgins
 Huggins
 Kennedy
 Kidd
 Land

Lester
 Littlefield
 McGill
 McKenzie
 Peevy
 Perry
 Phillips
 Scott of 36th
 Scott of 43rd
 Starr
 Stumbaugh
 Tate
 Thompson
 Timmons
 Trulock
 Turner
 Tysinger
 Walker

Voting in the negative was Senator Scott of the 2nd.

Not voting was Senator Bond.

On the passage of the bill, the yeas were 54, nays 1.

The bill, having received the requisite constitutional majority, was passed by substitute. www.libtool.com.cn

Senator Barnes of the 33rd moved that the following bill of the House, having been read the third time and tabled on February 28, be taken from the Table:

HB 505. By Representatives Walker of the 115th and Evans of the 84th:

A bill to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions of the State and counties, so as to provide that earned-time allowances shall not be awarded to certain inmates.

On the motion, the yeas were 30, nays 5; the motion prevailed, and HB 505 was taken from the Table and placed at the foot of the Senate Rules Calendar for today.

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

HB 163. By Representatives Murphy of the 18th, McDonald of the 12th, Walker of the 115th and others:

A bill to make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984.

Senator Starr of the 44th moved that the Senate insist upon the Senate substitute to HB 163.

On the motion, the yeas were 35, nays 0; the motion prevailed, and the Senate insisted upon the Senate substitute to HB 163.

The following bill of the Senate was taken up for the purpose of considering the House amendments thereto:

SB 32. By Senator Kidd of the 25th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to minimum salaries for judges of the probate courts.

The House amendments were as follows:

Amendment No. 1:

Amend SB 32 by striking on line 17 of Page 2 of the following:

“300,000”,

and inserting in lieu thereof the following:

“295,000”

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Amendment No. 2:

Amend SB 32 on Page 2, line 19 by adding after “military” the following:

“and reside on property of the United States government”

Amendment No. 3:

Amend SB 32 by deleting all of Section 3, Page 3 and inserting in lieu thereof a new Section to read as follows:

“Section 3. This Act shall become effective on January 1, 1985.”

Senator Kidd of the 25th moved that the Senate disagree to the House amendments to SB 32.

On the motion, the yeas were 33, nays 1; the motion prevailed, and the Senate disagreed to the House amendments to SB 32.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage.

HB 437. By Representatives Steinberg of the 46th, Phillips of the 125th and Childers of the 15th:

A bill to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to the profession of nursing, so as to provide for reinstatement of nurses.

Senate Sponsor: Senator Kidd of the 25th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bowen
Brannon
Brantley
Broun of 46th
Brown of 47th

Bryant
Burton
Cobb
Coleman
Coverdell
Dawkins
Deal
English

Engram
Fincher
Foster
Gillis
Greene
Harris
Harrison
Hine

Holloway	McGill	Stumbaugh
Horton	McKenzie	Tate
Howard	Peevy	Thompson
Huggins	Perry	Timmons
Kennedy	Phillips	Trulock
Kidd	Scott of 2nd	Turner
Land	Scott of 36th	Tysinger
Lester	Scott of 43rd	Walker
Littlefield	Starr	

Those not voting were Senators:

Bond	Dean	Hill
Coggin	Garner	Huggins

On the passage of the bill, the yeas were 50, nays 0.

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

The following bill of the House was taken up for the purpose of considering the House amendment to the Senate substitute thereto:

HB 189. By Representatives Walker of the 115th, Evans of the 84th, Smyre of the 92nd and Murphy of the 18th:

A bill to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials, so as to change the salaries of certain officials.

The House amendment was as follows:

Amend the substitute to HB 189 offered by the Senate by adding in line 11 of Page 1 after the following:

“(11)”,

the following:

“, (12)”

By striking on line 19 of Page 2 the following:

“\$5,200.00”,

and inserting in lieu thereof the following:

“\$4,800.00”

Senator Kennedy of the 4th moved that the Senate agree to the House amendment to the Senate substitute to HB 189.

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

Those voting in the affirmative were Senators:

Allgood	Fincher	McKenzie
Bond	Garner	Perry
Bowen	Gillis	Phillips
Brannon	Harris	Scott of 2nd
Brantley	Hill	Scott of 36th
Broun of 46th	Hine	Scott of 43rd
Brown of 47th	Holloway	Tate
Bryant	Huggins	Thompson
Cobb	Kennedy	Timmons
Coleman	Kidd	Trulock
Dean	Lester	Turner
English	McGill	Walker
Engram		

Those voting in the negative were Senators:

Barker	Foster	Littlefield
Barnes	Greene	Peevy
Burton	Harrison	Starr
Coverdell	Horton	Stumbaugh
Dawkins	Howard	Tysinger
Deal	Land	

Not voting were Senators Coggin and Hudgins.

On the motion, the yeas were 37, nays 17; the motion prevailed, and the Senate agreed to the House amendment to the Senate substitute to HB 189.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 45. By Senators Turner of the 8th, Deal of the 49th, Perry of the 7th and others:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to criminal issuance of bad checks, so as to change the penalty for certain crimes involving bad checks.

The House amendment was as follows:

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Amend SB 45 by adding after the first semicolon on line 4 of Page 1 the following:

“to enact a new Code Section 16-9-58 relating to the crime of failure to pay for agricultural products, naval stores, or other chattels;”

By renumbering Section 2 as Section 3 and inserting a new Section 2 to read as follows:

“Section 2. A new Code Section 16-9-58 is added at the end of Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, said new Code section to read as follows:

‘16-9-58. Any person, either on his own account or for others, who shall buy cotton, corn, rice, crude turpentine, spirits of turpentine, rosin, pitch, tar, timber, pulpwood, poultry and poultry products, cattle, hogs, sheep, goats, horses, mules, pecans, peaches, apples, watermelons, cantaloupes, or other products or chattels and shall fail or refuse to pay therefor or shall make way with or dispose of the same before he shall have paid therefor unless credit shall be expressly extended therefor shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than five years.’ ”

Senator Turner of the 8th moved that the Senate agree to the House amendment to SB 45.

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

Those voting in the affirmative were Senators:

Allgood	Ingram	Littlefield
Barker	Fincher	McGill
Barnes	Foster	McKenzie
Bond	Garner	Peevy
Bowen	Gillis	Perry
Brannon	Harris	Phillips
Brantley	Harrison	Scott of 36th
Broun of 46th	Hill	Scott of 43rd
Brown of 47th	Hine	Starr
Bryant	Holloway	Stumbaugh
Burton	Horton	Tate
Cobb	Howard	Thompson
Coleman	Huggins	Trulock
Coverdell	Kennedy	Turner
Dawkins	Kidd	Tysinger
Deal	Land	Walker
English	Lester	

Those not voting were Senators:

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Coggin
Dean

Greene
Hudgins

Scott of 2nd
Timmons

On the motion, the yeas were 50, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 45.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 89. By Representatives Reaves of the 147th, Balkcom of the 140th, Godbee of the 110th and others:

A bill to amend Article 1 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to state licensed and bonded warehouses, so as to remove an exemption from the provisions of said article.

Senate Sponsor: Senator McGill of the 24th.

The Senate Committee on Agriculture offered the following amendment:

Amend HB 89 by striking all matter from line 14 of Page 1 through line 20 of Page 2 and inserting in lieu thereof the following:

“10-4-4. (a) The provisions of this article shall not be construed to apply to:

(1) Any warehouse licensed under the United States Warehouse Act, as amended, if the licensee has in effect a federal bond in an amount not less than the amount of the bond which would be required under subsections (a) and (b) of Code Section 10-4-12; or

(2) Any warehouse kept or maintained by any warehouseman on the premises of any other person under a contract between the warehouseman and the other person for the primary purpose of storage therein of agricultural products of the other person, provided that no agricultural products are stored therein for the account of any producer other than the other person; provided, however, that such warehouseman may come under this article at his option.

(b) Any person, firm, corporation, or association storing peanuts, cottonseed, or tobacco may be required only, at his or its option, by application, to qualify and come under this article.’”

On the adoption of the amendment, the yeas were 35, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barker	Foster	McGill
Barnes	Garner	McKenzie
Bond	Gillis	Peevy
Bowen	Harris	Perry
Brantley	Harrison	Phillips
Broun of 46th	Hill	Scott of 2nd
Brown of 47th	Hine	Scott of 36th
Bryant	Holloway	Scott of 43rd
Burton	Horton	Starr
Cobb	Howard	Stumbaugh
Coleman	Hudgins	Tate
Coverdell	Huggins	Thompson
Dawkins	Kennedy	Timmons
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	Walker

Not voting were Senators:

Brannon	Fincher	Trulock
Coggin	Greene	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 400. By Representative Phillips of the 125th:

A bill to amend Code Section 43-34-27 of the Official Code of Georgia Annotated, relating to the licensing requirements for persons engaged in the practice of medicine, so as to delete the provision authorizing a graduate to stand a regular examination to practice medicine before completing a year's training as an intern.

Senate Sponsor: Senator Howard of the 42nd.

Senator Garner of the 30th offered the following substitute to HB 400:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 43-34-27 of the Official Code of Georgia An-

notated, relating to the licensing requirements for persons engaged in the practice of medicine, so as to delete the provision authorizing a graduate to stand a regular examination to practice medicine before completing a year's training as an intern; to repeal Code Section 43-34-1 of the Official Code of Georgia Annotated, relating to the practice of naturopathy; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 43-34-27 of the Official Code of Georgia Annotated, relating to the licensing requirements for persons engaged in the practice of medicine, is amended by striking paragraph (2) of subsection (a) in its entirety and inserting in lieu thereof a new paragraph (2) to read as follows:

“(2) Any such graduate after completing a year's training as an intern as required by paragraph (3) of this subsection shall be eligible to stand any regular examination given by the board for a license to practice medicine in this state. However, before such person shall be eligible to receive a license to practice medicine in this state, he shall furnish the board with satisfactory evidence of attainments and qualifications under this Code section and the rules and regulations of the board. Nothing contained in this Code section shall be construed so as to require a person who has previously passed an examination given by the board for a license to practice medicine in this state to stand another examination.”

Section 2. Code Section 43-34-1 of the Official Code of Georgia Annotated, relating to the practice of naturopathy, is repealed in its entirety.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 26, nays 9, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Brown of 47th	Dean
Barker	Bryant	English
Barnes	Burton	Ingram
Bond	Cobb	Fincher
Bowen	Coleman	Foster
Brannon	Coverdell	Garner
Brantley	Dawkins	Gillis
Broun of 46th	Deal	Harris

Harrison	Land	Scott of 43rd
Hill www.libtool.com.cn	Lester	Starr
Hine	Littlefield	Stumbaugh
Holloway	McGill	Tate
Horton	McKenzie	Thompson
Howard	Peevy	Trulock
Hudgins	Perry	Turner
Huggins	Phillips	Tysinger
Kennedy	Scott of 2nd	Walker
Kidd	Scott of 36th	

Those not voting were Senators:

Coggin	Greene	Timmons
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On the passage of the bill, the yeas were 53, nays 0.

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

Senator Deal of the 49th introduced a doctor of the day, Dr. John Darden, of Gainesville, Georgia, and Senator Thompson of the 32nd introduced a doctor of the day, Dr. Rich Hammesfahr, of Atlanta, Georgia. Also serving as a doctor of the day was Dr. Ferrol A. Sams, III, of Fayetteville, Georgia.

Time having arrived for the entertainment of the reconsideration motion, Senator Kidd of the 25th moved that the Senate reconsider its action previously today in defeating the following bill of the House:

HB 707. By Representative Groover of the 99th:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to laws applicable to the General Assembly, so as to recognize certain constitutional principles.

On the motion, the yeas were 30, nays 0; the motion prevailed, and HB 707 was reconsidered and placed at the foot of the Senate General Calendar.

The following message was received from the House through Mr. Ellard, the Clerk thereof: www.libtool.com.cn

Mr. President:

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

SB 31 By Senator Kidd of the 25th:

A bill to amend Code Section 15-9-60 of the Official Code of Georgia Annotated, relating to costs in the probate courts, so as to change the court costs for certain services; to provide an effective date.

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

SB 40. By Senators Hudgins of the 15th and Littlefield of the 6th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to define the crime of sexual assault; to define other terms; to provide penalties.

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

SB 59. By Senator Allgood of the 22nd:

A bill to amend Code Section 40-8-76 of the Official Code of Georgia Annotated, relating to safety belts required for passenger automobiles, so as to provide that parents or legal guardians shall be responsible for placing their children under three years of age in certain child restraint devices when children are being transported in passenger automobiles within this state.

The following general bill and resolution of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 419. By Representatives Heard of the 43rd, Auten of the 156th and Watts of the 41st:

A bill to amend Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to joint county and municipal sales tax, so as to provide procedures for new qualified municipalities to share the proceeds of the tax.

Senate Sponsor: Senator Kidd of the 25th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Barker	Foster	Littlefield
Barnes	Garner	McKenzie
Bond	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coleman	Howard	Tate
Coverdell	Hudgins	Thompson
Dawkins	Huggins	Trulock
Deal	Kennedy	Turner
Dean	Kidd	Tysinger
English	Land	Walker

Those not voting were Senators:

Bowen	Fincher	Timmons
Coggin	McGill	

On the passage of the bill, the yeas were 51, nays 0.

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

HR 255. By Representatives Lambert of the 66th and Connell of the 87th:

A resolution recommending that the Georgia Building Authority preserve and restore the Georgia Railroad Freight Depot and use it to house the state museum.

Senate Sponsor: Senator Tysinger of the 41st.

Senator Tysinger of the 41st offered the following amendment:

Amend HR 255 by striking from line 2 of Page 2 the following:

“the state museum”,

and inserting in place thereof the following:

“a state museum to be administered by the Georgia Building Authority”

On the adoption of the amendment, the yeas were 33, nays 0, and the amendment was adopted.

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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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	Littlefield
Barnes	Foster	Peevy
Bond	Garner	Perry
Brannon	Greene	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hill	Scott of 43rd
Burton	Hine	Starr
Cobb	Holloway	Stumbaugh
Coleman	Horton	Tate
Coverdell	Howard	Thompson
Dawkins	Huggins	Trulock
Deal	Kennedy	Turner
Dean	Kidd	Tysinger
English	Land	Walker
Engram	Lester	

Voting in the negative was Senator Hudgins.

Those not voting were Senators:

Barker	Coggin	McKenzie
Bowen	Gillis	Timmons
Bryant	McGill	

On the adoption of the resolution, the yeas were 47, nays 1.

The resolution, having received the requisite constitutional majority, was adopted as amended.

The following message was received from the House through Mr. Ellard, the Clerk thereof: www.libtool.com.cn

Mr. President:

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

HB 598. By Representative Phillips of the 125th:

A bill to repeal an Act entitled "An Act to provide for the manner of appointment of members to the Board of the Chatham County Hospital Authority"

HB 784. By Representative Selman of the 32nd:

A bill to amend an Act providing a new charter for the City of Palmetto, so as to annex into the city limits of the City of Palmetto that property generally located northeast of the present city limits and lying and being between Roosevelt Highway and the northern land lot line of Land Lot 124 to the east.

HB 838. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating a new charter for the City of Statesboro, so as to change the maximum amount of fines which may be imposed by the court.

HB 841. By Representative Ross of the 82nd:

A bill to amend an Act amending, revising, consolidating, and superseding the Act incorporating the Town of Norwood, so as to change the term of the mayor and councilmen of said town and provide for biennial elections therefor.

HB 843. By Representative Darden of the 20th:

A bill to amend an Act creating the board of commissioners of Cobb County, so as to authorize the board to delay until October 1, 1983, the effective date of any salary increase provided for by an Act of the 1983 General Assembly which is to be paid from county funds.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 292. By Representatives Ginsberg of the 122nd and Hamilton of the 124th:

A resolution creating the Chatham County Hospital Authority Study Commission.

The House insists on its position in disagreeing to the Senate substitute and has appointed a Committee of Conference on the part of the House to confer with a like committee on the part of the Senate on the following bill of the House:

HB 163. By Representatives Murphy of the 18th, McDonald of the 12th, Walker of the 115th and others:

A bill to make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984.

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

Representatives McDonald of the 12th, Burruss of the 20th and Collins of the 144th.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 2. By Senators Cobb of the 28th, Stumbaugh of the 55th, Turner of the 8th and others:

A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to require the operator of any vehicle with glass installed in the windshield or front windows, which glass is transparent from only one side, to stop immediately and roll down the front windows of such vehicle when apprehended by a law enforcement officer.

The House substitute to SB 2 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment and inspection of vehicles, so as to provide that it shall be unlawful to affix material to the front windshield or right or left front door windows of a motor vehicle which will obstruct vision into the vehicle; to make it unlawful to operate a motor vehicle which has material affixed to the front windshield or right or left front door windows of the vehicle which obstructs vision into the vehicle; to provide for exceptions; to provide penalties for violations; 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 40 of the Official Code of Georgia Annotated, relating to equipment and inspection of vehicles, is amended by adding between Code Sections 40-8-73 and 40-8-74 a new Code section, to be designated Code Section 40-8-73.1, to read as follows:

“40-8-73.1. (a) It shall be unlawful for any resident person, firm, or

corporation to affix any material to the front windshield or right or left front door windows of a motor vehicle which will obstruct vision into the vehicle.

(b) It shall be unlawful for any resident person to operate a motor vehicle in this state which has material affixed to the front windshield or right or left front door windows of the vehicle which obstructs vision into the vehicle.

(c) (1) The provisions of this Code section shall not apply to:

(A) Motor common carriers or motor contract carriers regulated by the Public Service Commission pursuant to Title 46;

(B) Ambulances or other medical service vehicles licensed by the Department of Human Resources pursuant to Title 31;

(C) Funeral coaches or hearses, provided they are operated by or pursuant to the authorization of a person licensed under Chapter 18 of Title 43; and

(D) Motor vehicles participating in organized parades when the driver or the parade manager has been issued a parade permit by the State of Georgia or by any political subdivision of the state.

(E) Licensed limousines for hire being regulated by the Public Service Commission or a political subdivision of this State.

(2) The provisions of this Code section shall not apply to the manufacturer's tinting of windshields or windows of motor vehicles or to certificates or identification decals or other papers required by law to be displayed on such windshields or windows.

(3) The provisions of this Code section shall not apply to transparent sun-screening material installed, affixed, or applied to the topmost portion of the front windshield or right or left front door windows if:

(A) The bottom edge of the material on the front windshield is at least 29 inches above the undepressed driver's seat when measured from a point five inches in front of the bottom of the backrest with the driver's seat in its rearmost and lowermost position with the vehicle on a level surface;

(B) The material is not red or amber in color;

(C) There is no opaque lettering on the material and any other lettering does not affect primary colors or distort vision through the windshield or windows; and

(D) The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or following vehicles to any greater extent than the windshield or window without the material.

(d) Any resident person, firm, or corporation violating the provisions of subsections (a) and (b) of this Code section shall be guilty of a misde-

meanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 12 months, or both.”
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Section 2. This Act shall become effective July 1, 1983.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Cobb of the 28th moved that the Senate agree to the House substitute to SB 2.

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

Those voting in the affirmative were Senators:

Allgood	English	Land
Barker	Fincher	Lester
Bond	Foster	McGill
Bowen	Garner	Perry
Brannon	Gillis	Phillips
Brantley	Greene	Scott of 2nd
Broun of 46th	Harris	Scott of 36th
Brown of 47th	Harrison	Scott of 43rd
Bryant	Hill	Starr
Burton	Hine	Tate
Cobb	Horton	Timmons
Coleman	Hudgins	Trulock
Coverdell	Huggins	Turner
Dawkins	Kennedy	Tysinger
Deal	Kidd	Walker
Dean		

Those voting in the negative were Senators:

Barnes	Peevy	Thompson
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Those not voting were Senators:

Coggin	Howard	McKenzie
Engram	Littlefield	Stumbaugh
Holloway		

On the motion, the yeas were 46, nays 3; the motion prevailed, and the Senate agreed to the House substitute to SB 2.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 551. By Representatives Chambless of the 133rd, Marcus of the 26th, Phillips of the 125th and Hooks of the 116th:

A bill to amend Part 8 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to hospital liens, so as to provide for definitions; to provide for liens for nursing home care, treatment, or services.

Senate Sponsor: Senator Hine of the 52nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Fincher	McKenzie
Barnes	Foster	Peevy
Bond	Gillis	Perry
Brannon	Greene	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hill	Scott of 43rd
Bryant	Hine	Starr
Burton	Horton	Tate
Cobb	Hudgins	Thompson
Coleman	Huggins	Timmons
Coverdell	Kennedy	Trulock
Dawkins	Kidd	Turner
Deal	Land	Tysinger
Dean	Lester	Walker

Those not voting were Senators:

Bowen	Garner	Littlefield
Coggin	Holloway	Stumbaugh
Engram	Howard	

On the passage of the bill, the yeas were 48, nays 0.

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

HB 320. By Representatives Phillips of the 120th and Patten of the 149th:

~~A bill to amend Code~~ A bill to amend Code Section 45-20-2 of the Official Code of Georgia Annotated, relating to definitions pertaining to the State Merit System of Personnel Administration, so as to provide that the director of the State Forestry Commission shall not be included in the classified service.

Senate Sponsor: Senator Gillis of the 20th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	McGill
Barker	Foster	Peevy
Barnes	Gillis	Perry
Bond	Harrison	Phillips
Brannon	Hill	Scott of 2nd
Brantley	Hine	Scott of 36th
Broun of 46th	Holloway	Scott of 43rd
Brown of 47th	Horton	Starr
Bryant	Howard	Tate
Burton	Hudgins	Thompson
Cobb	Huggins	Timmons
Coleman	Kennedy	Trulock
Coverdell	Kidd	Turner
Dawkins	Land	Tysinger
Deal	Lester	Walker
English		

Those not voting were Senators:

Bowen	Garner	Littlefield
Coggin	Greene	McKenzie
Dean	Harris	Stumbaugh
Engram		

On the passage of the bill, the yeas were 46, nays 0.

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

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to

provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

Senate Sponsor: Senator Starr of the 44th.

The Senate Committee on Education offered the following substitute to HB 532:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration; to provide that required local participation in these projects shall be calculated on the basis of the formula that existed in the year the entitlement occurred; to remove the total local funding authorized for capital outlay projects; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, is amended by striking therefrom paragraph (5) of subsection (c) in its entirety and substituting in lieu thereof a new paragraph (5) to read as follows:

“(5) To develop a state-wide needs assessment for purposes of planning and developing policies, anticipating state-wide needs for educational facilities, and providing assistance to local units in developing educational facilities plans. The state-wide needs assessment shall be developed from, among other sources, vital statistics published by the Department of Human Resources, census data published by the Bureau of the Census, local unit educational facilities and real property inventories, educational facilities surveys, average daily attendance projection research, and educational facilities construction plans, and shall reflect the demand areas for capital outlay. In addition, the State Board of Education shall develop a consistent, systematic research approach to average daily attendance projections which will be used in the development of needs within each local unit, but such projections shall not be confined to resident pupils in average daily attendance but shall be based on average daily attendance which includes nonresident pupils, whether or not such nonresident pupils attend school pursuant to a contract between local units of administration. The non-resident projection shall be the most recent five-year ADA average. The survey team will use such projections in determining the improvements needed for the five-year planning period. The state board shall also develop schedules for allowable square footage and cost per square foot. The cost estimate for each recommended improvement included in the plan shall be based on these schedules. Any increase in cost or square footage for a project beyond that allowed by state board schedules for such projects shall be the responsi-

bility of the local unit and shall not count toward present or future required local participation;"

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Section 2. Said Code section is further amended by striking therefrom subsection (g) in its entirety and substituting in lieu thereof a new subsection (g) to read as follows:

"(g) (1) Except as provided in paragraph (2) of this subsection, effective July 1, 1983, the state and each local unit of administration shall provide capital outlay funds for educational facilities in accordance with this subsection as follows:

(A) The required local participation shall be 25 percent of the eligible project cost as modified by the local ability index and annual debt service. The local ability index shall be determined by dividing the amount of the local unit's equalized adjusted school property tax digest per resident pupil in average daily attendance by the total amount of the state-wide equalized adjusted school property tax digest per total resident average daily attendance. The resulting index shall be multiplied by 25 percent of the cost of the eligible construction project to determine the required local participation. A local unit may reduce its required local participation by an amount equal to no more than 75 percent of annual debt service payments of interest and principal on local bonds issued for eligible construction projects. Regardless of the above, no local unit's required local participation shall be less than 10 percent nor greater than 25 percent of the cost of an eligible construction project except as provided in paragraph (2) of this Code section; and

(B) Eligible construction projects for consolidations as determined in subsection (f) of this Code section shall require no local funds; provided, however, that the state shall participate in no more than 25 percent of the cost of construction projects related to damage to educational facilities caused by fire or natural disaster.

(2) Any local unit of administration which did not use its entitlements prior to July 1, 1983, shall have its required local participation calculated based on the law as it existed in the year in which the entitlement accrued."

Section 3. Said Code section is further amended by striking therefrom paragraph (4) of subsection (h) in its entirety and inserting in lieu thereof a new paragraph (4) of subsection (h) to read as follows:

"(4) In order to determine the amount of state funds to be requested for a given fiscal year, total new and accrued entitlements must be compared to the state portion of the current cost estimates of the projects approved in the educational facilities plan in priority order. The above comparison shall be made for each of the incremental entitlement levels required in paragraph (1) of this Code section. In the event that projects requested for funding exceed the total state entitlements and required local participation, local units may elect to contribute additional local funding. Local funds contributed in excess of required local participation may be credited toward required local participation in subsequent years, provided that the requested state appropriation for this subsection shall

not exceed \$100 million annually and, if necessary, the new entitlement level shall be reduced to comply with this limitation.”

Section 4. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 36, nays 0, and the 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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Engram	Littlefield
Barnes	Fincher	McGill
Bond	Foster	Peevy
Bowen	Garner	Perry
Brannon	Greene	Phillips
Brantley	Harrison	Scott of 2nd
Broun of 46th	Hill	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Bryant	Holloway	Starr
Burton	Horton	Stumbaugh
Cobb	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Timmons
Dawkins	Kennedy	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	Walker

Those not voting were Senators:

Allgood	Gillis	McKenzie
Coggin	Harris	

On the passage of the bill, the yeas were 51, nays 0.

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

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

HB 163. By Representatives Murphy of the 18th, McDonald of the 12th, Walker of the 115th and others:

A bill to make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984.

Senator Starr of the 44th moved that the Senate adhere to the Senate substitute to HB 163, and that a Conference Committee be appointed.

On the motion, the yeas were 33, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to HB 163.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Holloway of the 12th, Starr of the 44th and Kennedy of the 4th.

The following bills and resolution of the House were read the first time and referred to committee:

HB 598. By Representative Phillips of the 125th:

A bill to repeal an Act entitled "An Act to provide for the manner of appointment of members to the Board of the Chatham County Hospital Authority"

Referred to Committee on Federal, State and Community Affairs.

HB 784. By Representative Selman of the 32nd:

A bill to amend an Act providing a new charter for the City of Palmetto, so as to annex into the city limits of the City of Palmetto that property generally located northeast of the present city limits and lying and being between Roosevelt Highway and the northern land lot line of Land Lot 124 to the east.

Referred to Committee on Federal, State and Community Affairs.

HB 838. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating a new charter for the City of Statesboro, so as to change the maximum amount of fines which may be imposed by the court.

Referred to Committee on Federal, State and Community Affairs.

HB 841. By Representative Ross of the 82nd:

~~A bill to amend an~~ Act amending, revising, consolidating, and superseding the Act incorporating the Town of Norwood, so as to change the term of the mayor and councilmen of said town and provide for biennial elections therefor.

Referred to Committee on Federal, State and Community Affairs.

HB 843. By Representative Darden of the 20th:

A bill to amend an Act creating the board of commissioners of Cobb County, so as to authorize the board to delay until October 1, 1983, the effective date of any salary increase provided for by an Act of the 1983 General Assembly which is to be paid from county funds.

Referred to Committee on Federal, State and Community Affairs.

HR 292. By Representatives Ginsberg of the 122nd and Hamilton of the 124th:

A resolution creating the Chatham County Hospital Authority Study Commission.

Referred to Committee on Federal, State and Community Affairs.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 299. By Representative Adams of the 16th:

A bill to amend Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to offenses involving theft, so as to limit civil and criminal liability of a merchant or merchant's agent or employee when a suspected shoplifter is detained, questioned, or arrested.

Senate Sponsors: Senators Coggin of the 35th and Deal of the 49th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Bryant	English
Barker	Burton	Engram
Barnes	Cobb	Fincher
Bond	Coleman	Foster
Bowen	Coverdell	Garner
Brannon	Dawkins	Greene
Brantley	Deal	Harris
Brown of 47th	Dean	Hill

Hine	Lester	Starr
Holloway	Littlefield	Stumbaugh
Horton	McGill	Tate
Howard	Peevy	Thompson
Hudgins	Perry	Timmons
Huggins	Phillips	Turner
Kennedy	Scott of 2nd	Tysinger
Kidd	Scott of 36th	Walker
Land	Scott of 43rd	

Those not voting were Senators:

Broun of 46th	Gillis	McKenzie
Coggin	Harrison	Trulock

On the passage of the bill, the yeas were 50, nays 0.

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

HB 379. By Representatives Snow of the 1st, Lawson of the 9th, Evans of the 84th and Chambless of the 133rd:

A bill to amend Article 2 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to powers and duties of the Secretary of State, so as to provide for the fee of the Secretary of State for accepting service of process.

Senate Sponsor: Senator Coleman of the 1st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Coleman	Hine
Barker	Coverdell	Holloway
Bond	Dawkins	Horton
Bowen	Deal	Howard
Brannon	Dean	Hudgins
Brantley	English	Huggins
Broun of 46th	Ingram	Kennedy
Brown of 47th	Foster	Kidd
Bryant	Garner	Land
Burton	Greene	Lester
Cobb	Hill	Littlefield

McGill	Scott of 43rd	Trulock
Peevy	Starr	Turner
Perry	Stumbaugh	Tysinger
Phillips	Tate	Walker
Scott of 2nd	Timmons	

Those not voting were Senators:

Barnes	Gillis	McKenzie
Coggin	Harris	Scott of 36th
Fincher	Harrison	Thompson

On the passage of the bill, the yeas were 47, nays 0.

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

HB 386. By Representatives Russell of the 64th and Linder of the 44th:

A bill to amend Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dentists and dental hygienists, so as to provide for service of documents.

Senate Sponsors: Senators Greene of the 26th and Lester of the 23rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Littlefield
Barker	Engram	McGill
Barnes	Foster	Peevy
Bond	Gillis	Perry
Bowen	Greene	Phillips
Brannon	Hill	Scott of 2nd
Brantley	Hine	Scott of 36th
Broun of 46th	Holloway	Scott of 43rd
Brown of 47th	Horton	Stumbaugh
Bryant	Howard	Tate
Burton	Hudgins	Thompson
Cobb	Huggins	Timmons
Coleman	Kennedy	Trulock
Coverdell	Kidd	Turner
Dawkins	Land	Tysinger
Deal	Lester	Walker
Dean		

Those not voting were Senators:

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Coggin
Fincher
Garner

Harris
Harrison
McKenzie

Starr (excused
conferee)

On the passage of the bill, the yeas were 49, nays 0.

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

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 40. By Senators Hudgins of the 15th and Littlefield of the 6th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to define the crime of sexual assault; to define other terms; to provide penalties.

The House substitute to SB 40 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide a standard of care for handicapped infants; to define the crime of sexual assault on a confined person; to define other terms; to provide penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by adding after Code Section 16-5-70, relating to cruelty to children, a new Code Section 16-5-71 to read as follows:

“16-5-71. (a) As used in this Code section, the term ‘handicapped child’ means any child who has a physical or mental impairment which substantially limits one or more of such child’s major life activities.

(b) No parent, guardian, or other person supervising the welfare of or having immediate charge or custody of a child under 18 years of age shall deprive, or permit another to deprive, a handicapped child of nutrition which is necessary to sustain life or medical treatment which is necessary to remedy or ameliorate a life-threatening medical condition, if:

(1) Any such deprivation is carried out for the purpose of causing or allowing the death of such child; and

(2) Such nutrition or medical treatment is generally provided to similarly situated handicapped and nonhandicapped children.

(c) The violation of subsection (b) of this Code section shall constitute cruelty to children and shall be punished as provided in Code Section 16-5-70."

Section 2. Said title is further amended by adding between Code Sections 16-6-5 and 16-6-6 a new Code section, to be designated Code Section 16-6-5.1, to read as follows:

"16-6-5.1. (a) As used in this Code section, the term:

(1) 'Actor' means a person accused of sexual assault on a confined person.

(2) 'Intimate parts' means the genital area, groin, inner thighs, buttocks, oral orifice, hands, or breasts of a person.

(3) 'Sexual contact' means any contact for the purpose of sexual gratification of the actor with the intimate parts of a person not married to the actor.

(b) A person commits sexual assault on a confined person when he engages in sexual contact with another person who is in the custody of any lawful authority or who is detained in or is a patient in a hospital or other institution and such actor has supervisory or disciplinary authority over such other person. A person convicted of sexual assault on a confined person shall be punished by imprisonment for not less than one nor more than three years."

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Hudgins of the 15th moved that the Senate disagree to the House substitute to SB 40.

On the motion, the yeas were 38, nays 2; the motion prevailed, and the Senate disagreed to the House substitute to SB 40.

The following local bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 276. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Hancock County; to provide for terms of office.

The House substitute to SB 276 was as follows:

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A BILL TO BE ENTITLED
AN ACT

To provide for the appointment of the initial chief magistrate of the Magistrate Court of Hancock County; to provide for the election of successors to said initial chief magistrate; to provide for the selection of other magistrates; to provide for terms of office; to provide for the appointment of other court personnel; to provide for constables; to provide for filling vacancies; to provide for the compensation of the chief magistrate and other magistrates and of other court personnel; to excuse the chief magistrate from certain jury duty; to provide for reimbursing the chief magistrate and other magistrates for their reasonable costs and expenses of training; to provide for severability; to provide for the collection of additional costs in the magistrate court for the county law library; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. It is the intent of this Act to implement certain changes required by Article VI of the Constitution of the State of Georgia and authorized by general law.

Section 2. (a) The initial chief magistrate of the Magistrate Court of Hancock County shall be appointed by the chief judge of the Superior Court of Hancock County with the concurrence of the governing authority of Hancock County. Such initial chief magistrate shall serve for a term of office which begins on July 1, 1983, and expires on December 31, 1984.

(b) At the general election in 1984 and at the general election held every four years thereafter, a successor shall be elected for a term of office of four years, such term to begin on the first day of January immediately following any such election.

(c) Any other magistrate taking office in Hancock County on July 1, 1983, shall continue in office for a term which shall expire on the date of expiration of the term which he was serving in such other capacity. Such other magistrates shall thereafter be appointed by the governing authority of Hancock County for terms which expire on the date that the term of office of the chief magistrate expires. The governing authority shall not appoint more than three magistrates for said magistrate court.

(d) The chief magistrate shall appoint the clerk and other court personnel of the magistrate court; provided, however, that the number of such court personnel shall be approved by the governing authority of Hancock County.

(e) The officers of the Hancock County Police Department shall serve as constables for the Magistrate Court of Hancock County.

(f) The chief magistrate appointed to the Magistrate Court of Hancock County shall be exempt from jury duty in the superior court or any

other court existing or which may be created or established in Hancock County.
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Section 3. (a) A vacancy in the office of the chief magistrate of the Magistrate Court of Hancock County shall be filled by appointment by the governing authority of Hancock County until the next general election, at which time a person shall be elected to fill the remainder of the unexpired term.

(b) A vacancy in the office of any other magistrate shall be filled by appointment by the governing authority of Hancock County for the remainder of the unexpired term.

Section 4. (a) The chief magistrate shall be placed on an annual salary of not less than \$12,000.00, the exact amount to be determined by the governing authority of Hancock County. Such salary shall be paid from the funds of Hancock County.

(b) The governing authority of Hancock County shall fix the salaries of the other magistrates and the compensation of the clerk of the court and other court personnel. Such salaries or other compensation shall not be less than the minimum wage, and such court officers and personnel shall be entitled to other benefits provided for county employees.

Section 5. The costs and expenses of training required by Chapter 10 of Title 15 of the O.C.G.A. shall be paid by the chief magistrate and other magistrates of Hancock County, but such officers shall be reimbursed by the governing authority of Hancock County for such reasonable costs and expenses.

Section 6. The collection of additional costs in cases before the magistrate court shall be made for the benefit of a law library. Such additional costs shall be in the amount of \$2.00 and shall be collected and used as provided in Code Section 36-15-9 of the O.C.G.A.

Section 7. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 8. This Act shall become effective July 1, 1983.

Section 9. All laws and parts of laws in conflict with this Act are repealed.

On the motion, the yeas were 36, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 276.

The following local bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 273. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Jones County; to provide for terms of office.

The House amendment was as follows:

Amend SB 273 as follows:

By striking subsection (a) of Section 4 where the same appears in lines 27 through 30 on Page 2 in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

“(a) The chief magistrate shall receive an annual salary of \$15,000.00 which shall be paid in equal monthly installments or equal semimonthly installments, as determined by the governing authority of Jones County, from the funds of such county. On and after January 1, 1984, when the governing authority of Jones County grants a cost-of-living increase in the compensation of county employees, the average percentage by which the compensation of county employees is increased shall be applied to the then current salary of the chief magistrate, and the salary of the chief magistrate shall be increased by such average percentage.”

Senator Kidd of the 25th moved that the Senate disagree to the House amendment to SB 273.

On the motion, the yeas were 36, nays 0; the motion prevailed, and the Senate disagreed to the House amendment to SB 273.

The following bills of the Senate were taken up for the purpose of considering the House substitute thereto:

SB 146. By Senators Holloway of the 12th and Kidd of the 25th:

A bill to amend Code Section 34-7-4 of the Official Code of Georgia Annotated, relating to payment of outstanding wages to surviving spouse or minor children by certain employers, so as to eliminate the maximum amount which can be paid to the surviving spouse or minor children of state employees.

The House substitute to SB 146 was as follows:

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A BILL TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 34 of the Official Code of Georgia Annotated, relating to master and servant generally, so as to change the provisions relating to the payment of a deceased employee's outstanding wages or other moneys to surviving spouse or children; to eliminate the maximum amount which can be paid to the surviving spouse or minor children or state employees; to authorize such payment to certain designated beneficiaries; to provide for a procedure whereby an employee may designate who shall receive such payment; to provide certain exemptions from liability; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Chapter 7 of Title 34 of the Official Code of Georgia Annotated, relating to master and servant generally, is amended by striking Code Section 34-7-4, relating to the payment of a deceased employee's outstanding wages or other moneys to surviving spouse or children generally, in its entirety and inserting in lieu thereof a new Code Section 34-7-4 to read as follows:

"34-7-4. (a) (1) Upon the death of any person who was employed by any political subdivision of the state or by any railroad company or other corporation, individual, or partnership doing business in this state, if the deceased employee had wages or other moneys due from such employer it shall be lawful for such employer to pay all of such sums if they do not exceed \$2,500.00, or to pay the sum of \$2,500.00 if such sums exceed \$2,500.00 or upon the death of any person who was employed by the state, if the deceased employee had wages or other moneys due from the state, it shall be lawful for the state to pay all of such sums, as follows:

(A) In the absence of a beneficiary designated in writing by the employee, then to the employee's surviving spouse;

(B) In the absence of a beneficiary designated in writing by the employee and where the employee left no surviving spouse but left a surviving minor child or children, then to the duly qualified guardian of the minor child or children without any administration upon the estate of the employee; or

(C) Where a beneficiary has been designated in writing by the employee to receive such sums and such beneficiary is under no legal incapacity to prevent him from receiving such sums, then to such beneficiary, or, if such beneficiary is under such legal incapacity, then to his duly qualified guardian.

Such funds to the amount of \$2,500.00 shall be exempt from any and all process of garnishment.

(2) It shall be the responsibility of the employee to provide and the

responsibility of the employer to request the name and current address of the employee's spouse or, if there is no spouse, the name and current address of each minor child of the employee. If the employee, at his election, designates a beneficiary to receive such sums, such designation shall be in writing, shall include the name and address of such beneficiary, and shall be signed by the employee. The employer shall inform the employee that any sums payable under this Code section may be paid pursuant to the designation made by the employee to a beneficiary, or to the employee's spouse, or to the employee's minor child or children as provided in this Code section and shall request the employee to furnish and keep any such information and designation current. The employer shall not be subject to any penalty for failure to inform and request that the employee furnish such information and designation, or for the failure of the employer to pay such sums in accordance with the provisions of this Code section.

(b) Any employer described in subsection (a) of this Code section may pay over any sums due under subsection (a) of this Code section upon the demand of such designated beneficiary or guardian thereof, or, if no such beneficiary is designated, then upon the demand of the surviving spouse, or, if in the absence of such designated beneficiary and where there is no surviving spouse, upon the demand of the minor child or children or the guardian thereof.

(c) The paying over of any sums due as permitted under subsections (a) and (b) of this Code section to the proper party or parties as set forth in this Code section shall operate as a release from all claims to such sums or as a release from all claims against the state, political subdivision thereof, railroad company, or other corporate, partnership, or individual employer by the estate of the employee, the creditors thereof, the surviving spouse or minor child or children or the guardian thereof, or any other person."

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Holloway of the 12th moved that the Senate agree to the House substitute to SB 146.

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

Those voting in the affirmative were Senators:

Allgood	Burton	Engram
Barnes	Cobb	Fincher
Bowen	Coleman	Foster
Brannon	Coverdell	Garner
Brantley	Dawkins	Gillis
Broun of 46th	Deal	Greene
Brown of 47th	Dean	Harris
Bryant	English	Harrison

Hill	Lester	Starr
Hine	Littlefield	Stumbaugh
Holloway	McGill	Tate
Horton	Peevy	Thompson
Howard	Perry	Timmons
Hudgins	Phillips	Trulock
Huggins	Scott of 2nd	Turner
Kennedy	Scott of 36th	Tysinger
Kidd	Scott of 43rd	Walker
Land		

Those not voting were Senators:

Barker	Coggin	McKenzie
Bond		

On the motion, the yeas were 52, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 146.

SB 154. By Senator Lester of the 23rd:

A bill to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants and registered public accountants.

The House substitute to SB 154 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants and registered public accountants; to change notice requirements relating to certain rules; to clarify requirements relating to the experience necessary for certification; to provide a definition of good moral character; to provide for the appointment of the Secretary of State as agent for service of process for nonresidents; to provide for the issuance of temporary permits; to delete certain requirements relating to notification and extension of time for compliance with licensing requirements; to delete the requirement for issuance of biennial inactive status licenses; to provide the forms of advertising and solicitation which shall be prohibited; to authorize the board to prohibit certain solicitation by rules or regulations; to delete the exception relating to the practice of accountancy by certified public accountants or public accountants who hold certificates, degrees, or licenses of another state or foreign country from temporarily and periodically practicing in this state; to correct certain references; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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Section 1. Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, is amended by striking Code Section 43-3-3, relating to the creation of the State Board of Accountancy, in its entirety and substituting in lieu thereof a new Code Section 43-3-3 to read as follows:

“43-3-3. (a) There is created the State Board of Accountancy.

(b) The board shall consist of seven members, to be appointed by the Governor with the approval of the Senate. Each member of the board shall be a resident of this state. Five members of the board shall be certified public accountants, all of whom shall hold a permit to practice public accounting issued under Code Section 43-3-24. Two members shall be appointed from the public at large and shall be persons to whom neither this state nor any other state has ever issued a certificate, registration, license, or permit to engage in the practice of public accounting.

(c) Each member of the board in office on July 1, 1983, shall remain in office until the expiration of his term and the appointment and approval of his successor, except for the incumbent member who is a registered public accountant, and that position on the board shall stand abolished on July 1, 1983. The second at-large member shall be appointed to take office on July 1, 1983, as the successor to the member whose position on the board is abolished. The initial additional member appointed from the public at large shall be appointed for a term ending June 30, 1987.

(d) Any appointment or reappointment of board members shall be for a period of four years. The remaining portion of any unexpired term shall be filled by appointment by the Governor with the approval of the Senate. Upon the expiration of his term of office, a member shall continue to serve until his successor shall have been appointed and shall have qualified.

(e) No member of the board shall serve as such for more than two terms, consecutive or otherwise; and, for purposes of calculating the number of terms served, the filling of an unexpired term or terms for a total of more than 30 calendar months shall be treated as the serving of a full term.

(f) Any member of the board may be removed by the Governor for misconduct, incompetence, or neglect of duty. The membership on the board of any member whose permit to practice has expired and has not been renewed, has become void, or has been revoked or suspended shall be automatically terminated simultaneously with any such expiration, voiding, revocation, or suspension.

(g) Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.”

Section 2. Said chapter is further amended by striking Code Section 43-3-6, relating to residency, age, and character requirements of certified

public accountants, in its entirety and substituting in lieu thereof a new Code Section 43-3-6 to read as follows:

“43-3-6. (a) The certificate of ‘certified public accountant’ shall be granted by the board to any person:

- (1) Who has attained the age of 18;
- (2) Who is, in the opinion of the board, of good moral character;
- (3) Who meets the following requirements of education and experience:

(A) Except as provided in subsection (b) of this Code section or subsection (a) of Code Section 43-3-7, the education requirement shall be the presentation to the board of such evidence as it may require that the applicant has received a baccalaureate degree or completed the requirements therefor, conferred by a college or university accredited by a national or regional accrediting organization recognized by the board, with a concentration in accounting or what the board determines to be the substantial equivalent of the foregoing, or with a nonaccounting concentration supplemented by what the board determines to be the substantial equivalent of an accounting concentration, including related courses in other areas of business administration; and

(B) The experience requirement shall be two years’ continuous experience in public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule, provided that the board may promulgate rules stating certain circumstances which shall constitute acceptable breaks in the continuity of said experience; and provided further, that the board may accept, in lieu of both of such years’ experience in public accounting, evidence satisfactory to it of five years’ continuous employment in the accounting field in industry, business, government, or college teaching; any combination of the above; or any combination of the above and practice in public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof; and provided, further, that any person certified as a certified public accountant under the laws of this state on July 1, 1977, shall be deemed to have the experience in the practice of public accountancy required by this subparagraph; and

- (4) Who shall have passed a written or oral examination, or both, in accounting, auditing, and such related subjects as the board deems appropriate.

(b) The board, in its discretion, may waive the education requirement specified in paragraph (3) of subsection (a) of this Code section for any applicant, if it is satisfied, from the result of a special written examination given the applicant by the board to test his educational qualification, that he is as well equipped educationally as if he met such education requirement.

(c) For the purposes of this Code section, ‘good moral character’ means fiscal integrity and a lack of any history of acts involving dishon-

esty or moral turpitude. For failure to satisfy this requirement, the board may refuse to certify an applicant where it finds that there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and the finding by the board of a lack of good moral character is supported by clear and convincing evidence. When an applicant is found to be unqualified for a certificate because of lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board and a complete listing of the evidence upon which the determination was based, and the applicant may request a hearing on that determination."

Section 3. Said chapter is further amended by striking Code Section 43-3-7, relating to certified public accountants and the scope of examination, in its entirety and substituting in lieu thereof a new Code Section 43-3-7 to read as follows:

"43-3-7. (a) The board may provide, by regulation, for the general scope of examinations described in paragraph (4) of subsection (a) of Code Section 43-3-6 and subsection (b) of Code Section 43-3-6 and may obtain such advice and assistance as it deems appropriate to assist it in preparing and grading such examinations.

(b) The examinations described in paragraph (4) of subsection (a) of Code Section 43-3-6 and subsection (b) of Code Section 43-3-6 shall be held by the board and shall take place as often as the board shall determine to be desirable, but the examination described in paragraph (4) of subsection (a) of Code Section 43-3-6 shall be held at least twice each year. The board shall publish notice of the time and place of all examinations provided for in this Code section at least three consecutive days in daily newspapers of general circulation published in three cities in this state with the largest population according to the United States decennial census of 1970 or any future such census. Any such notice shall be published at least 90 days prior to the examination to which it refers.

(c) An applicant who has met the education requirement specified in paragraph (3) of subsection (a) of Code Section 43-3-6 or who expects to meet it within 120 days following the examination described in paragraph (4) of subsection (a) of Code Section 43-3-6 or with respect to whom such education requirement has been waived in accordance with subsection (b) of Code Section 43-3-6 shall be eligible to take such examination without waiting until he meets the experience requirement if he also meets the requirements of paragraphs (1) and (2) of subsection (a) of Code Section 43-3-6. In the case of any applicant admitted to such examination on the expectation that he will meet the education requirement within 120 days, no certificate shall be issued, nor shall credit for the examination, or any part of it, be given unless such requirement is in fact completed within that time or within such longer period of time as the board, in its discretion, may determine.

(d) An applicant for the certificate of certified public accountant who has successfully completed the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 shall have no status as a certified public accountant until he has the requisite education and

experience and has received his certificate as a certified public accountant.

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(e) The board, by regulation, may provide for granting a credit to any applicant for his satisfactory completion of an examination in any one or more of the subjects specified in paragraph (4) of subsection (a) of Code Section 43-3-6 given by the licensing authority in another state, provided that when such applicant took such examination he had no place of business in this state and, as an employee, was not regularly employed in this state. Such regulations shall include such requirements as the board deems appropriate to ensure that any examination approved as a basis for any such credit, in the judgment of the board, shall be at least as thorough as the most recent examination given by the board at the time of the granting of such credit.

(f) The board, by regulation, may prescribe the time and conditions under which an applicant who passes, in one sitting, a portion of the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 pertaining to at least two or more of the subjects indicated in such paragraph may be reexamined in only the remaining subjects, with credit for the subjects previously passed, provided that the entire examination must be passed in six consecutive attempts, including the initial sitting in which at least two parts of the examination were passed.

(g) With respect to examinations, the board shall charge the applicant a fee to be determined by the board, which fee shall be sufficient to pay for the cost of the examinations.

(h) Application for certification by persons who are not residents of this state shall constitute the appointment of the Secretary of State as the agent for service of process in any action or proceeding against such applicant arising out of any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates."

Section 4. Said chapter is further amended by striking subsection (a) of Code Section 43-3-8, relating to certified public accountants and the conducting of oral examinations and the retention by joint-secretary of records of examinations, in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Any written examination described in paragraph (4) of subsection (a) of Code Section 43-3-6 and subsection (b) of Code Section 43-3-6 may be administered orally if the board determines that an applicant's physical handicap or other circumstances render him incapable of taking a written examination. Any applicant who desires to have an examination administered orally shall present to the board such evidence, as it deems appropriate, of the handicap or other circumstances necessitating such oral administration. Such evidence shall be submitted to the board at least 20 days prior to the date of examination."

Section 5. Said chapter is further amended by striking Code Section 43-3-10, relating to the issuance of temporary certificates to certified public accountants by the board, in its entirety and substituting in lieu thereof a new Code Section 43-3-10 to read as follows:

“43-3-10. In the event an applicant for a certificate as a certified public accountant meets all of the requirements for such a certificate, the board, in its discretion, may issue to him a temporary certificate as a certified public accountant. The temporary certificate shall be effective only until the board notifies him that his application for a certificate as a certified public accountant pursuant to Code Section 43-3-11 has been either granted or rejected. In no event shall a temporary certificate be in effect for more than three months after the date of its issuance. No fee shall be charged for such certificate.”

Section 6. Said chapter is further amended by striking Code Section 43-3-11, relating to certified public accountants and reciprocity with other states, in its entirety and substituting in lieu thereof a new Code Section 43-3-11 to read as follows:

“43-3-11. The board, in its discretion, may waive the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 and may issue a certificate as a certified public accountant to any person who possesses the qualifications specified in paragraphs (1) and (2) of subsection (a) of Code Section 43-3-6 and what the board determines to be the substantial equivalent of the qualifications under paragraph (3) of subsection (a) of Code Section 43-3-6 and who is a holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of another state, provided that the certificate held by such person was issued after an examination which, in the judgment of the board, is the equivalent of the standard established by the board for examinations administered pursuant to paragraph (4) of subsection (a) of Code Section 43-3-6; and provided, further, that such privileges are extended to citizens of this state by the state originally granting the certificate. Notwithstanding the foregoing, the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 shall be waived by the board in the case of an applicant who has been engaged in public practice for a period of ten years in another state pursuant to authority issued by such state.”

Section 7. Said chapter is further amended by striking Code Section 43-3-13, relating to residency, age, and character requirements of registered public accountants, in its entirety and substituting in lieu thereof a new Code Section 43-3-13 to read as follows:

“43-3-13. (a) The certificate of ‘registered public accountant’ shall be granted by the board to any person:

- (1) Who has attained the age of 18;
- (2) Who is, in the opinion of the board, of good moral character;
- (3) Who meets the following requirements of education and experience:

(A) Except as provided in subsection (b) of this Code section or subsection (c) of Code Section 43-3-14, the education requirement shall be the presentation to the board of such evidence as it may require that the applicant has received a high school diploma or completed the re-

quirements therefor or what the board determines to be the substantial equivalent of the foregoing;

(B) The experience requirement shall be two years' continuous experience in public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule, provided that the board may promulgate rules stating certain circumstances which shall constitute acceptable breaks in the continuity of said experience; and provided, further, that the board may accept, in lieu of both of such years' experience in public accounting, evidence satisfactory to it of five years' continuous employment in the accounting field in industry, business, government, or college teaching; any combination of the above; or any combination of the above and practice in public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof; and provided, further, that any person registered as a registered public accountant under the laws of this state on July 1, 1977, shall be deemed to have the experience in the practice of public accountancy required by this subparagraph; and

(4) Who shall have passed a written or oral examination, or both, in accounting, auditing, and such related subjects as the board deems appropriate.

(b) The board, in its discretion, may waive the education requirement specified in paragraph (3) of subsection (a) of this Code section for any applicant if it is satisfied, from the result of a special written examination given the applicant by the board to test his educational qualification, that he is as well equipped educationally as if he met such education requirement.

(c) For the purposes of this Code section, 'good moral character' means fiscal integrity and a lack of any history of acts involving dishonesty or moral turpitude. For failure to satisfy this requirement, the board may refuse to certify an applicant where it finds that there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and the finding by the board of a lack of good moral character is supported by clear and convincing evidence. When an applicant is found to be unqualified for a certificate because of lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board and a complete listing of the evidence upon which the determination was based, and the applicant may request a hearing on that determination."

Section 8. Said chapter is further amended by striking Code Section 43-3-14, relating to registered public accountants and the scope of examination, in its entirety and substituting in lieu thereof a new Code Section 43-3-14 to read as follows:

"43-3-14. (a) The board may provide, by regulation, for the general scope of examinations described in paragraph (4) of subsection (a) of Code Section 43-3-13 and subsection (b) of Code Section 43-3-13 and may obtain such advice and assistance as it deems appropriate to assist it in preparing and grading such examinations.

(b) The examinations described in paragraph (4) of subsection (a) of Code Section 43-3-13 and subsection (b) of Code Section 43-3-13 shall be held by the board and shall take place as often as the board shall determine to be desirable, but the examination described in paragraph (4) of subsection (a) of Code Section 43-3-13 shall be held at least twice each year. The board shall publish notice of the time and place of all examinations provided for in this Code section at least three consecutive days in daily newspapers of general circulation published in the three cities in this state with the largest population according to the United States decennial census of 1970 or any future such census. Any such notice shall be published at least 90 days prior to the examination to which it refers.

(c) An applicant who has met the education requirement specified in paragraph (3) of subsection (a) of Code Section 43-3-13 or who expects to meet it within 120 days following the examination described in paragraph (4) of subsection (a) of Code Section 43-3-13 or with respect to whom such education requirement has been waived in accordance with subsection (b) of Code Section 43-3-13 shall be eligible to take such examination without waiting until he meets the experience requirement if he also meets the requirements of paragraphs (1) and (2) of subsection (a) of Code Section 43-3-13. In the case of any applicant admitted to such examination on the expectation that he will meet the education requirement within 120 days, no certificate shall be issued, nor shall credit for the examination, or any part of it, be given unless such requirement is in fact completed within that time or within such longer period of time as the board, in its discretion, may determine.

(d) An applicant for the certificate of registered public accountant who has successfully completed the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-13 shall have no status as a registered public accountant until he has the requisite education and experience and has received his certificate as a registered public accountant.

(e) The board, by regulation, may provide for granting a credit to any applicant for his satisfactory completion of an examination in any one or more of the subjects specified in paragraph (4) of subsection (a) of Code Section 43-3-13 given by the licensing authority in another state, provided that when such applicant took such examination he had no place of business in this state and, as an employee, was not regularly employed in this state. Such regulations shall include such requirements as the board deems appropriate to ensure that any examination approved as a basis for any such credit, in the judgment of the board, shall be at least as thorough as the most recent examination given by the board at the time of the granting of such credit.

(f) The board, by regulation, may prescribe the time and conditions under which an applicant who passes, in one sitting, a portion of the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-13 pertaining to at least two or more of the subjects indicated in such paragraph may be reexamined in only the remaining subjects, with credit for the subjects previously passed, provided that the entire

examination must be passed in ten consecutive attempts, including the initial sitting in which at least two parts of the examination were passed.

(g) With respect to examinations, the board shall charge the applicant a fee to be determined by the board, which fee shall be sufficient to pay for the cost of the examinations.

(h) Application for certification by persons who are not residents of this state shall constitute the appointment of the Secretary of State as the agent for service of process in any action or proceeding against such applicant arising out of any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of registered public accountant certificates."

Section 9. Said chapter is further amended by striking subsection (a) of Code Section 43-3-15, relating to registered public accountants and the conducting of oral examinations and the retention by the joint-secretary of records of examinations, in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Any written examination described in paragraph (4) of subsection (a) of Code Section 43-3-13 may be administered orally if the board determines that an applicant's physical handicap or other circumstances render him incapable of taking a written examination. Any applicant who desires to have an examination administered orally shall present to the board such evidence, as it deems appropriate, of the handicap or other circumstances necessitating such oral administration. Such evidence shall be submitted to the board at least 20 days prior to the date of examination."

Section 10. Said chapter is further amended by striking Code Section 43-3-17, relating to the issuance of temporary certificates to registered public accountants by the board, in its entirety and substituting in lieu thereof a new Code Section 43-3-17 to read as follows:

"43-3-17. In the event an applicant for a certificate as a registered public accountant meets all of the requirements for such a certificate, the board, in its discretion, may issue to him a temporary certificate as a registered public accountant. The temporary certificate shall be effective only until the board notifies him that his application for a certificate as a registered public accountant pursuant to Code Section 43-3-18 has been either granted or rejected. In no event shall a temporary certificate be in effect for more than three months after the date of its issuance. No fee shall be charged for such certificate."

Section 11. Said chapter is further amended by striking Code Section 43-3-18, relating to registered public accountants and reciprocity with other states, in its entirety and substituting in lieu thereof a new Code Section 43-3-18 to read as follows:

"43-3-18. The board, in its discretion, may waive the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-13 and may issue a certificate as a registered public accountant to any person who possesses the qualifications specified in paragraphs (1) and (2) of subsection (a) of Code Section 43-3-13 and what the board determines

to be the substantial equivalent of the qualifications under paragraph (3) of subsection (a) of Code Section 43-3-13 and who is a holder of a certificate as a registered public accountant, then in full force and effect, issued under the laws of another state, provided that the certificate held by such person was issued after an examination which, in the judgment of the board, is the equivalent of the standard established by the board for examinations administered pursuant to paragraph (4) of subsection (a) of Code Section 43-3-13; and provided, further, that such privileges are extended to citizens of this state by the state originally granting the certificate.”

Section 12. Said chapter is further amended by striking Code Section 43-3-24, relating to issuance of permits to qualified individuals and professional corporations to practice public accountancy, in its entirety and substituting in lieu thereof a new Code Section 43-3-24 to read as follows:

“43-3-24. (a) A permit to engage in the practice of public accountancy in this state shall be issued by the joint-secretary, at the direction of the board, to each person who is certificated as a certified public accountant under Code Sections 43-3-6 through 43-3-12, registered as a public accountant under Code Sections 43-3-13 through 43-3-19, or registered as a foreign accountant under Code Section 43-3-20 who shall have furnished evidence, satisfactory to the board, of compliance with the requirements of Code Section 43-3-25, and to individuals, partnerships, professional associations, and professional corporations registered under Code Section 43-3-21 or 43-3-22, provided that all offices of such certificate holder or registrant are maintained and registered as required under Code Section 43-3-23. There shall be a biennial permit fee in an amount to be determined by the board.

(b) For the purpose of enabling persons, partnerships, professional associations, or professional corporations licensed in other states to perform specific professional engagements involving the practice of public accounting in this state, the board shall grant temporary permits to practice to persons, partnerships, professional associations, or professional corporations who make application and demonstrate their qualifications therefor in accordance with the following provisions:

(1) An applicant for a temporary permit under this subsection shall show that he is duly licensed and authorized to practice as a certified public accountant or as a partnership, professional association, or professional corporation of certified public accountants or the equivalent in another state or as a registered public accountant or as a partnership or professional association of registered public accountants or the equivalent in another state and shall give the name of each person who will be engaged in the practice of public accounting in this state in the performance of the professional engagement which is the subject of the application;

(2) The board shall charge a fee for each application for issuance or renewal of a temporary permit under this subsection, in an amount to be determined by the board by rule, for each applicant and for each person who is to engage in the practice of public accounting in this state under the permit;

(3) A temporary permit issued under this Code section shall be limited to the single specific professional engagement which is the occasion for the application for a permit; it shall name each person who is to engage in the practice of public accounting in this state pursuant to such engagement; and it shall be valid for no more than 90 days after its issuance;

(4) An application for a temporary permit under this subsection shall constitute the appointment of the Secretary of State as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the performance of the professional engagement for which the temporary permit was issued; and

(5) No temporary permit shall be issued to, or with respect to the performance of services by, any person who is a resident of this state."

Section 13. Said chapter is further amended by striking Code Section 43-3-26, relating to the extension of time for compliance with licensing requirements, which reads as follows:

"43-3-26. The failure of the board to provide timely notification by certified mail to holders of live certificates of changes in the requirements for maintenance of such live certificates shall be regarded by the board as sufficient cause for extending the period for compliance with such requirements by a period of 12 months.",

in its entirety.

Section 14. Said chapter is further amended by striking Code Section 43-3-27, relating to biennial inactive status licenses, which reads as follows:

"43-3-27. The board shall issue biennial inactive status licenses to applicants who, except for the requirement for continuing professional education, would qualify for biennial permits to practice.",

in its entirety.

Section 15. Said chapter is further amended by adding new subsections (h) and (i) at the end of Code Section 43-3-35, relating to the use of terms "certified public accountant" and "public accountant" generally, to read as follows:

"(h) A licensee shall not use or participate in the use of any form of public communication having reference to his professional services which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes but is not limited to a statement or claim which:

(1) Contains a misrepresentation of fact;

(2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;

(3) Contains any testimonial, laudatory, or other statement or impli-

cation that the licensee's professional services are of exceptional quality, if not supported by verifiable facts;

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(4) Is intended or likely to create false or unjustified expectations of favorable results;

(5) Implies educational or professional attainments or licensing recognition not supported in fact;

(6) States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public accounting, except in accordance with rules adopted by the board;

(7) Represents that professional services can or will be completely performed for a stated fee when this is not the case or makes representations with respect to fees for professional services that do not disclose all variables that may reasonably be expected to affect the fees that will in fact be charged; or

(8) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(i) The board may by rule or regulation prohibit a licensee from soliciting by any direct personal communication an engagement to perform professional services."

Section 16. Said chapter is further amended by striking Code Section 43-3-36, relating to exceptions, in its entirety and substituting in lieu thereof a new Code Section 43-3-36 to read as follows:

"43-3-36. (a) Nothing contained in this chapter shall prohibit any person who is not a certified public accountant or public accountant from serving as an employee of or an assistant to a certified public accountant or public accountant or partnership, professional association, or professional corporation of certified public accountants or public accountants holding a live permit or a foreign accountant registered under Code Section 43-3-20 and holding a live permit, provided that such employee or assistant shall not issue or attest to any accounting or financial statement over his name.

(b) Nothing contained in this chapter shall prohibit any person from offering to perform or performing for the public, for compensation, any of the following services:

(1) The recording of financial transactions in books of record;

(2) The making of adjustments of such transactions in books of record;

(3) The making of trial balances from books of record;

(4) Internal verification and analysis of books or accounts of original entry;

(5) The preparation of unaudited financial statements, schedules, or reports;
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(6) The devising and installing of systems or methods of bookkeeping, internal controls of financial data, or the recording of financial data;

or

(7) The preparation of tax returns and related forms.”

Section 17. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 18. All laws and parts of laws in conflict with this Act are repealed.

Senator Lester of the 23rd moved that the Senate disagree to the House substitute to SB 154.

On the motion, the yeas were 31, nays 0; the motion prevailed, and the Senate disagreed to the House substitute to SB 154.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 436. By Representative Cox of the 141st:

A bill to amend Code Section 15-6-50 of the Official Code of Georgia Annotated, relating to term of office and qualifications of clerks of the superior courts, so as to change the provisions relating to additional annual training for clerks.

Senate Sponsor: Senator Trulock of the 10th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brannon
Brantley
Broun of 46th

Brown of 47th
Bryant
Burton
Cobb
Coleman
Coverdell
Dawkins
Deal

English
Engram
Fincher
Foster
Garner
Gillis
Harris
Harrison

Hill	Lester	Starr
Hine	Littlefield	Stumbaugh
Holloway	McGill	Tate
Horton	Peavy	Thompson
Howard	Perry	Timmons
Huggins	Phillips	Trulock
Kennedy	Scott of 2nd	Turner
Kidd	Scott of 36th	Tysinger
Land	Scott of 43rd	Walker

Those not voting were Senators:

Coggin	Greene	McKenzie
Dean	Hudgins	

On the passage of the bill, the yeas were 51, nays 0.

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

The following bills of the Senate were taken up for the purpose of considering the House amendments thereto:

SB 161. By Senators Lester of the 23rd and Gillis of the 20th:

A bill to amend Code Section 7-1-37 of the Official Code of Georgia Annotated, relating to restrictions on the Commissioner of Banking and Finance, officials, and examiners and penalties for violations, so as to provide that the restrictions applicable to certain prohibited financial transactions shall only apply to the commissioner, the statutory deputy commissioner, and professional examining personnel.

The House amendment was as follows:

Amend SB 161 by adding between the word "deal" and the word "with" on line 23 of Page 4 the following:

"as any other consumer"

By adding between the word "in" and the word "areas" on line 25 of Page 4 the following:

"consumer"

Senator Lester of the 23rd moved that the Senate agree to the House amendment to SB 161.

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

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Those voting in the affirmative were Senators:

Allgood	Fincher	Littlefield
Barker	Foster	McGill
Barnes	Garner	McKenzie
Bond	Gillis	Perry
Bowen	Harris	Phillips
Brannon	Harrison	Scott of 2nd
Brantley	Hill	Scott of 36th
Broun of 46th	Hine	Scott of 43rd
Brown of 47th	Holloway	Starr
Bryant	Horton	Stumbaugh
Burton	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Timmons
Dawkins	Kennedy	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	Walker
Ingram		

Voting in the negative was Senator Peevy.

Those not voting were Senators:

Cobb	Coggin	Greene
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On the motion, the yeas were 52, nays 1; the motion prevailed, and the Senate agreed to the House amendment to SB 161.

SB 162. By Senators Lester of the 23rd and Gillis of the 20th:

A bill to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to authorize the Department of Banking and Finance to suspend from office any director, officer, or employee of any financial institution who shall have been indicted for any crime involving moral turpitude or breach of trust or who shall have filed bankruptcy in an individual capacity or in the name of any majority owned corporate interest.

The House amendment was as follows:

Amend SB 162 by striking the word "principally" on line 11 of page 11 in its entirety and substituting in lieu thereof the word "solely"

Senator Lester of the 23rd moved that the Senate agree to the House amendment to SB 162.

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

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Those voting in the affirmative were Senators:

Allgood	Foster	McGill
Barker	Gillis	McKenzie
Barnes	Greene	Perry
Bond	Harris	Phillips
Bowen	Harrison	Scott of 2nd
Brannon	Hill	Scott of 36th
Brantley	Hine	Scott of 43rd
Brown of 47th	Holloway	Starr
Bryant	Horton	Stumbaugh
Burton	Howard	Tate
Cobb	Hudgins	Thompson
Coleman	Huggins	Timmons
Coverdell	Kennedy	Trulock
Dean	Kidd	Turner
English	Land	Tysinger
Engram	Lester	Walker
Fincher		

Those voting in the negative were Senators:

Dawkins	Deal	Peevy
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Those not voting were Senators:

Broun of 46th	Garner	Littlefield
Coggin		

On the motion, the yeas were 49, nays 3; the motion prevailed, and the Senate agreed to the House amendment to SB 162.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 297. By Representatives Murphy of the 18th, Ross of the 82nd, Moody of the 153rd and others:

A bill to amend Code Section 20-2-187 of the Official Code of Georgia Annotated, relating to the amount and use of funds for pupil transportation under the "Adequate Program for Education in Georgia Act," so as to change the provisions relating to minimum salaries for school bus drivers.

Senate Sponsor: Senator English of the 21st.

Senator English of the 21st offered the following amendment:

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Amend HB 297 as follows:

By striking in line 17 on Page 1 the following:

“\$335.00”,

and inserting in lieu thereof the following:

“\$350.00”

On the adoption of the amendment, the yeas were 41, nays 0, and the amendment was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Land
Barker	Engram	Lester
Barnes	Fincher	McGill
Bond	Foster	McKenzie
Bowen	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Hudgins	Timmons
Dawkins	Huggins	Turner
Deal	Kennedy	Tysinger
Dean	Kidd	Walker

Those not voting were Senators:

Coggin	Starr (excused)	Trulock
Garner	conferee)	
Littlefield		

On the passage of the bill, the yeas were 51, nays 0.

The bill, having received the requisite constitutional majority, was passed as amended. www.libtool.com.cn

Senator Kennedy of the 4th, President Pro Tempore, assumed the Chair.

HB 476. By Representatives Thomas of the 69th, Karrh of the 109th and Darden of the 20th:

A bill to amend Code Section 36-35-6 of the Official Code of Georgia Annotated, relating to limitations on home rule powers of municipal corporations, so as to redefine actions defining criminal offenses.

Senate Sponsor: Senator Greene of the 26th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Lester
Barker	Engram	McGill
Barnes	Foster	Peevy
Bond	Garner	Perry
Bowen	Gillis	Phillips
Brannon	Greene	Scott of 2nd
Brantley	Harris	Scott of 36th
Broun of 46th	Harrison	Scott of 43rd
Brown of 47th	Hill	Starr
Bryant	Hine	Stumbaugh
Burton	Holloway	Tate
Cobb	Horton	Thompson
Coleman	Howard	Timmons
Coverdell	Huggins	Turner
Dawkins	Kidd	Tysinger
Deal	Land	Walker
Dean		

Voting in the negative was Senator Hudgins.

Those not voting were Senators:

Coggin	Kennedy (presiding)	McKenzie
Fincher	Littlefield	Trulock

On the passage of the bill, the yeas were 49, nays 1.

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

The following resolutions of the Senate were read and adopted:

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SR 204. By Senator Broun of the 46th:

A resolution expressing gratitude to Brick.

SR 205. By Senator Broun of the 46th:

A resolution expressing gratitude to Paul Davis.

SR 206. By Senator Broun of the 46th:

A resolution expressing gratitude to Terri Gibbs.

SR 207. By Senator Broun of the 46th:

A resolution expressing gratitude to the Allman Brothers.

SR 208. By Senator Broun of the 46th:

A resolution expressing gratitude to Razzy Bailey.

SR 209. By Senator Broun of the 46th:

A resolution expressing gratitude to Jerry Reed.

SR 210. By Senator Broun of the 46th:

A resolution expressing gratitude to Bruce Blackman.

SR 211. By Senator Broun of the 46th:

A resolution expressing gratitude to Bertie Higgins.

SR 212. By Senator Broun of the 46th:

A resolution expressing gratitude to Tommy Roe.

SR 213. By Senator Broun of the 46th:

A resolution expressing gratitude to Brenda Lee.

SR 214. By Senator Broun of the 46th:

A resolution expressing gratitude to Bill Anderson.

SR 215. By Senator Broun of the 46th:

A resolution expressing gratitude to Ray Stevens.

The following general bills of the House, favorably reported by the committee, were read the third time and put upon their passage:

HB 427. By Representatives Horne of the 103rd and Workman of the 51st:

A bill to amend Code Section 10-5-3 of the Official Code of Georgia Annotated, relating to the requirement for dealers and salesmen to file surety bonds or deposits, so as to provide exemption for members of the Securities Investor Protection Corporation.

Senate Sponsor: Senator Lester of the 23rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Lester
Barker	Engram	McGill
Barnes	Foster	McKenzie
Bond	Garner	Peevy
Brannon	Gillis	Perry
Brantley	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Hudgins	Trulock
Dawkins	Huggins	Turner
Deal	Kidd	Tysinger
Dean	Land	Walker

Those not voting were Senators:

Bowen	Hill	Stumbaugh
Coggin	Kennedy (presiding)	Timmons
Fincher	Littlefield	

On the passage of the bill, the yeas were 48, nays 0.

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

HB 294. By Representatives Darden of the 20th, Isakson and Aiken of the 21st and others:

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A bill to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change the definition of the term "cosmetologist"

Senate Sponsor: Senator Kidd of the 25th.

Senator Garner of the 30th offered the following amendment:

Amend HB 294 by adding on Page 10 following Section 4, Subsection (f) a new Subsection (g) to read as follows:

"(g) Nothing in this section shall be construed as preventing a person from obtaining a certificate of registration for the occupation of cosmetology, at the master level, the esthetician level, or the manicurist level if they obtain their credit hour study at a State Board of Education approved school rather than a board-approved school."

On the adoption of the amendment, the yeas were 29, nays 0, and the amendment was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Barker	Fincher	McGill
Barnes	Foster	Peevy
Bond	Garner	Perry
Brannon	Gillis	Phillips
Brantley	Greene	Scott of 2nd
Broun of 46th	Harris	Scott of 36th
Brown of 47th	Harrison	Scott of 43rd
Bryant	Hill	Stumbaugh
Burton	Hine	Tate
Cobb	Holloway	Thompson
Coleman	Horton	Timmons
Coverdell	Howard	Trulock
Dawkins	Hudgins	Turner
Deal	Huggins	Tysinger
Dean	Kidd	Walker
English	Land	

Those not voting were Senators:

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Bowen	Littlefield	Starr (excused
Coggin	McKenzie	conferee)
Kennedy (presiding)		

On the passage of the bill, the yeas were 50, nays 0.

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

HB 460. By Representatives Adams of the 36th, Murphy of the 18th, Connell of the 87th and others:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to delete Chapter 14 thereof, relating to electrical contractors, plumbers, and conditioned air contractors, and reenact a new Chapter 14, relating to electrical contractors, plumbers, and conditioned air contractors.

Senate Sponsor: Senator Tysinger of the 41st.

Senator Hine of the 52nd offered the following amendment:

Amend HB 460 by striking on lines 7 and 8 of Page 19 the following:

“, including such vocation at the local level”,

and inserting in it place the following:

“, except that any individual, partnership, or corporation which, after September 30, 1983, successfully passes a test administered by a local jurisdiction and which is issued a license by the local jurisdiction shall be authorized to practice its vocation only in such jurisdiction without otherwise being required to obtain a license or certificate under this chapter”

By striking on line 18 of Page 20 the following:

“subsection (d)”,

and inserting in its place the following:

“subsections (d) and (e)”

By adding on line 22 of Page 20 after the following:

“chapter”,

the following:

“, which license entitles such person to practice his profession statewide,”

On the adoption of the amendment offered by Senator Hine of the 52nd, Senator Hine called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Bond	Hine	Peevy
Brannon	Holloway	Scott of 2nd
Brown of 47th	Hudgins	Scott of 36th
Deal	Huggins	Tate
Engram	Kidd	Trulock
Garner		

Those voting in the negative were Senators:

Allgood	English	McGill
Barker	Foster	McKenzie
Barnes	Gillis	Perry
Bowen	Greene	Phillips
Brantley	Harris	Scott of 43rd
Broun of 46th	Harrison	Starr
Bryant	Hill	Stumbaugh
Burton	Horton	Thompson
Cobb	Howard	Timmons
Coleman	Land	Turner
Coverdell	Lester	Tysinger
Dawkins	Littlefield	Walker
Dean		

Those not voting were Senators:

Coggin	Fincher	Kennedy (presiding)
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On the adoption of the amendment, the yeas were 16, nays 37 and the amendment was lost.

Senator Starr of the 44th offered the following amendment:

Amend HB 460 by striking from line 26 through line 29 of Page 2 the following:

“Certificates of competency shall be of two kinds, Class I and Class II, according to the classification of license held by the electrical contractor.”,

and inserting in lieu thereof the following:

By striking from line 20 of Page 9 through line 22 of Page 10 the following:
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“(2) Subject to this paragraph, prepare examinations within the state at least twice each year and grade such applicants taking the examinations. The Division of Electrical Contractors shall prepare separate examinations for Class I and Class II licenses. Class I licenses shall be restricted to electrical contracting involving single-phase electrical installations which do not exceed 200 amperes, and Class II licenses shall be unrestricted. The Division of Master Plumbers and Journeyman Plumbers shall prepare separate examinations for master plumber Class I, master plumber Class II, and journeyman plumbers. Master Plumber Class I licenses shall be restricted to plumbing involving single-family dwellings and one-level dwellings designed for not more than two families. Master Plumber Class II licenses shall be unrestricted. The Division of Conditioned Air Contractors shall prepare separate examinations for Class I and Class II licenses. Class I licenses shall be restricted to the installation, repair, or service of conditioned air systems or equipment not exceeding 175,000 BTU (net) of heating and five tons (60,000 BTU) of cooling. Class II licenses shall be unrestricted;

(3) Register and license and issue renewal licenses biennially to all persons meeting the qualifications for a license. The following licenses shall be issued by the divisions:

- (A) Electrical Contractor Class I;
- (B) Electrical Contractor Class II;
- (C) Master Plumber Class I;
- (D) Master Plumber Class II;
- (E) Journeyman Plumber;
- (F) Conditioned Air Contractor Class I; and
- (G) Conditioned Air Contractor Class II;”,

and inserting in lieu thereof the following:

“(2) Subject to this paragraph, prepare examinations within the state at least twice each year and grade such applicants taking the examinations. The Division of Master Plumbers and Journeyman Plumbers shall prepare separate examinations for master plumber and journeyman plumbers;

(3) Register and license and issue renewal licenses biennially to all persons meeting the qualifications for a license. The following licenses shall be issued by the divisions:

- (A) Electrical Contractor;
- (B) Master Plumber;
- (C) Journeyman Plumber; and
- (D) Conditioned Air Contractor;”

By striking from line 19 through line 26 of Page 12 the following:

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“(b) The Division of Electrical Contractors may also provide, by rules and regulations, for the issuance of certificates of competency pertaining to financial responsibility and financial disclosure; provided, however, that such rules and regulations are adopted by the board. The division shall issue certificates of competency and renewal certificates to persons meeting the qualifications therefor.”,

and inserting in lieu thereof the following:

“(b) Reserved.”

By striking from line 19 through line 22 of Page 17 the following:

“and a certificate of competency, if such certificates are issued by the division pursuant to subsection (b) of Code Section 43-14-6”

On the adoption of the amendment, the yeas were 41, nays 1, and the amendment was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Foster	McGill
Barker	Garner	McKenzie
Barnes	Gillis	Peevy
Bond	Greene	Perry
Bowen	Harris	Phillips
Brantley	Harrison	Scott of 2nd
Broun of 46th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coleman	Howard	Tate
Coverdell	Hudgins	Thompson
Dawkins	Huggins	Timmons
Deal	Kidd	Trulock
Dean	Land	Turner
English	Lester	Tysinger
Engram	Littlefield	Walker

Voting in the negative were Senators Brannon and Brown of 47th.

Those not voting were Senators:

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Coggin Fincher Kennedy (presiding)

On the passage of the bill, the yeas were 51, nays 2.

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

HB 507. By Representatives Richardson of the 52nd, Burruss of the 20th, Marcus of the 26th and others:

A bill to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals and health care facilities, so as to authorize medical facilities or institutions to grant staff membership and clinical privileges to certain licensed psychologists.

Senate Sponsor: Senator Barnes of the 33rd.

Senator Barnes of the 33rd offered the following substitute to HB 507:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals and health care facilities, so as to authorize medical facilities or institutions to grant staff membership and clinical privileges to certain licensed psychologists; to provide for the limitation, restriction, or revocation of such membership and privileges; to provide for criteria of training and experience; to provide for definitions relative to the foregoing; to provide for other matters relative to the foregoing; to provide for certain exemptions; to provide for legislative intent; 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 that treatment of psychological problems of persons residing within the community would in some cases be advanced by temporary hospitalization. The interests of the people of this state demand that all appropriate resources, including inpatient facilities, be available to assist in the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional and mental disorders. The General Assembly recognizes that psychology is an independent health profession as set forth and prescribed by the State Board of Examiners of Psychologists and Chapter 39 of Title 43 of the Official Code of Georgia Annotated. It is therefore the intent of the General Assembly, in enacting this Act, to authorize medical facilities and institutions, on local determination, to make psychological services available in an inpatient setting.

Section 2. Chapter 7 of Title 31 of the Official Code of Georgia Anno-

tated, relating to the regulation of hospitals and health care facilities, is amended by adding a new article immediately after Article 7, to be designated as Article 8, to read as follows:

“ARTICLE 8

31-7-160. As used in this article, the term ‘health service provider psychologist’ means a licensed psychologist who meets the criteria of training and experience as provided in Code Section 31-7-162 in the delivery of direct, preventive assessment and therapeutic intervention services to individuals whose growth, adjustment, or functioning is actually impaired or is demonstrably at a high risk of impairment.

31-7-161. A medical facility or institution may provide for the appointment of health service provider psychologists on such terms and conditions as the medical facility or institution shall establish. Psychologists shall be eligible to hold membership and serve on committees of the medical or professional staff and may possess clinical privileges and carry professional responsibilities consistent with the scope of their licensure and their competence, subject to the reasonable rules of the medical facility or institution.

31-7-162. A health service provider psychologist shall meet the following criteria of training and experience:

(1) The psychologist must be currently licensed by the State Board of Examiners of Psychologists;

(2) The psychologist must be eligible to be listed in the National Register of Health Service Providers of Psychology or have completed not less than two years, with 1,500 hours each year, of supervised experience in health service of which at least one year is post doctoral and one year, which may be the post doctoral year, is in an organized health service training program;

(3) A substantial portion of the supervised experience must be in an inpatient setting; and

(4) Two supportive letters of recommendation from health service providers in psychology who are familiar with the applicant’s work must be submitted to the medical facility or institution.

31-7-163. Nothing in this article shall prohibit a psychologist currently a member of a hospital staff or an employee of a hospital from continuing to work in that capacity.

31-7-164. Notwithstanding any other provision of this article, the exercise of privileges in any medical facility or institution may be limited, restricted, or revoked for reasons including, but not limited to, the violation of such medical facility’s or institution’s rules, regulations, or procedures which are applied, in good faith, in a nondiscriminatory manner to all practitioners in such medical facility or institution exercising such privileges or entitled to exercise such privileges.

31-7-165. When any health service provider psychologist is denied

staff privileges or is removed from the medical or professional staff, such action shall be reported by the facility to the State Board of Examiners of Psychologists."

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barker	Foster	McGill
Barnes	Garner	McKenzie
Bond	Gillis	Peevy
Bowen	Greene	Perry
Brannon	Harris	Phillips
Brantley	Harrison	Scott of 36th
Broun of 46th	Hill	Scott of 43rd
Brown of 47th	Hine	Starr
Bryant	Holloway	Stumbaugh
Burton	Horton	Tate
Cobb	Howard	Thompson
Coverdell	Hudgins	Trulock
Dawkins	Huggins	Turner
Deal	Kidd	Tysinger
Dean	Land	Walker
English		

Those not voting were Senators:

Coggin	Kennedy (presiding)	Scott of 2nd
Coleman	Lester	Timmons
Fincher		

On the passage of the bill, the yeas were 49, nays 0.

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

HB 585. By Representatives Ray of the 98th, Russell of the 64th, Edwards of the 112th and others:

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A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation and construction of hospitals and other health care facilities, so as to provide that facilities licensed by the Department of Human Resources pursuant to said chapter shall be required to have an approved disaster preparedness plan.

Senate Sponsor: Senator Harris of the 27th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barker	Foster	McGill
Barnes	Garner	McKenzie
Bond	Gillis	Peevy
Bowen	Greene	Perry
Brannon	Harris	Phillips
Brantley	Harrison	Scott of 2nd
Broun of 46th	Hill	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Bryant	Holloway	Starr
Burton	Horton	Stumbaugh
Cobb	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Trulock
Dawkins	Kidd	Turner
Deal	Land	Tysinger
Dean	Lester	Walker
English		

Those not voting were Senators:

Coggin	Kennedy (presiding)	Timmons
Fincher		

On the passage of the bill, the yeas were 52, nays 0.

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

Senator Kennedy of the 4th, President Pro Tempore, announced that the Senate would stand in recess from 12:35 o'clock P.M. until 2:00 o'clock P.M.

At 2:00 o'clock P.M., the President called the Senate to order.

The following general resolution and bill of the House, favorably reported by the committees; were read the third time and put upon their adoption:

HR 220. By Representative Bolster of the 30th:

A resolution authorizing and empowering the State of Georgia, acting by and through the State Properties Commission, to grant and convey to the City of Atlanta an easement over, under, across and through certain property owned by the State of Georgia and located in Fulton County, Georgia, for the construction, installation, operation, maintenance, repair, improvement, and replacement of sewerage and drainage system improvements to be built over, under, across, or through such state owned properties.

Senate Sponsor: Senator Scott of the 43rd.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Kidd
Barker	Engram	Peevy
Barnes	Fincher	Perry
Brannon	Foster	Phillips
Brantley	Harris	Scott of 36th
Broun of 46th	Harrison	Scott of 43rd
Burton	Hill	Stumbaugh
Cobb	Horton	Timmons
Coggin	Hudgins	Trulock
Coverdell	Huggins	Walker
Dawkins		

Those not voting were Senators:

Bond	Bryant	Dean
Bowen	Coleman	Garner
Brown of 47th	Deal	Gillis

Greene	Land	Starr (excused
Hine	Lester	conferee)
Holloway (excused	Littlefield	Tate
conferee)	McGill	Thompson
Howard	McKenzie	Turner
Kennedy (excused	Scott of 2nd	Tysinger
conferee)		

On the adoption of the resolution, the yeas were 31, nays 0.

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

HB 566. By Representatives Walker of the 115th, Evans of the 84th, Phillips of the 120th and others:

A bill to amend Article 2 of Chapter 17 of Title 50 of the Official Code of Georgia Annotated known as the "Georgia State Financing and Investment Commission Act," so as to enable the use of guaranteed revenue bonds to finance local water and sewer projects through a special purpose state authority.

Senate Sponsor: Senator Barnes of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barker	Fincher	McKenzie
Barnes	Foster	Peevy
Bowen	Greene	Perry
Brannon	Harris	Phillips
Brantley	Harrison	Scott of 2nd
Broun of 46th	Hill	Scott of 43rd
Brown of 47th	Hine	Stumbaugh
Bryant	Holloway	Tate
Burton	Horton	Timmons
Cobb	Hudgins	Trulock
Coggin	Huggins	Turner
Dawkins	Kennedy	Tysinger
Deal	Kidd	Walker
English	Lester	

Those not voting were Senators:

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Bond	Gillis	Scott of 36th
Coleman	Howard	Starr (excused
Coverdell	Land	conferee)
Dean	Littlefield	Thompson
Garner		

On the passage of the bill, the yeas were 44, nays 0.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House insists on its position in amending the following bill of the Senate:

SB 32. By Senator Kidd of the 25th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to minimum salaries for judges of the probate courts.

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

HB 327. By Representatives Ross of the 82nd, Murphy of the 18th, Mostiler of the 75th and others:

A bill to amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions under the "Georgia Administrative Procedure Act," so as to provide that the word "agency" shall mean and include the State Board of Education and the State Department of Education.

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

HB 129. By Representative Birdsong of the 104th:

A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 196. By Representative McDonald of the 12th:

A bill to amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firemen's Pension Fund, so as to redefine certain terms, including the terms "fireman" and "volunteer fireman" as such terms are used to define eligibility.

Senate Sponsor: Senator Barker of the 18th.

The following fiscal note, as required by law, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: January 25, 1983

SUBJECT: Fiscal Note — House Bill 196 (LC 7 5085)
Georgia Firemen's Pension Fund

This Bill redefines the terms "fireman" and "volunteer fireman" so as to exclude any emergency medical personnel who may be employed by fire departments. No member properly admitted to the fund before May 1, 1983 would be excluded from membership, but after April 1, 1983 only service rendered as a fireman or volunteer fireman would be creditable towards calculating benefits. Persons receiving benefits from the fund who are subsequently reemployed as a fireman or volunteer fireman would be required to notify the fund's secretary-treasurer, at which time benefits would be suspended until such reemployment is terminated. Any illness, disease, or physical injury or abnormality existing or suffered prior to membership in the fund or the aggravation of such condition would be exempted from qualifying a member for disability benefits. No claims for benefits from the fund would be allowed after seven years had elapsed from the date that the secretary-treasurer of the fund attempted to contact a member by first-class mail to advise him of his eligibility for those benefits. The board of directors for the fund would be authorized to inspect a fire department's records regarding a member of the fund or any applicant for membership.

The actuary for the fund has stated that none of the changes set forth in this Bill should have any significant financial impact on the fund.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Land
Barker	Fincher	Lester
Barnes	Foster	Littlefield
Bowen	Gillis	McGill
Brannon	Greene	McKenzie
Brantley	Harris	Peevy
Broun of 46th	Harrison	Perry
Brown of 47th	Hill	Phillips
Bryant	Hine	Scott of 2nd
Burton	Holloway	Scott of 36th
Cobb	Horton	Tate
Coggin	Hudgins	Timmons
Coleman	Huggins	Trulock
Dawkins	Kennedy	Turner
Deal	Kidd	Walker
Dean		

Those voting in the negative were Senators:

Howard	Stumbaugh	Tysinger
Scott of 43rd		

Those not voting were Senators:

Bond	Garner	Thompson
Coverdell	Starr (excused	
English	conferee)	

On the passage of the bill, the yeas were 46, nays 4.

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

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

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SB 32. By Senator Kidd of the 25th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to minimum salaries for judges of the probate courts.

Senator Kidd of the 25th moved that the Senate adhere to its disagreement to the House amendments to SB 32, and that a Conference Committee be appointed.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate adhered to its disagreement to the House amendments to SB 32.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Hill of the 29th, Bryant of the 3rd and Kidd of the 25th.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 513. By Representative Ross of the 82nd:

A bill to amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to recreation leaders and therapeutic recreation technicians, so as to change the termination date of the State Board of Recreation Examiners and the date of repeal of laws relating to such board.

Senate Sponsor: Senator Gillis of the 20th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Bryant	Dean
Barker	Burton	English
Barnes	Cobb	Engram
Bowen	Coggin	Fincher
Brannon	Coleman	Foster
Brantley	Coverdell	Greene
Broun of 46th	Dawkins	Harris
Brown of 47th	Deal	Harrison

Hill	Land	Scott of 43rd
Hine	Lester	Starr
Holloway	Littlefield	Stumbaugh
Horton	McKenzie	Tate
Howard	Peevy	Thompson
Hudgins	Perry	Timmons
Huggins	Phillips	Turner
Kennedy	Scott of 2nd	Tysinger
Kidd	Scott of 36th	Walker

Those not voting were Senators:

Bond	Gillis	Trulock
Garner	McGill	

On the passage of the bill, the yeas were 51, nays 0.

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

The following general bill of the House was taken up for the purpose of considering the House action thereon:

HB 129. By Representative Birdsong of the 104th:

A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis.

Senator Howard of the 42nd moved that the Senate insist upon the Senate amendment to HB 129.

On the motion, the yeas were 39, nays 0; the motion prevailed, and the Senate insisted upon the Senate amendment to HB 129.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 567. By Representatives Walker of the 115th, Evans of the 84th, Phillips of the 120th and others:

A bill to amend Chapter 10 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Development Authority, so as to revise extensively the provisions relating to the Georgia Development Authority.

Senate Sponsor: Senator Barnes of the 33rd.

The Senate Committee on Natural Resources and Environmental Quality offered the following substitute to HB 567:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 10 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Development Authority, so as to revise extensively the provisions relating to the Georgia Development Authority; to expand the purpose of the authority; to enable the authority to utilize more fully development capital assistance programs of the United States government and in support of this program to assist local governments in meeting their environmental facility needs; to assist local governments so as to benefit the economy of the local government and of the state; to add certain definitions; to change the membership, appointment, and terms of members of the authority; to expand the powers of the authority; to provide for the issuance of revenue bonds, bonds, notes, obligations, and evidences of indebtedness by the authority; to provide for certain of the terms which may be contained in instruments executed by the authority and for limitations and procedures in connection therewith; to provide that bonds, revenue bonds, notes, and other obligations issued by the authority shall not constitute indebtedness of the State of Georgia; to provide that the state may guarantee the payment of bonds, revenue bonds, notes, or other obligations of the authority; to provide that the proceeds of general obligation bonds of the state may be used to improve authority property; to provide that property of the authority shall be tax exempt; to provide for the venue of legal actions brought against the authority; to provide that certain funds shall be withheld from local governments upon the happening of certain events; to provide for other matters relative to the foregoing; 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 10 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Development Authority, is amended by striking in its entirety Code Section 50-10-2, which reads as follows:

“50-10-2. (a) It is the purpose and intent of this chapter to provide an instrumentality to assist agricultural and industrial interests in their effort to commence, expand, or diversify their operations by providing credit and servicing functions to better enable the farmers and businessmen within this state to obtain needed capital funds and to encourage and secure financial institutions in the lending of money for such purposes.

(b) It is the purpose of this chapter to clothe the authority with corporate power to operate and to administer the funds held and received by it and to possess and operate under licenses or permits granted it by the United States or this state.”,

and inserting in lieu thereof a new Code Section 50-10-2 to read as follows:

“50-10-2. (a) It is the purpose and intent of this chapter to provide an instrumentality to assist agricultural and industrial interests in their

effort to commence, expand, or diversify their operations by providing credit and servicing functions to better enable the farmers and businessmen within this state to obtain needed capital funds and to encourage and secure financial institutions in the lending of money for such purposes.

(b) It is the purpose of this chapter to clothe the authority with corporate power to operate and to administer the funds held and received by it and to possess and operate under licenses or permits granted it by the United States or this state.

(c) It is found and declared that there exists a great and growing need in the state for the construction of environmental facilities for the furnishing of clear and wholesome water to the general public and for the preservation and improvement of the quality of the environment. Financial assistance is an important inducement to construct such facilities and, therefore, this necessity, in the public interest and for the public benefit and good, is declared as a matter of legislative determination.

(d) It is further the purpose and intent of this chapter to provide an instrumentality to provide environmental facilities to assist local governments in constructing, extending, rehabilitating, repairing, and renewing environmental facilities and to assist in the financing of such needs by providing grants, loans, bonds, and other assistance to local governments.”

Section 2. Said chapter is further amended by striking from Code Section 50-10-3, relating to the creation of the authority and its membership, the following language:

“and by that name, style, and title such body may contract and be contracted with and bring and defend actions in all courts. The authority shall consist of 11 members or directors, one of whom shall be the Commissioner of Agriculture, ex officio, one of whom shall be the commissioner of industry and trade ex officio, one of whom shall be an economist from the staff of the University of Georgia, appointed by the Governor, whose term shall expire July 1, 1967, and one of whom at the time of appointment by the Governor shall be a member of the General Assembly, whose term shall expire July 1, 1968. Six other members of the authority shall be appointed by the Governor in such manner that the term of one member shall expire July 1, 1961, the term of another member shall expire July 1, 1962, the term of another member shall expire July 1, 1963, the term of another member shall expire July 1, 1964, the term of another member shall expire July 1, 1965, and the term of another member shall expire July 1, 1966. The successors to other than ex officio members shall be appointed for terms of eight years from the date of expiration of their respective terms of office except that any person appointed to fill a vacancy shall serve only for the unexpired term. Immediately after his appointment a member of the authority shall enter upon his duties. The authority shall elect one of its members as chairman, another as vice-chairman, and a president and general manager, who shall also be a member of the authority, ex officio, to serve at the pleasure of the other members of the authority.

(b) Six members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority. The members of the authority, with the exception of the president and general manager, whose compensation shall be fixed by the authority, shall be entitled to receive as compensation a director's fee, or per diem, of \$50.00 for attendance at all properly constituted meetings and shall be entitled to, and shall be reimbursed for, their actual expenses necessarily incurred in the performance of their duties. The authority shall make rules and regulations for its own governance. It shall have a perpetual existence.

(c) The members or directors of the authority shall be accountable in all respects as trustees. The authority shall keep suitable books and records of all actions and transactions and shall submit such books, together with a statement of the authority's financial position, to the state auditor for such audit and inspection as the state auditor may deem wise, once a year, on or about the close of the state's fiscal year, but the authority may cause such additional independent audits to be made as it may deem necessary.”,

and inserting in lieu thereof the following language:

“and by that name, style, and title such body may contract and be contracted with and bring and defend actions in all courts of this state. The authority shall consist of nine members: the Commissioner of Agriculture, ex officio; the state auditor, ex officio; the commissioner of the Department of Industry and Trade, ex officio; and six members to be appointed by the Governor. Two members are to be from and represent the interests of agriculture, two members are to be from and represent the interests of industry, and two members are to be from and represent the interests of local governments in Georgia. The terms of all members of the authority who are in office on March 1, 1983, shall terminate on July 1, 1983. The Governor shall then appoint three members, one each representing agriculture, industry, and local governments, to serve until July 1, 1986, and three members, one each representing agriculture, industry, and local governments, to serve until July 1, 1987. After expiration of these terms, the terms of all succeeding members shall be for four years.

(b) A majority of the members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of a majority of the appointed members from exercising all rights and performing all duties of the authority. The members of the authority shall be entitled to and shall be reimbursed for their actual travel and expenses necessarily incurred in the performance of their duties and shall receive the same per diem as do members of the General Assembly. The authority shall make rules and regulations for its own government. The authority shall have perpetual existence. Any change in the name or compensation of the authority shall in no way affect the vested rights of any person under this chapter or impair the obligations of any contracts existing under this chapter. The Attorney General shall provide legal services for the authority and in connection therewith Code Sections 45-15-13 through Code Section 45-15-16 shall be fully applicable.

(c) The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable books and records of all actions and transactions and shall submit such books together with a statement of the authority's financial position to an independent auditing firm selected by the authority on or about the close of the state's fiscal year for the purpose of obtaining a certified audit of the authority's finances.

(d) There shall be an executive committee consisting of five members of the authority to be known as the Rural Rehabilitation Committee. The chairman of the Rural Rehabilitation Committee shall be the Commissioner of Agriculture, ex officio. The other members of the committee shall be the state auditor, ex officio, the two members of the authority who represent the interests of agriculture, and one member of the authority designated by the authority. The Rural Rehabilitation Committee shall administer all assets received by the authority under the terms of Public Law 499, Eighty-first Congress, Second Session, and all assets of the authority derived therefrom and shall be authorized to employ agents to accomplish such administration. Neither the Rural Rehabilitation Committee nor the authority shall at any time commingle assets provided to the authority under the terms of Public Law 499, Eighty-first Congress, Second Session, with other assets of the authority. The Rural Rehabilitation Committee shall maintain a separate accounting of such assets and shall maintain suitable books and records of such assets which shall be audited as are the books and records of the authority for other assets. Contracts concerning assets provided to the authority under the terms of Public Law 499, Eighty-first Congress, Second Session, shall be executed by the committee.”

so that when so amended Code Section 50-10-3 shall read as follows:

“50-10-3. (a) There is created a body corporate and politic to be known as the Georgia Development Authority which shall be deemed an instrumentality of the state and a public corporation; and by that name, style, and title such body may contract and be contracted with and bring and defend actions in all courts of this state. The authority shall consist of nine members: the Commissioner of Agriculture, ex officio; the state auditor, ex officio; the commissioner of the Department of Industry and Trade, ex officio; and six members to be appointed by the Governor. Two members are to be from and represent the interests of agriculture, two members are to be from and represent the interests of industry, and two members are to be from and represent the interests of local government in Georgia. The terms of all members of the authority who are in office on March 1, 1983, shall terminate on July 1, 1983. The Governor shall then appoint three members, one each representing agriculture, industry, and local governments, to serve until July 1, 1986, and three members one each representing agriculture, industry, and local governments, to serve until July 1, 1987. After expiration of these terms, the terms of all succeeding members shall be for four years.

(b) A majority of the members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of a majority of the appointed members from exercising all rights and performing all duties of the authority. The members of the authority shall be entitled to

and shall be reimbursed for their actual travel and expenses necessarily incurred in the performance of their duties and shall receive the same per diem as do members of the General Assembly. The authority shall make rules and regulations for its own government. The authority shall have perpetual existence. Any change in the name or compensation of the authority shall in no way affect the vested rights of any person under this chapter or impair the obligations of any contracts existing under this chapter. The Attorney General shall provide legal services for the authority and in connection therewith Code Sections 45-15-13 through Code Section 45-15-16 shall be fully applicable.

(c) The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable books and records of all actions and transactions and shall submit such books together with a statement of the authority's financial position to an independent auditing firm selected by the authority on or about the close of the state's fiscal year for the purpose of obtaining a certified audit of the authority's finances.

(d) There shall be an executive committee consisting of five members of the authority to be known as the Rural Rehabilitation Committee. The chairman of the Rural Rehabilitation Committee shall be the Commissioner of Agriculture, ex officio. The other members of the committee shall be the state auditor, ex officio, the two members of the authority who represent the interests of agriculture, and one member of the authority designated by the authority. The Rural Rehabilitation Committee shall administer all assets received by the authority under the terms of Public Law 499, Eighty-first Congress, Second Session, and all assets of the authority derived therefrom and shall be authorized to employ agents to accomplish such administration. Neither the Rural Rehabilitation Committee nor the authority shall at any time commingle assets provided to the authority under the terms of Public Law 499, Eighty-first Congress, Second Session, with other assets of the authority. The Rural Rehabilitation Committee shall maintain a separate accounting of such assets and shall maintain suitable books and records of such assets which shall be audited as are the books and records of the authority for other assets. Contracts concerning assets provided to the authority under the terms of Public Law 499, Eighty-first Congress, Second Session, shall be executed by the committee."

Section 3. Said chapter is further amended by striking Code Section 50-10-4 and Code Section 50-10-5, which read as follows:

"50-10-4. (a) The corporate purpose and the general nature of the business of the Georgia Development Authority shall be:

(1) Rural rehabilitation permissible under the chapter of the Georgia Rural Rehabilitation Corporation and contained in paragraph (3) thereof and within the meaning of Public Law 499, Eighty-first Congress, Second Session;

(2) The development of agriculture and industry generally within the state by providing, securing, or guaranteeing loans for such purposes; and

(3) Possession of and operation under any franchise, license, or permit granted to it by the United States or this state for a business purpose.

(b) The corporate powers of the authority shall be those provided in this chapter and those additional powers provided in subparagraph (a)(3)(C) and paragraphs (1) through (6), (8), (11), and (19) of subsection (b) of Code Section 14-2-21, and in Code Section 14-2-147.

(c) In addition to, and not in limitation of, the powers granted in this chapter, the Georgia Development Authority shall have and may exercise the power and authority to guarantee or insure loans made for rural rehabilitation purposes or for agricultural and industrial development, provided that the authority shall maintain a reserve or insurance fund in an amount not less than 15 percent of the contingent liability existing by reason of any contracts of insurance or guarantee. The reserve or insurance fund of the authority shall be invested in securities and investments permitted to insurance companies under the laws of this state.

50-10-5. This chapter, being for the welfare of this state and its inhabitants, shall be liberally construed to effect the purposes hereof.”,

and inserting in lieu thereof new Code sections to read as follows:

“50-10-4. As used in this chapter, the term:

(1) ‘Authority’ means the Georgia Development Authority.

(2) ‘Bond’ includes revenue bond.

(3) ‘Cost of project’ or ‘cost of any project’ means;

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

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

(C) All financing charges, bond insurance, and loan or loan guarantee fees and all interest on revenue bonds, notes, or other obligations of the authority which accrues or is paid prior to and during the period of construction of a project and during such additional period as the authority may reasonably determine to be necessary to place such project in operation;

(D) All costs of engineering, surveying, planning, environmental as-

assessments, financial analyses, and architectural, legal, and accounting services and all expenses incurred by engineers, surveyors, planners, environmental scientists, fiscal analysts, architects, attorneys, and accountants in connection with any project;

(E) All expenses for inspection of any project;

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

(G) All fees of any type charged by the authority in connection with any project;

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

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

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

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

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

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

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

(4) 'County' means any county created under the Constitution or law of this state.

(5) 'Environmental facilities' means any projects, structures, and other real or personal property acquired, rehabilitated, constructed, or planned:

(A) For the purposes of supplying, distributing and treating water and diverting, channeling, or controlling water flow and head including, but not limited to, surface or ground water, canals, reservoirs, channels,

basins, dams, aqueducts, standpipes, penstocks, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, intake stations, water works or sources of water supply, wells, purification or filtration plants or other treatment plants and works, connections, water meters, mechanical equipment, electric generating equipment, rights of flowage or division and other plant structures, equipment, conveyances, real or personal property or rights therein and appurtenances, furnishings, accessories, and devices thereto necessary or useful and convenient for the collection, conveyance, distribution, pumping, treatment, storing, or disposing of water; and

(B) For the purposes of collecting, treating, or disposing of sewerage including, but not limited to, main, trunk, intercepting, connecting, lateral, outlet, or other sewers, outfall, pumping stations, treatment and disposal plants, ground water recharge basins, backflow prevention devices, sludge dewatering or disposal equipment and facilities, clarifiers, filters, phosphorus removal equipment and other plants, soil absorption systems, innovative systems or equipment, structures, equipment, vehicles, conveyances, real or personal property or rights therein, and appurtenances thereto necessary or useful and convenient for the collection, conveyance, pumping, treatment, neutralization, storing, and disposing of sewage.

(6) 'Environmental services' means the provision, collectively or individually, of water facilities, sewage facilities, or management services.

(7) 'Local government' or 'local governing authority' means any municipal corporation or county or any local water or sewer or sanitary district and any state or local authority, board, or political subdivision created by the General Assembly or pursuant to the Constitution and laws of the state.

(8) 'Municipal corporation' or 'municipality' means any city or town in this state.

(9) 'Obligation' means any bond, revenue bond, note, lease, contract, evidence of indebtedness, debt, or other obligation of the authority, the state, or local governments which are authorized to be issued under this chapter or under the Constitution or other laws of this state, including refunding bonds.

(10) 'Project' means the acquisition, construction, installation, modification, renovation, repair, extension, renewal, replacement, or rehabilitation of land, interest in land, buildings, structures, facilities, or other improvements and the acquisition, installation, modification, renovation, repair, extension, renewal, replacement, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, all for the essential public purpose of providing environmental facilities and services to meet public health and environmental standards and to aid the development of trade, commerce, industry, agriculture, and employment opportunities.

(11) 'Revenue bond' includes bond.

(12) 'Sewerage facility' means any environmental facility described in subparagraph (B) of paragraph (4) of this Code section, defining 'environmental facilities.'

(13) 'Water facility' means any environmental facility described in subparagraph (A) of paragraph (4) of this Code section, defining 'environmental facilities.'

50-10-5. (a) The corporate purpose and the general nature of the business of the Georgia Development Authority shall be:

(1) Rural rehabilitation permissible under the charter of the Georgia Rural Rehabilitation Corporation and contained in paragraph (3) thereof and within the meaning of Public Law 499, Eighty-first Congress, Second Session; and nothing contained in this chapter shall be construed to permit the violation of trust agreements, contracts, or other obligations entered into by the state or the authority pursuant to Public Law 499, Eighty-first Congress, Second Session, or to encumber assets of the authority necessary to the performance of such trust agreements, contracts, or obligations, and no bonds, revenue bonds, notes, or other obligations of the authority issued for an environmental facility project may encumber assets of the authority provided to it under the provisions of Public Law 499, Eighty-first Congress, Second Session, nor any funds derived or to be derived from such assets;

(2) The development of agriculture and industry generally within the state by providing, securing, or guaranteeing loans for such purposes;

(3) Possession of and operation under any franchise, license, or permit granted to it by the United States or this state for a business purpose; and

(4) Assistance to local governments in constructing, extending, rehabilitating, repairing, replacing, and renewing environmental facilities needs necessary for public purposes and commercial, residential, and industrial development or necessary or incidental to such development by providing grants, loans, bonds, and other forms of financial and technical assistance to local governments by providing such facilities.

(b) The corporate powers of the authority shall be those provided in this chapter.

(c) In addition to, and not in limitation of, the powers granted in this chapter, the Georgia Development Authority shall have and may exercise the power and authority to guarantee or insure loans made for rural rehabilitation purposes or for agricultural and industrial development, provided that, with respect to any such guarantee or contract of insurance made by the Rural Rehabilitation Committee involving an asset provided to the authority under Public Law 499, Eighty-first Congress, Second Session, the authority shall maintain a reserve or insurance fund out of such assets in an amount not less than 15 percent of the contingent liability existing by reason of any such contracts of insurance or guarantee made by the Rural Rehabilitation Committee. The reserve or insurance fund of the authority may be invested.

(d) Except as otherwise limited by this chapter, the authority's powers are reaffirmed and expanded as follows, which reaffirmed and expanded powers are to be considered cumulative of the powers previously given the authority. The authority shall have power:

(1) To sue and be sued in all courts of this state, the original jurisdiction and venue of such actions being the Superior Court of Fulton County;

(2) To have a seal and alter the same at its pleasure;

(3) To make and execute contracts, lease agreements, and all other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created, such contracts, leases, or instruments to include contracts for construction, operation, management, or maintenance of projects and facilities owned by local government, the authority, or by the state or any state authority; and any and all local governments, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, agreements, or other instruments with the authority upon such terms and to transfer real and personal property to the authority for such consideration and for such purposes as they deem advisable;

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

(5) To appoint officers, agents, and employees, prescribe their duties and qualifications, and fix their compensation;

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

(7) To make loans, through the acquisition of bonds, revenue bonds, notes, or other obligations, and to make grants to local governments or state or local governmental agencies for the acquisition or construction of agricultural, industrial, or commercial facilities and of environmental facilities by any such local government or state or local governmental agency and to adopt rules, regulations, and procedures for making such loans and grants;

(8) To borrow money to further or carry out its public purpose and to issue revenue bonds, notes, or other obligations to evidence such loans and to execute leases, trust indentures, trust agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable in

the judgment of the authority, and to evidence and to provide security for such loans;

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(9) To issue revenue bonds, bonds, notes, or other obligations of the authority and use the proceeds thereof for the purpose of paying, or loaning the proceeds thereof to pay, all or any part of the cost of any project and otherwise to use the proceeds to further or carry out the public purpose of the authority and to pay all costs of the authority incidental to, or necessary and appropriate to, furthering or carrying out such purpose and to pay all costs of the authority incurred in connection with the issuance of the revenue bonds, bonds, notes, or other obligations;

(10) To collect fees and charges in connection with its loans, commitments, and servicing including, but not limited to, reimbursements of costs of financing, as the authority shall determine to be reasonable and as shall be approved by the authority;

(11) Subject to any agreement with bondholders, to invest moneys of the authority not required for immediate use to carry out the purposes of this chapter, including the proceeds from the sale of any bonds and any moneys held in reserve funds, in obligations which shall be limited to the following:

(A) Bonds or other obligations of the state or bonds or other obligations, the principal and interest of which are guaranteed by the state;

(B) Bonds or other obligations of the United States or of subsidiary corporations of the United States government fully guaranteed by such government;

(C) Obligations of agencies of the United States government issued by the Federal Land Bank, the Federal Home Loan Bank, the Federal Intermediate Credit Bank, and the Bank for Cooperatives;

(D) Bonds or other obligations issued by any public housing agency or municipality in the United States, which bonds or obligations are fully secured as to the payment of both principal and interest by a pledge of annual contributions under an annual contributions contract or contracts with the United States government, or project notes issued by any public housing agency, urban renewal agency, or municipality in the United States and fully secured as to payment of both principal and interest by a requisition, loan, or payment agreement with the United States government;

(E) Certificates of deposit of national or state banks located within the state which have deposits insured by the Federal Deposit Insurance Corporation or any Georgia Deposit Insurance Corporation and certificates of deposit of federal savings and loan associations and state building and loan associations located within the state which have deposits insured by the Federal Savings and Loan Insurance Corporation or any Georgia Deposit Insurance Corporation, including the certificates of deposit of any bank, savings and loan association, or building and loan association acting as depository, custodian, or trustee for any such bond proceeds; provided, however, that the portion of such certificates of deposit in excess of the amount insured by the Federal Deposit Insurance Corpo-

ration or the Federal Savings and Loan Insurance Corporation or any Georgia Deposit Insurance Corporation, if any such excess exists, shall be secured by deposit with the Federal Reserve Bank of Atlanta of Georgia, or with any national or state bank located within the state, of one or more of the following securities in an aggregate principal amount equal at least to the amount of such excess:

(i) Direct and general obligations of the state or of any county or municipality in the state;

(ii) Obligations of the United States or subsidiary corporations included in subparagraph (B) of this paragraph;

(iii) Obligations of agencies of the United States government included in subparagraph (C) of this paragraph; or

(iv) Bonds, obligations, or project notes of public housing agencies, urban renewal agencies, or municipalities included in subparagraph (D) of this paragraph; and

(F) Interest-bearing time deposits, repurchase agreements, reverse repurchase agreements, rate guarantee agreements, or other similar banking arrangements with a bank or trust company having capital and surplus aggregating at least \$50 million or with any government bond dealer reporting to, trading with, and recognized as a primary dealer by the Federal Reserve Bank of New York having capital aggregating at least \$50 million or with any corporation which is subject to registration with the Board of Governors of the Federal Reserve System pursuant to the requirements of the Bank Holding Company Act of 1956, provided that each such interest-bearing time deposit, repurchase agreement, reverse repurchase agreement, rate guarantee agreement, or other similar banking arrangement shall permit the moneys so placed to be available for use at the time provided with respect to the investment or reinvestment of such moneys and provided, further, that all moneys in each such interest-bearing time deposit, repurchase agreement, reverse repurchase agreement, rate guarantee agreement, or other similar banking arrangement shall be continuously and fully secured by obligations described in subparagraph (A), (B), (C), or (D) of this paragraph, equal at all times to the amount of the interest-bearing time deposit, repurchase agreement, reverse repurchase agreement, rate guarantee agreement, or other similar banking arrangements;

(12) To acquire or contract to acquire from any person, firm, corporation, local government, federal or state agency, or corporation by grant, purchase, or otherwise, leaseholds, real or personal property, or any interest therein; and to sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same; and local government is authorized to grant, sell, or otherwise alienate leaseholds, real and personal property, or any interest therein to the authority;

(13) To invest any moneys held in debt service funds or sinking funds not restricted as to investment by the Constitution or laws of this state or the federal government or by contract not required for immediate use or disbursement in obligations of the types specified in paragraph (11) of this subsection, provided that, for the purposes of this paragraph,

the amounts and maturities of such obligations shall be based upon and correlated to the debt service, which debt service shall be the principal installments and interest payments, schedule for which such moneys are to be applied;

(14) To provide advisory, technical, consultative, training, educational, and project assistance services to the state and local government and to enter into contracts with the state and local government to provide such services. The state and local governments are authorized to enter into contracts with the authority for such services and to pay for such services as may be provided them;

(15) To make loan commitments and loans to local government and to enter into option arrangements with local government for the purchase of said bonds, revenue bonds, notes, or other obligations;

(16) To sell or pledge any bonds, revenue bonds, notes, or other obligations acquired by it whenever it is determined by the authority that the sale thereof is desirable;

(17) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof, or from any other source for any or all of the purposes specified in this chapter and to comply, subject to the provisions of this chapter, with the terms and conditions thereof;

(18) To lease to local governments any authority owned facilities or property or any state owned facilities or property which the authority is managing under contract with the state;

(19) To contract with state agencies or any local government for the use by the authority of any property or facilities or services of the state or any such state agency or local government or for the use by any state agency or local government of any facilities or services of the authority and such state agencies and local governments are authorized to enter into such contracts;

(20) To extend credit or make loans, including the acquisition of bonds, revenue bonds, notes, or other obligations to the state, any local governments, or other entity, including the federal government, for the cost or expense of any project or any part of the cost or expense of any project, which credit or loans may be evidenced or secured by trust indentures, loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, or assignments, on such terms and conditions as the authority shall determine to be reasonable in connection with such extension of credit of loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this chapter in connection with any project, the authority shall have the right and power to require the inclusion in any such trust indentures, loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements for guaranty of any obligations, insurance, construction, use, oper-

ation, maintenance, and financing of a project and such other terms and conditions as the authority may deem necessary or desirable;

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(21) As security for repayment of any bonds, revenue bonds, notes, or other obligations of the authority, to pledge, lease, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority including, but not limited to, real property, fixtures, personal property, and revenues or other funds and to execute any lease, trust indenture, trust agreement, agreement for the sale of the authority's revenue bonds, notes or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the authority, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument;

(22) To receive and use the proceeds of any tax levied by a local government to pay all or any part of the cost of any project or for any other purpose for which the authority may use its own funds pursuant to this chapter;

(23) To use income earned on any investment for such corporate purposes of the authority as the authority in its discretion shall determine;

(24) To cooperate and act in conjunction with industrial, commercial, medical, scientific, public interest, or educational organizations; with agencies of the federal government and this state and local government; with other states and their political subdivisions; and with joint agencies thereof and such state agencies, local government, and joint agencies are authorized and empowered to cooperate and act in conjunction, and to enter into contracts or agreements with the authority and local government to achieve or further the policies of the state declared in this chapter;

(25) To adopt bylaws governing the conduct of business by the authority, the election and duties of officers of the authority, and other matters which the authority determines to deal with in its bylaws;

(26) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purpose of the authority;

(27) To do all things necessary or convenient to carry out the powers conferred by this chapter; and

(28) To designate three or more of its number to constitute an executive committee who, to the extent provided in such resolution or in the bylaws of the authority, shall have and may exercise the powers of the authority in the management of the affairs and property of the authority and the exercise of its powers.

(e) The authority shall not have the power of eminent domain.

50-10-6. (a) The authority may make loans to a local government to pay all or any part of the cost of a project. The authority may require the local government to issue bonds or revenue bonds as evidence of such loans. The authority and a local government may enter into such loan commitments and option agreements as may be determined appropriate by the authority.

(b) The authority may require as a condition of any loan to a local government that such local government shall perform any or all of the following:

(1) In the case of loans for a sewerage facility, establish and collect sewer rents, rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of: (A) costs of operation, maintenance, replacement, renewal, and repairs and (B) outstanding indebtedness incurred for the purposes of such sewerage facility, including the principal of and interest on the bond, revenue bond, note, or other obligation issued by the local government, as the same shall become due and payable, and to create and maintain any required reserves;

(2) In the case of loans for a water facility, establish and collect rents, rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of: (A) costs of operation, maintenance, renewal, replacement, and repairs of the water facility of such local government and (B) outstanding indebtedness incurred for the purposes of such water facility, including the principal of and interest on the bonds, revenue bonds, notes, or other obligations issued by the local government, as the same shall become due and payable, and to create and maintain any required reserves;

(3) Create and maintain a special fund or funds, as additional security for the payment of the principal of such revenue bonds and the interest thereon and any other amounts becoming due under any agreement, entered into in connection therewith and for the deposit therein of such revenues as shall be sufficient to make such payment as the same shall become due and payable;

(4) Create and maintain such other special funds as may be required by the authority; and

(5) Perform such other acts, including the conveyance of real and personal property together with all right, title, or interest therein to the authority, or take other actions as may be deemed necessary or desirable by the authority to secure the payment of the principal of and interest on such bonds, revenue bonds, notes, or other obligations and to provide for the remedies of the authority in the event of any default by such local government in such payment.

(c) All local governments issuing and selling bonds, revenue bonds, notes, or other obligations to the authority are authorized to perform such acts, take such action, adopt such proceedings, and to make and carry out such contracts with the authority as may be contemplated by this chapter.

(d) In connection with the making of any loan authorized by this chapter, the authority may fix and collect such fees and charges including, but not limited to, reimbursement of all costs of financing by the authority, as the authority shall determine to be reasonable. Neither the Public Service Commission nor any local government or state agency shall have jurisdiction over the authority's power over the regulation of such fees or charges.

50-10-7. (a) For the purposes of this chapter, the term 'lease agreement' shall mean and include a lease, operating lease rental agreement, usufruct, sale and lease back, or any other lease agreement having a term of not more than 50 years and concerning real, personal, or mixed property, any right, title, or interest therein by and between the state, the authority, a local government, or any combination thereof.

(b) A local government by resolution of its governing body may enter into a lease agreement for the provision of environmental services utilizing facilities owned by the authority upon such terms and conditions as the authority shall determine to be reasonable including, but not limited to, the reimbursement of all costs of construction and financing and claims arising therefrom.

(c) No lease agreement shall be deemed to be a contract subject to any law requiring that contract shall be let only after receipt of competitive bids.

(d) Any lease agreement may provide for the construction of such environmental facility by the local government as agent for the authority. In such event, all contracts for such construction shall be let by such local government in accordance with the provisions of law otherwise applicable to the letting of such contracts by such local government and with the provisions of state law pertaining to prevailing wages, labor standards, and working hours. Any such lease agreement may contain provisions by which such local government shall indemnify the authority against any and all damages resulting from acts or omissions to act on the part of such local government or its officers, agents, or employees in constructing such facility or facilities, in letting any contracts in connection therewith, or in operating and maintaining the same.

(e) Any lease agreement executed by the authority directly with any local government may provide that at the termination thereof and upon payment in full of all amounts due thereunder and otherwise to the authority, title to the environmental facility project shall vest in the local government or its successor in interest, if any, free and clear of any liens or encumbrances created in connection with any contract or bonds, revenue bonds, notes, or other obligations involving the authority.

(f) Any lease agreement directly between the state or authority and a local government may contain provisions requiring the local government to perform any or all of the following:

(1) In the case of a sewerage facility, to establish and collect sewer rents, rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of:

(A) The costs of operation, maintenance, renewal, replacement, and repairs of the sewerage facility of such local government; and

(B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the purposes of such sewerage facility and to provide for the payment of all amounts as they shall become due and payable under the terms of such lease agreement, including amounts for the creation and maintenance of any required reserves;

(2) In the case of a water facility, to establish and collect rents, rates, fees, and charges so as to produce revenues sufficient to pay all of a specified portion of:

(A) The cost of operation, maintenance, renewal, and repairs of the water facility of such local government; and

(B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the purposes of such water facility and to provide for the payment of all amounts as they shall become due and payable under the terms of such lease agreement, including amounts for the creation and maintenance of any required reserves;

(3) To create and maintain reasonable reserves or other special funds;

(4) To create and maintain a special fund or funds, as additional security for the punctual payment of any rentals due under such lease agreement and for the deposit therein of such revenues as shall be sufficient to pay said lease rentals and any other amounts becoming due under such lease agreements as the same shall become due and payable; or

(5) To perform such other acts and take such other action as may be deemed necessary and desirable by the authority to secure the complete and punctual performance by such local government of such lease agreements and to provide for the remedies of the authority in the event of a default by such local government in such payment.

50-10-8. (a) The authority shall have the power and is authorized from time to time to issue bonds, in such principal amounts as it may determine to be necessary to pay all or a portion of the cost of any project or environmental facilities, to provide amounts necessary for any corporate purposes, including incidental expenses in connection with the issuance of the bonds.

(b) In addition, the authority shall have the power and is authorized to issue bonds in such principal amounts as the authority deems appropriate, such bonds to be primarily secured by a pool of obligations issued by local governments when the proceeds of the local government obligations are applied to local environmental facility projects.

(c) The authority shall have the power from time to time to refund any bonds by the issuance of new bonds whether the bonds to be refunded have or have not matured and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose.

(d) Bonds issued by the authority shall be special obligations payable solely out of particular revenues or other moneys of the authority as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the authority and state agencies, local government, or private parties and subject to any agreements with the holders of outstanding bonds pledging any particular revenues or moneys.

(e) (1) The authority is authorized to obtain from any department, agency, or corporation of the United States of America or governmental insurer, including the state, any insurance or guaranty, to the extent now or hereafter available, as to or for the payment or repayment of interest or principal, or both, or any part thereof on any bonds or notes issued by the authority or on any obligations of federal, state, or local governments purchased or held by the authority; and to enter into any agreement or contract with respect to any such insurance or guaranty, except to the extent that the same would in any way impair or interfere with the ability of the authority to perform and fulfill the terms of any agreement made with the holders of the bonds or notes of the authority.

(2) Bonds issued by the authority shall be authorized by resolution of the authority, be in such denominations, bear such date or dates, and mature at such time or times as the authority determines to be appropriate, except that bonds and any renewal thereof shall mature within 25 years of the date of their original issuance. Such bonds shall be subject to such terms of redemption, bear interest at such rate or rates payable at such times, be in such form, either coupon or registered, as to principal or interest or both principal and interest, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms and conditions as such resolution of the authority may provide. Bonds may be sold at public or private sale for such price or prices as the authority shall determine.

(3) Any resolution or resolutions authorizing bonds or any issue of bonds may contain provisions which may be a part of the contract with the holders of the bonds thereby authorized as to:

(A) Pledging all or part of its revenues, together with any other moneys, securities, contracts, or property to secure the payment of the bonds, subject to such agreements with bondholders as may then exist;

(B) Setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

(C) Limiting the purpose to which the proceeds from the sale of bonds may be applied;

(D) Limiting the right of the authority to restrict and regulate the use of any project or part thereof in connection with which bonds are issued;

(E) Limiting the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding or other bonds;

(F) Setting the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, including the proportion of bondholders which must consent thereto and the manner in which such consent may be given;

(G) Creating special funds into which any revenues or other moneys may be deposited;

(H) Setting the terms and provisions of any trust, deed, or indenture or other agreement under which the bonds may be issued;

(I) Vesting in a trustee or trustees such properties, rights, powers, and duties in trust as the authority may determine, which may include any or all of the rights, powers, and duties of the trustee appointed by the bondholders pursuant to Code Section 50-10-11 and limiting or abrogating the rights of the bondholders to appoint a trustee under such Code section or limiting the rights, duties, and powers of such trustee;

(J) Defining the acts or omissions to act which may constitute a default in the obligations and duties of the authority to the bondholders and providing for the rights and remedies of the bondholders in the event of such default, including as a matter of right the appointment of a receiver; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this chapter;

(K) Limiting the power of the authority to sell or otherwise dispose of any environmental facility or any part thereof or other property, including municipal bonds held by it;

(L) Limiting the amount of revenues and other moneys to be expended for operating, administrative, or other expenses of the authority;

(M) Providing for the payment of the proceeds of bonds, obligations, revenues, and other moneys to a trustee or other depository and for the method of disbursement thereof with such safeguards and restrictions as the authority may determine; and

(N) Establishing any other matters of like or different character which in any way affect the security for the bonds or the rights and remedies of bondholders.

(4) In addition to the powers conferred upon the authority to secure its bonds, the authority shall have power in connection with the issuance of bonds to enter into such agreements as the authority may deem necessary, consistent, or desirable concerning the use or disposition of its revenues or other moneys or property, including the mortgaging of any property and the entrusting, pledging, or creation of any other security interest in any such revenues, moneys, or property and the doing of any act, including refraining from doing any act, which the authority would have the right to do in the absence of such agreements. The authority shall have power to enter into amendments of any such agreements within the powers granted to the authority by this chapter and to perform such agreements. The provisions of any such agreements may be made a part of the contract with the holders of bonds of the authority.

(5) Any pledge of or other security interest in revenues, moneys, accounts, contract rights, general intangibles, or other personal property made or created by the authority shall be valid, binding, and perfected from the time when such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid, binding, and perfected against all parties having claims of any kind in tort, contract, or otherwise against the authority irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

(6) All bonds issued by the authority shall be executed in the name of the authority by the chairman and secretary of the authority and shall be sealed with the official seal or a facsimile thereof. Coupons, if any, shall be executed in the name of the authority by the chairman of the authority, the facsimile signature of the chairman and the secretary of the authority may be imprinted in lieu of the manual signature if the authority so directs; and the facsimile of the chairman's signature shall be used on coupons, if such are attached. Bonds and interest coupons appurtenant thereto bearing the manual or facsimile signature of a person in office at the time such signature was signed or imprinted shall be fully valid, notwithstanding the fact that before or after delivery thereof such person ceased to hold such office.

(7) Prior to the preparation of definitive bonds, the authority may issue interim receipts, interim certificates, or temporary bonds exchangeable for definitive bonds upon the issuance of the latter; the authority may provide for the replacement of any bond which shall become mutilated or be destroyed or lost.

(8) All bonds issued by the authority under this chapter may be executed, confirmed, and validated under and in accordance with Article 3 of Chapter 82 of Title 36, except as otherwise provided in this chapter.

(9) The venue for all bond validation proceedings pursuant to this chapter shall be Fulton County, and the Superior Court of Fulton County shall have exclusive final court jurisdiction over such proceedings.

(10) Bonds issued by the authority shall have a certificate of validation bearing the facsimile signature of the clerk of the Superior Court of Fulton County and shall state the date on which said bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court of this state.

(11) The authority shall reimburse the district attorney for his actual costs, if any, associated with the bond validation proceedings. The fees payable to the clerk of the Superior Court of Fulton County for validation shall be as follows for each bond, regardless of the denomination of such bond:

(A) One dollar each for the first 100 bonds;

(B) Twenty-five cents each for the next 400 bonds; and

(C) Ten cents for each such bond over 500.

(12) Whether or not the bonds of the authority are of such form and character as to be negotiable instruments, the bonds are made negotiable instruments within the meaning of and for all the purposes of Georgia law subject only to the provisions of the bonds for registration.

(13) Neither the members of the authority nor any person executing bonds shall be liable personally thereon or be subject to any personal liability or accountability solely by reason of the issuance thereof.

(14) The authority, subject to such agreements with bondholders as then may exist, shall have power out of any moneys available therefor to purchase bonds of the authority, which shall thereupon be canceled, at a price not in excess of the following:

(A) If the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date; or

(B) If the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption, plus accrued interest to the next interest payment date.

(15) In lieu of specifying the rate or rates of interest which bonds to be issued by an authority are to bear, the notice to the district attorney or the Attorney General, the notice to the public of the time, place, and date of the validation hearing, and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest, which rate may be fixed or may fluctuate or otherwise change from time to time, specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which rate may be fixed or may fluctuate or otherwise change from time to time, so specified; provided, however, that nothing in this Code section shall be construed as prohibiting or restricting the right of the authority 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.

50-10-9. The authority shall not enter into any contract or agreement with any local government with respect to the financing of any environmental facility pursuant to this act, unless the director of the Environmental Protection Division of the Department of Natural Resources shall have completed all existing statutory reviews and approvals with respect to such project. Nothing in this chapter shall be construed to diminish the full authority and responsibility of the director of the Environmental Protection Division for existing statutory reviews and approvals.

50-10-10. The bonds of the authority are made securities in which all public officials and bodies of the state and all municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and

savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business, and administrators, guardians, executors, trustees, and other fiduciaries and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds are also made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities for any purposes for which the deposit of bonds or other obligations of this state is now or hereafter may be authorized.

50-10-11. The State of Georgia does pledge to and agree with the holders of any bonds issued by the authority pursuant to this chapter that the state will not alter or limit the rights vested in the authority to fulfill the terms of any agreement made with or for the benefit of the holders of bonds or in any way impair the rights and remedies of bondholders until the bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged or funds for the payment of such are fully provided. The authority is authorized to include this pledge and agreement of the state in any agreement with bondholders.

50-10-12. Neither the members of the authority nor any officer or employee of the authority acting in behalf thereof, while acting within the scope of his authority, shall be subject to any liability resulting from:

(1) The construction, ownership, maintenance, or operation of any project financed with the assistance of the authority;

(2) The construction, ownership, maintenance, or operation of any sewerage system, environmental facility, or water system owned by a local government; or

(3) Carrying out any of the powers expressly given in this chapter.

50-10-13. The provisions of this chapter shall be liberally construed to effect the purpose hereof. The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not be subject to regulation under Chapter 1 of Title 10, known as the 'Georgia Securities Act of 1973.' No notice, proceeding, or publication except those required in this chapter shall be necessary to the performance of any act authorized in this chapter; nor shall any such act be subject to referendum.

50-10-14. No bonds, notes, or other obligations of and no indebtedness incurred by the authority shall constitute an indebtedness or obligation or a pledge of the faith and credit of the State of Georgia or of its agencies; nor shall any act of the authority in any manner constitute or result in the creation of an indebtedness of the state or its agencies or a cause of action against the state or its agencies; provided, however, the state, to the extent permitted by its Constitution, may guarantee payment of such bonds, notes, or other obligations as guaranteed revenue debt.

50-10-15. It is found, determined, and declared that the creation of

this authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state and that the authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this chapter. For such reasons the state covenants with the holders from time to time of the bonds, notes, and other obligations issued under this chapter that the authority shall not be required to pay any taxes or assessments imposed by the state or any of its counties, municipal corporations, political subdivisions, or taxing districts upon any property acquired by the authority or under its jurisdiction, control, possession, or supervision or leased by it to others, or upon its activities in the operation or maintenance of any such property or on any income derived by the authority in the form of fees, recording fees, rentals, charges, purchase price, installments, or otherwise, and that the bonds, notes, and other obligations of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state. The tax exemption provided in this chapter shall not include any exemption from sales and use tax on property purchased by the authority or for use by the authority.

50-10-16. The authority shall have all rights afforded the state by virtue of the Constitution of the United States, and nothing in this chapter shall be construed to remove any such rights.

50-10-17. The issuance of any bond, revenue bond, note, or other obligation or incurring of debt, public or otherwise, by the authority must be approved by the commission established by Article VII, Section III, Paragraph III of the Constitution of the State of Georgia of 1976 and Article VII, Section IV, Paragraph VII of the Constitution of the State of Georgia of 1982 or its successor, provided that, except as to the use of the proceeds of bonds guaranteed as to payment by the state or with respect to funds provided to the authority by the state from the sale of state general obligation bonds, the authority shall not acquire any bond, revenue bond, note, or other obligation from a local government issued to pay all or part of the cost of any local project to be acquired or constructed by a local government unless such local government shall have first undertaken to sell such bond, revenue bond, note, or other obligation pursuant to a request for bids or a request for proposal, for negotiation or otherwise, in accordance with and on terms and conditions prescribed by the above commission.

50-10-18. This chapter, being for the welfare of this state and its inhabitants, shall be liberally construed to effect the purposes specified in this chapter.

50-10-19. The authority is specifically authorized, to the extent permitted under the Constitution of this state, to use the proceeds of general obligation debt incurred by the state on such projects and for such purposes as are described by the General Assembly of Georgia in legislation stating the purposes for which such debt is incurred.

50-10-20. Nothing contained in this chapter shall permit the authority to issue bonds or revenue bonds at any time when the sum of:

(1) The highest aggregate annual debt service requirements for the then current fiscal year or any subsequent fiscal year for outstanding authority bonds or revenue bonds, including the proposed bonds or revenue bonds; and

(2) The highest annual debt service requirements for the then current fiscal year or any subsequent fiscal year on general obligation debt of the state issued for authority projects exceeds 1 percent of the total revenue receipts, less refunds, of the state treasury in the fiscal year immediately preceding the year in which any such bond or revenue bond is to be issued.

50-10-21. (a) In the event of a failure of any local government to collect and remit in full all amounts due to the authority and all amounts due to others, which involve the credit or guarantee of the authority or of the state, on the date such amounts are due under the terms of any bond, revenue bonds, note, or other obligation of the local government, it shall be the duty of the authority to notify the director of the Fiscal Division of the Department of Administrative Services who shall withhold all funds of the state and all funds administered by the state, its agencies, boards, and instrumentalities allotted to such local government until such local government has collected and remitted in full all sums due and cured or remedied all defaults on any such bond, revenue bond, note, or other obligation.

(b) Nothing contained in this Code section shall mandate the withholding of funds allocated to a local government which would violate contracts to which the state is a party, the requirements of federal law imposed on the state, or judgments of any court binding the state."

Section 4. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

Senator Barnes of the 33rd offered the following amendment:

Amend the substitute to HB 567 offered by the Senate Committee on Natural Resources and Environmental Quality by adding on line 9 of Page 17 after the following:

"assets.",

the following:

"The authority shall at no time commingle funds obtained under the provisions of Public Law 499, Eighty-first Congress, Second Session, or funds derived from such assets with other funds of the authority, and such funds shall not be liable for any deficit, default, or failure of any environmental facility project; nor shall funds obtained by the authority, through the issuance of obligations or otherwise, for environmental facility projects be liable for any deficit, default, or failure of any program insured, guaranteed, or involving funds obtained by the authority under

Public Law 499, Eighty-first Congress, Second Session, or arising under Public Law 499, Eighty-first Congress, Second Session;"

On the adoption of the amendment, the yeas were 41, nays 0, and the amendment was adopted.

On the adoption of the substitute, the yeas were 37, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Littlefield
Barker	Engram	McGill
Barnes	Fincher	McKenzie
Bond	Foster	Peevy
Bowen	Gillis	Perry
Brannon	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Tate
Cobb	Horton	Thompson
Coggin	Howard	Timmons
Coleman	Huggins	Trulock
Coverdell	Kennedy	Turner
Dawkins	Kidd	Tysinger
Deal	Land	Walker
Dean	Lester	

Voting in the negative was Senator Hudgins.

Those not voting were Senators:

Brantley	Starr (excused	Stumbaugh
Garner	conferee)	
Hill		

On the passage of the bill, the yeas were 50, nays 1.

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

The following bill of the Senate was taken up for the purpose of considering the House amendments thereto:

SB 59. By Senator Allgood of the 22nd:

A bill to amend Code Section 40-8-76 of the Official Code of Georgia Annotated, relating to safety belts required for passenger automobiles, so as to provide that parents or legal guardians shall be responsible for placing their children under three years of age in certain child restraint devices when children are being transported in passenger automobiles within this state.

The House amendments were as follows:

Amendment No. 1:

Amend SB 59 as follows:

Page 2 — line 12

after the period insert the following sentence: "However, if the child is between the ages of three and four years of age, a seat belt shall be sufficient to meet the requirements of this subsection."

Continue with the word "The" on line 12.

Continue with the language on lines 13, 14, 15 and 16.

Amendment No. 2:

Amend SB 59 on Page 2, line 1 by changing "January 1, 1984" to "July 1, 1984"

Amendment No. 3:

Amend SB 59 by deleting lines 30, 31, 32, 33 and 34 on Page 2, and lines 1, 2, 3 and 4 on Page 3, and relettering paragraph (c) on line 5, Page 3 as paragraph (b).

Amendment No. 4:

Amend SB 59 by adding a new paragraph (d) on Page 3 to read as follows:

"The provisions of this Act shall not apply to the driver of a car pool carrying children under 4 years old to a church or public or private school."

Senator Allgood of the 22nd moved that the Senate agree to the House amendments to SB 59.

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

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Those voting in the affirmative were Senators:

Allgood	Dawkins	Lester
Barker	Dean	Littlefield
Barnes	English	McGill
Bond	Engram	McKenzie
Bowen	Foster	Perry
Brannon	Gillis	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Bryant	Horton	Tate
Burton	Howard	Thompson
Cobb	Huggins	Turner
Coggin	Kennedy	Tysinger
Coleman	Kidd	Walker
Coverdell	Land	

Those voting in the negative were Senators:

Deal	Peevy	Stumbaugh
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Those not voting were Senators:

Fincher	Holloway (excused	Starr (excused
Garner	conferee)	conferee)
Greene	Hudgins	Timmons
Hill		Trulock

On the motion, the yeas were 44, nays 3; the motion prevailed, and the Senate agreed to the House amendments to SB 59.

The following local bills of the Senate were taken up for the purpose of considering the House substitutes thereto:

SB 278. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, as amended, so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk.

The House substitute to SB 278 was as follows:

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A BILL TO BE ENTITLED
AN ACT

To amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4756), so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4756), is amended by striking Section 3 in its entirety and inserting in lieu thereof a new Section 3 to read as follows:

“Section 3. The tax commissioner shall receive an annual salary of \$34,821.00, to be paid in equal monthly installments from county funds. The tax commissioner shall be allowed one chief clerk whose annual salary shall be \$31,535.00, to be paid in equal monthly installments from the funds in the county treasury. Any candidate for the office of tax commissioner of Cobb County shall, on the date of his qualifying for such office in either a primary or a general election, certify to the judge of the Probate Court of Cobb County the name of the person he shall appoint as his chief clerk in the event he is elected to the office of tax commissioner of Cobb County; and the person so named shall serve as the chief clerk during the term for which he was so named. In the event of the death or removal from office of said chief clerk, the tax commissioner of Cobb County shall have 30 days from said date of death or removal from office of said chief clerk to certify to the judge of the Probate Court of Cobb County the name of the chief clerk to be appointed by him.”

Section 2. This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Harrison of the 37th moved that the Senate disagree to the House substitute to SB 278.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate disagreed to the House substitute to SB 278.

SB 280. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:
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A bill to amend an Act changing the boundaries of the seven education districts of the Cobb County School District, as amended, so as to change the provisions relating to the compensation of the chairman and other members of the board of education.

The House substitute to SB 280 was as follows:

A BILL TO BE ENTITLED
AN ACT

To amend an Act changing the boundaries of the seven education districts of the Cobb County School District, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 4176), so as to change the provisions relating to the compensation of the chairman and other members of the board of education; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act changing the boundaries of the seven education districts of the Cobb County School District, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 4176), is amended by striking subsection (d) of Section 2 in its entirety and substituting in lieu thereof a new subsection (d) to read as follows:

“(d) Each member of the board of education of Cobb County, except for the chairman, shall receive an annual salary of \$6,000.00, to be paid in equal monthly installments from the funds of the board of education. The chairman shall receive an annual salary of \$7,200.00, to be paid in equal monthly installments from the funds of the board of education.”

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Harrison of the 37th moved that the Senate disagree to the House substitute to SB 280.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate disagreed to the House substitute to SB 280.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 231. By Representatives Thompson, Burruss and Darden of the 20th and others:

A bill to amend Code Section 40-6-395, relating to the crimes of fleeing a police officer and impersonating a police officer, so as to change the punishment for the crime of fleeing a police officer.

Senate Sponsor: Senator Barnes of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Deal	Kidd
Barker	Dean	Land
Barnes	English	Lester
Bond	Engram	McGill
Bowen	Fincher	McKenzie
Brannon	Foster	Peevy
Brantley	Gillis	Perry
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Howard	Thompson
Coleman	Hudgins	Turner
Coverdell	Huggins	Tysinger
Dawkins	Kennedy	

Those not voting were Senators:

Garner	Phillips	Timmons
Greene	Starr (excused)	Trulock
Hill	conferee)	Walker
Littlefield		

On the passage of the bill, the yeas were 47, nays 0.

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

HB 45. By Representative Bray of the 91st:

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 A bill to amend Code Section 53-3-14 of the Official Code of Georgia Annotated, relating to notice of petition for probate in solemn form, so as to provide for mail service of notice of petition for probate in solemn form.

Senate Sponsor: Senator Peevy of the 48th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Dean	McGill
Barker	English	McKenzie
Barnes	Engram	Peevy
Bond	Fincher	Perry
Bowen	Foster	Phillips
Brannon	Gillis	Scott of 2nd
Brantley	Harris	Scott of 36th
Broun of 46th	Harrison	Scott of 43rd
Brown of 47th	Hine	Starr
Bryant	Holloway	Tate
Burton	Howard	Thompson
Cobb	Hudgins	Timmons
Coggin	Huggins	Trulock
Coleman	Kennedy	Turner
Coverdell	Kidd	Tysinger
Dawkins	Land	Walker
Deal	Lester	

Those not voting were Senators:

Garner	Hill	Littlefield
Greene	Horton	Stumbaugh

On the passage of the bill, the yeas were 50, nays 0.

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

Senator Kennedy of the 4th, President Pro Tempore, resumed the Chair.

HB 580. By Representatives Chambless of the 133rd, Snow of the 1st, Horne of the 103rd and others:

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A bill to amend Chapter 2 of Title 15 of the Official Code of Georgia Annotated, relating to the Supreme Court, so as to provide that the Supreme Court may extend its terms by rule or order.

Senate Sponsors: Senators Greene of the 26th and Barnes of the 33rd.

The Senate Committee on Judiciary and Constitutional Law offered the following substitute to HB 580:

**A BILL TO BE ENTITLED
AN ACT**

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide that the Supreme Court may extend its terms by rule or order; to repeal provisions relating to the Supreme Court sitting in divisions; to provide that four justices shall constitute a quorum; to provide alternative methods of recording the court's proceedings; to provide for a judicial council of Georgia; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking subsection (b) of Code Section 15-2-4, relating to the place of sessions and the terms of the Supreme Court, in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

“(b) Unless the Supreme Court by rule or order chooses to extend its terms of court, the terms shall be as follows:

- (1) January term beginning the first Monday in January;
- (2) April term beginning the first Monday in April; and
- (3) September term beginning the first Monday in September.”

Section 2. Said title is further amended by striking Code Sections 15-2-10 through 15-2-15, relating to procedures by which the Supreme Court may sit in divisions, which Code sections read as follows:

“15-2-10. As used in Code Section 15-2-11 through 15-2-15, the term ‘court as a whole’ means the Supreme Court when not sitting or acting in divisions, and such court shall consist of four or more Justices.

15-2-11. The court may, in its discretion, sit either for the hearing or for the decision of cases as a whole, of which not less than four Justices shall constitute a quorum or, for like purposes, in separate divisions of at least three Justices each. Whenever three Justices are assigned to a division, two of them shall constitute a quorum for that division.

15-2-12. (a) It shall be the duty of the Chief Justice to separate the court into two divisions, designating which Justices shall compose each. The personnel of each division, under the direction of the Chief Justice and in accordance with such rules as the court may prescribe, shall be changed from time to time so that the two divisions will not become permanent in their constituency.

(b) The division of which the Chief Justice is a member shall be known and distinguished as the 'First Division,' and he shall be its Presiding Justice. The other division shall be known and distinguished as the 'Second Division,' and its Presiding Justice shall be designated by the Chief Justice.

(c) Whenever the Chief Justice is absent or disqualified, any duty devolving specially upon him shall be performed by the Presiding Justice who has been elected pursuant to Article VI, Section VI, Paragraph I of the Constitution of this state.

15-2-13. Either division of the court shall have the power to issue the writ of mandamus or to take any other action necessary to the perfection of records, according to the practice of the court. Either division may render a final judgment in any case argued before it, and the judgment shall have the same force and effect as if rendered by the court as a whole. Nevertheless, the court shall, as far as practicable, endeavor so to conduct its proceedings as to have the concurrence of all the Justices in all judgments rendered except in cases where there is an express dissent upon the part of one or more of them.

15-2-14. Every case argued before either division may be considered and decided by the court as a whole, or any one or more Justices of the other division may participate in the decision thereof without further argument. Where, for any reason, a case is heard in a division by only two Justices, the Chief Justice shall direct one or more Justices of the other division to participate in deciding it or direct that it be decided by the court as a whole.

15-2-15. Whenever any Justice in a division differs from the other two Justices as to any particular case pending before the division, the case shall go to the court as a whole for decision. Whenever the court as a whole decides a case which has been argued before one division only, it may, upon its own motion, but not otherwise, order a reargument therein.",

in their entirety.

Section 3. Said title is further amended by striking subsection (a) of Code Section 15-2-16, relating to reversal and affirmance of cases, in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) In all cases decided by the Supreme Court, the concurrence of a majority of the Justices shall be essential to a judgment of reversal. If the Justices are evenly divided, the judgment of the court below shall stand affirmed. In all cases decided by the court, with at least a quorum but less than seven Justices, the concurrence of at least four shall be

essential to the rendition of a judgment; and, if only four Justices act upon a case and they are evenly divided, the case shall be reargued before a full bench, if possible, before the term closes; and, if not possible, the judgment of the court below shall stand affirmed.”

Section 4. Said title is further amended by striking Code Section 15-2-17, relating to the rules promulgated by the Supreme Court, in its entirety and substituting in lieu thereof a new Code Section 15-2-17 to read as follows:

“15-2-17. The Supreme Court shall have full power and authority to make all rules, not in conflict with the Constitution or laws of this state, as may be necessary for carrying the Constitution into effect and regulating the court’s proceedings thereunder. To these ends it may, by rules, provide and declare when the court shall sit, how its minutes shall be kept, and how the cases upon its dockets shall be apportioned; and it generally may make all regulations as to practice and procedure which experience may show to be convenient and expedient for the proper transaction of its business, with due regard to the rights of the parties and counsel concerned.”

Section 5. Said title is further amended by striking paragraph (3) of Code Section 15-2-43, relating to duties of the clerk, in its entirety and substituting in lieu thereof a new paragraph (3) to read as follows:

“(3) To keep fair and regular minutes of the court’s proceedings, a record of its judicial acts, a docket of its cases, and such other books as the court may require;”

Section 6. Said title is further amended by striking in its entirety Code Section 15-5-20, which reads as follows:

“15-5-20. (a) There is created the Judicial Council of the State of Georgia. The council shall be composed of 11 members, nine of whom shall be judges of courts of record of the state. The two remaining members shall be the president of the State Bar and the immediate past president of the State Bar. The initial nine judicial members of the council shall be appointed by the Governor, with three initial members being appointed for a term of four years, three initial members being appointed for a term of three years, and three initial members being appointed for a term of two years. Immediately prior to the expiration of a member’s term of office as a member, the council shall elect a new member to succeed the member whose term is expiring. Following the terms of the initial members who took office on May 1, 1973, the term of office of each judicial member of the council shall be for a period of four years. Members of the council shall take office on May 1 following their election by the council. No judicial member of the council shall be eligible to succeed himself for a consecutive term as a member. The president and immediate past president of the State Bar shall serve as members of the council only during their tenure as president or immediate past president of the State Bar.

(b) In the event a vacancy occurs in the judicial membership of the council as a result of the death, resignation, retirement, removal, or failure of reelection as a judge of a court of record, the remaining members

of the council shall elect a qualified person to serve for the remainder of the unexpired term of the member whose seat is vacant. The person elected to fill the vacancy shall take office immediately upon his election.

(c) The council shall meet at such times and places as it shall determine necessary or convenient to perform its duties. The council shall annually elect a chairman and such other officers as it shall deem necessary and shall adopt such rules for the transaction of its business as it desires. The members of the council shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties as members of the council.”,

and inserting in lieu thereof a new Code Section 15-5-20 to read as follows:

“15-5-20. (a) The Supreme Court shall create a judicial council of Georgia, which council shall have such powers, duties, and responsibilities as may be provided by law or as may be provided by rule of the Supreme Court.

(b) Members of the council and their terms shall be as provided by the Supreme Court. The members of the council shall receive no compensation for their services but shall be reimbursed for their actual expenses incurred in the performance of their duties as members of the council.”

Section 7. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 31, nays 0, and the 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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Deal	Huggins
Bond	Dean	Kidd
Bowen	English	Land
Brannon	Engram	Lester
Brantley	Fincher	McGill
Broun of 46th	Foster	McKenzie
Brown of 47th	Gillis	Peevy
Bryant	Greene	Perry
Burton	Harris	Phillips
Cobb	Harrison	Scott of 2nd
Coggin	Hine	Scott of 36th
Coverdell	Horton	Scott of 43rd
Dawkins	Howard	Starr

Stumbaugh
Thompson

Trulock
Turner

Tysinger
Walker

Those not voting were Senators:

Allgood
Barnes
Coleman
Garner

Hill
Holloway (excused
conferee)
Hudgins

Kennedy (presiding)
Littlefield
Tate
Timmons

On the passage of the bill, the yeas were 45, nays 0.

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

The following resolution of the Senate, favorably reported by the committee, was read the third time and put upon its adoption:

SR 132. By Senator Engram of the 34th:

A resolution creating the Peace Officers' Annuity and Benefit Fund Study Committee.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brannon
Brantley
Broun of 46th
Brown of 47th
Bryant
Burton
Cobb
Coggin
Coleman
Coverdell

Deal
Dean
English
Engram
Fincher
Foster
Gillis
Greene
Harris
Harrison
Hine
Holloway
Horton
Howard
Hudgins

Huggins
Kidd
Land
Lester
McGill
McKenzie
Peevy
Perry
Phillips
Scott of 2nd
Scott of 36th
Scott of 43rd
Starr
Stumbaugh
Tate

Thompson
Timmons

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Trulock
Turner

Tysinger
Walker

Those not voting were Senators:

Dawkins
Garner

Hill
Kennedy (presiding)

Littlefield

On the adoption of the resolution, the yeas were 51, nays 0.

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

The following general resolutions of the House, favorably reported by the committee, were read the third time and put upon their adoption:

HR 69. By Representative Parham of the 105th:

A resolution compensating John J. Gates, Ph.D., in the amount of \$2,033.00.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

The resolution, involving an appropriation, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brannon
Brantley
Broun of 46th
Brown of 47th
Bryant
Burton
Cobb
Coggin
Coleman
Coverdell
Dawkins

Deal
Dean
English
Engram
Fincher
Foster
Gillis
Greene
Harris
Hine
Holloway
Horton
Howard
Hudgins
Huggins
Kidd

Land
Lester
Littlefield
McGill
McKenzie
Peevy
Perry
Phillips
Scott of 2nd
Scott of 36th
Scott of 43rd
Starr
Stumbaugh
Tate
Thompson
Timmons

Trulock
Turner

Tysinger

Walker

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Those not voting were Senators:

Garner
Harrison

Hill

Kennedy (presiding)

On the adoption of the resolution, the yeas were 52, nays 0.

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

HR 71. By Representative Triplett of the 128th:

A resolution compensating Mary D. Reffner in the amount of \$1,168.50.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

The resolution, involving an appropriation, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brannon
Brantley
Broun of 46th
Brown of 47th
Bryant
Burton
Cobb
Coggin
Coleman
Coverdell
Dawkins
Deal
Dean

English
Engram
Fincher
Foster
Gillis
Greene
Harris
Hine
Holloway
Horton
Howard
Hudgins
Huggins
Kidd
Land
Lester
Littlefield

McGill
McKenzie
Peevy
Perry
Phillips
Scott of 2nd
Scott of 36th
Scott of 43rd
Starr
Stumbaugh
Tate
Thompson
Timmons
Trulock
Turner
Tysinger
Walker

Those not voting were Senators:

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Garner	Hill	Kennedy (presiding)
Harrison		

On the adoption of the resolution, the yeas were 52, nays 0.

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

HR 93. By Representative Ramsey of the 3rd:

A resolution compensating Mr. Richard B. Carney in the amount of \$1,701.06.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

The resolution, involving an appropriation, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Engram	McKenzie
Barnes	Fincher	Peevy
Bond	Foster	Perry
Bowen	Gillis	Phillips
Brannon	Greene	Scott of 2nd
Brantley	Harris	Scott of 36th
Broun of 46th	Hine	Scott of 43rd
Brown of 47th	Holloway	Starr
Bryant	Horton	Stumbaugh
Burton	Howard	Tate
Cobb	Hudgins	Thompson
Coggin	Huggins	Timmons
Coleman	Kidd	Trulock
Coverdell	Land	Turner
Dawkins	Lester	Tysinger
Deal	Littlefield	Walker
Dean		

Those not voting were Senators:

Garner	Hill	Kennedy (presiding)
Harrison		

On the adoption of the resolution, the yeas were 52, nays 0.

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

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HR 105. By Representative Redding of the 50th:

A resolution compensating Mr. Richard Walton in the amount of \$5,560.00.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

The resolution, involving an appropriation, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Engram	McKenzie
Barnes	Fincher	Peevy
Bond	Foster	Perry
Bowen	Gillis	Phillips
Brannon	Greene	Scott of 2nd
Brantley	Harris	Scott of 36th
Broun of 46th	Hine	Scott of 43rd
Brown of 47th	Holloway	Starr
Bryant	Horton	Stumbaugh
Burton	Howard	Tate
Cobb	Hudgins	Thompson
Coggin	Huggins	Timmons
Coleman	Kidd	Trulock
Coverdell	Land	Turner
Dawkins	Lester	Tysinger
Deal	Littlefield	Walker
Dean		

Those not voting were Senators:

Garner	Hill	Kennedy (presiding)
Harrison		

On the adoption of the resolution, the yeas were 52, nays 0.

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

The President resumed the Chair.

The following general bill of the House, having been read the third time and tabled on February 28, and taken from the Table on March 1, was put upon its passage:

HB 505. By Representatives Walker of the 115th and Evans of the 84th:

A bill to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions of the State and counties, so as to provide that earned-time allowances shall not be awarded to certain inmates.

Senate Sponsor: Senator Barnes of the 33rd.

Senator Barnes of the 33rd offered the following substitute to HB 505:

A BILL TO BE ENTITLED
AN ACT

To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions of the state and counties, so as to provide that inmates convicted of misdemeanor offenses and sentenced to confinement may be awarded good-time allowances based on institutional behavior; to provide for conversion from earned-time allowances to good-time allowances for certain county inmates; to delete those provisions relating to the awarding of earned-time allowances by the Board of Offender Rehabilitation for certain inmates; to provide that certain persons shall receive credit towards early release subject to certain conditions; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Title 42 of the Official Code of Georgia Annotated, relating to penal institutions of the state and counties, is amended by striking Code Section 42-4-7. relating to records of inmates, in its entirety and inserting in lieu thereof a new Code Section 42-4-7 to read as follows:

“42-4-7 (a) The sheriff shall keep, in a well-bound book provided for that purpose, a record of all persons committed to the jail of the county of which he is sheriff. This record shall contain the name of the person committed, his age, sex, race, under what process he was committed and from what court the process issued, the crime with which he was charged, the date of his commitment to jail, the day of his discharge, under what order he was discharged, and the court from which the order issued. This book shall be subject to examination by any person at any time. The sheriff shall keep the book on file in his office.

(b) (1) The sheriff, chief jailer, warden, or other officer designated by the county as custodian of inmates confined as county inmates as provided in subsection (a) of Code Section 17-10-3 shall award good-time allowances to such inmates based on institutional behavior. Good-time allowances shall not be awarded which exceed one-half of the period of confinement imposed.

(2) Upon receipt of an inmate sentenced to confinement as a county inmate, the custodian of such inmate shall compute the maximum good-

time allowance that such inmate may earn. The custodian may make appropriate deductions from such maximum earnable good-time allowance based on the institutional behavior of such inmate while in custody as a county inmate.

(3) An inmate sentenced to confinement as a county inmate shall be released at the expiration of his sentence less the time deducted for good-time allowances.

(c) Commencing January 1, 1984, subsection (b) of this Code section, which provides for good-time allowances to be awarded to inmates sentenced to confinement as county inmates as provided in subsection (a) of Code Section 17-10-3, shall apply to all such inmates in confinement on December 31, 1983, and all inmates who commit crimes on or after January 1, 1984, and are subsequently convicted and sentenced to confinement as county inmates. Conversion of the computation of the sentences of county inmates in confinement on December 31, 1983, from earned-time governed sentences to good-time governed sentences shall be made by the sheriff or other custodian of such inmates."

Section 2. Said title is further amended by striking Code Sections 42-5-100 and 42-5-101, relating to the awarding of earned-time allowances to inmates, in their entirety, which read as follows:

"42-5-100. (a) The board shall formulate and promulgate rules and regulations providing for earned-time allowances to be awarded to inmates based upon the performance of the inmates, provided that earned-time allowances shall not be awarded to inmates sentenced to life imprisonment. The rules and regulations shall not provide for earned-time allowances exceeding one-half of the period of confinement imposed by the court. The rules and regulations shall differentiate between habitual offenders and other offenders for the purposes of awarding earned time. As used in this Code section, the term 'habitual offender' means any felony offender sentenced to or serving in custody of the department a third or subsequent felony incarceration in the state penal system since January 1, 1970; provided, however, that the provisions of this Code section relating to habitual offenders shall only apply to those felony offenders whose third or subsequent felony offense was committed after April 10, 1980. Additional sentences imposed on an offender during service of another sentence will be considered as the same incarceration.

(b) The wardens or superintendents of the various county or state correctional institutions within the state shall immediately notify the department, in writing, of any punishment imposed or other disciplinary action taken against any inmate under such warden's or superintendent's custody. The report shall be on forms prescribed and furnished by the department and shall show, among other things, the detail assignment and behavior record of the inmate. From the records so furnished, the commissioner or his assistants may suspend the inmate from receiving earned time for a specified period and may forfeit up to one-half the earned-time allowances where the disciplinary action involves a violation of correctional rules and regulations or forfeit all or any part of the earned-time allowances where the violation is a crime punishable by law.

(c) An inmate shall be released at the expiration of his term of sentence less the time earned as earned-time allowances.

(d) Persons convicted of misdemeanor offenses shall accrue earned-time allowances equal to one-half of the total misdemeanor sentence. This same earned-time allowance shall apply to inmates confined as county inmates as provided in paragraph (1) of subsection (a) of Code Section 17-10-3. Computation of this earned-time allowance shall be made by the sheriff of the county or the chief jailer, warden, or other officer designated by the county as custodian of such inmates.

42-5-101. (a) Commencing September 1, 1978, Code Section 42-5-100, which provides for earned-time allowances to be awarded to inmates based upon the performance of the inmate, shall apply to those persons sentenced to the state penal system prior to July 1, 1976, other than those sentenced to life imprisonment or death, such application being deemed beneficial to the sentenced person by shortening the projected period of incarceration. The commissioner shall make a conversion of the computation of the sentences of those persons sentenced to the state penal system prior to July 1, 1976, other than those sentenced to life imprisonment or death, by comparing the projected release date of each of such persons computed pursuant to Ga. L. 1956, p. 161, Section 24, prior to its amendment by Ga. L. 1976, p. 949, Section 1, which granted statutory good time and extra good time allowances, giving appropriate credit or deductions for statutory good time, extra good time, and forfeitures of good time and extra good time unreturned as of September 1, 1978, with a projected release date for each such person computed from the date of sentencing pursuant to Code Section 42-5-100 and the rules and regulations in force as of September 1, 1978, formulated and promulgated by the board by authority of Code Section 42-5-100, providing for earned-time allowances to be awarded to inmates, with forfeitures of good time and extra good time unreturned as of September 1, 1978, being treated in accordance with the earned-time rules and regulations concerning forfeited time. If the projected release date computed under the earned-time rules and regulations is earlier in time for a particular person sentenced prior to July 1, 1976, such projected earned-time release date shall be adopted by the commissioner as the projected release date for that person. If the projected release date computed under the earned-time rules and regulations is later in time for a particular person sentenced prior to July 1, 1976, the commissioner shall grant the person sufficient additional earned-time allowances so as to make that person's projected earned-time release date the same as the projected release date computed under Ga. L. 1956, p. 161, Section 24, prior to its amendment by Ga. L. 1976, p. 949, Section 1, which granted statutory good time and extra good time, and such date shall be adopted by the commissioner as the projected earned-time release date for that person. The commissioner shall accomplish administrative processing of the conversion, as of September 1, 1978, of the computation of the sentences of persons sentenced prior to July 1, 1976, other than those sentenced to life imprisonment or death, from good-time and extra good-time governed sentences to earned-time governed sentences in the following order:

(1) If conversion will foreseeably produce an immediate benefit to

the person within 90 days from September 1, 1978, by September 30, 1978;

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(2) If conversion will foreseeably produce an immediate benefit to the person more than 90 days but less than 180 days from September 1, 1978, by October 31, 1978; and

(3) If conversion will foreseeably produce an immediate benefit to the person more than 180 days from September 1, 1978, by November 30, 1978.

(b) Commencing September 1, 1978, Code Section 42-5-100, which provides for earned-time allowances to be awarded to inmates based upon the performance of the inmate, shall apply to persons convicted of misdemeanor offenses who are confined in county facilities prior to July 1, 1976, under the jurisdiction of the county as provided in paragraph (1) of subsection (a) of Code Section 17-10-3. Conversion of the computation of the sentences of those persons from good-time and extra good-time governed sentences to earned-time governed sentences shall be made by the sheriff of the county, chief jailer, warden, or other officer designated by the county as custodian of the inmate in the same manner and pursuant to the same schedule as the commissioner is directed to do for persons sentenced to the state penal system prior to July 1, 1976, by subsection (a) of this Code section.”

and inserting in lieu thereof the following:

“42-5-100. The earned-time allowances, which could have been awarded by the Board of Offender Rehabilitation to inmates based upon the performance of the inmate, in effect on December 31, 1983, shall not apply to:

(1) Those persons who commit crimes on or after January 1, 1984, and who are subsequently convicted and sentenced to the custody of the Board of Offender Rehabilitation;

(2) Those persons who have committed a crime prior to January 1, 1984, but who have not been convicted and sentenced as of December 31, 1983, and who are subsequently sentenced to the custody of the Board of Offender Rehabilitation, including those whose sentences have been probated or suspended, on or after January 1, 1984; however, such persons shall receive the full benefit of the earned-time allowances, in effect on December 31, 1983, and shall receive a release or discharge date computed as if they had been sentenced to the custody of the Board of Offender Rehabilitation, prior to December 31, 1983; or

(3) Those persons previously sentenced to the custody of the Board of Offender Rehabilitation, including those whose sentences have been probated or suspended, as of December 31, 1983; however, such persons shall receive the full benefit of the earned-time allowances in effect on December 31, 1983, and shall receive a release or discharge date the same as reflected in the records of such person on December 31, 1983, less any creditable earned time that such person could have earned as a result of forfeited earned time.”

Section 3. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 4. This Act shall become effective on January 1, 1984.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 30, nays 1, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Harrison	McKenzie
Barnes	Hine	Perry
Brannon	Holloway	Phillips
Broun of 46th	Horton	Stumbaugh
Coverdell	Howard	Thompson
Deal	Hudgins	Timmons
Dean	Huggins	Trulock
Engram	Kennedy	Turner
Foster	Kidd	Tysinger
Gillis	Land	Walker
Greene	Littlefield	

Those voting in the negative were Senators:

Allgood	Coggin	McGill
Bond	Coleman	Peavy
Bowen	Dawkins	Scott of 2nd
Brantley	English	Scott of 36th
Brown of 47th	Fincher	Scott of 43rd
Bryant	Harris	Starr
Burton	Lester	Tate
Cobb		

Not voting were Senators Garner and Hill.

On the passage of the bill, the yeas were 32, nays 22.

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

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

HB 33. By Representatives Snow of the 1st, Lawson of the 9th, Bray of the 91st and others:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to the General Assembly of Georgia, so as to provide for the oath of office of members of the General Assembly.

Senator Deal of the 49th moved that the Senate insist upon the Senate substitute to HB 33.

On the motion, the yeas were 38, nays 1; the motion prevailed, and the Senate insisted upon the Senate substitute to HB 33.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 530. By Representative Couch of the 40th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to application for homestead exemption, so as to change the date for filing application for homestead exemption in all counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census.

Senate Sponsors: Senators Coverdell of the 40th and Coggin of the 35th.

Senator Phillips of the 9th offered the following amendment:

Amend HB 530 by adding on line 4 of Page 1 after the following:

“exemption;”,

the following:

“to prohibit certain persons from filing, for a fee or consideration, applications for exemptions and provide penalties therefor;”
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By adding between lines 23 and 24 of Page 1 the following:

“Section 2. Said Code Section is further amended by adding at the end thereof a new subsection (e) to read as follows:

‘(e) No person may file on behalf of another person and for a fee or other consideration an application or schedule for an exemption under this Code section. Any person who violates this subsection shall be guilty of a misdemeanor.’”

By striking on line 24 of Page 1 the following:

“Section 2”,

and inserting in its place the following:

“Section 3”

By striking on line 1 of Page 2 the following:

“Section 3”,

and inserting in its place the following:

“Section 4”

On the adoption of the amendment, the yeas were 28, nays 3, and the amendment was adopted.

Senator Coggin of the 35th offered the following substitute to HB 530:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to change the date for making tax returns; to change the date for filing application for homestead exemption; 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 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by striking subsection (a) of Code Section 48-5-18, relating to the time for making tax returns, in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

“(a) Except as otherwise provided in this Code section, each tax

commissioner and tax receiver shall open his books for the return of taxes on January 1 and shall close his books on April 1 of each year.”

Section 2. Said chapter is further amended by striking subsection (a) of Code Section 48-5-45, relating to application for homestead exemptions, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) An applicant seeking a homestead exemption as provided in Code Section 48-5-44 shall file on or before April 1 and, in the case of an exemption from taxes levied by a consolidated city-county government, on or before April 1 of the year in which exemption from taxation is sought a written application and schedule with the tax receiver or tax commissioner charged with the duty of receiving returns of property for taxation. The failure to file properly the application and schedule shall constitute a waiver of the homestead exemption on the part of the applicant failing to make the application for such exemption for that year.”

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Phillips of the 9th offered the following amendment:

Amend the substitute to HB 530 offered by Senator Coggin of the 35th by adding on line 5 of Page 1 after the following:

“exemption;”,

the following:

“to prohibit certain persons from filing, for a fee or consideration, applications for exemptions and provide penalties therefor;”

By adding between lines 9 and 10 of Page 2 the following:

“Section 3. Said Code Section is further amended by adding at the end thereof a new subsection (e) to read as follows:

‘(e) No person may file on behalf of another person and for a fee or other consideration an application or schedule for an exemption under this Code section. Any person who violates this subsection shall be guilty of a misdemeanor.’”

By striking on line 10 of Page 2 the following:

“Section 3”,

and inserting in its place the following:

“Section 4”

By striking on line 13 of Page 2 the following:

“Section 4”,

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and inserting in its place the following:

“Section 5”

On the adoption of the amendment, the yeas were 37, nays 2, and the amendment was adopted.

On the adoption of the substitute, the yeas were 42, nays 0, and the substitute was adopted as amended.

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, a roll call was taken and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Fincher	McKenzie
Barnes	Foster	Peevy
Bond	Gillis	Perry
Bowen	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Timmons
Dawkins	Kennedy	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Littlefield	Walker
Engram	McGill	

Voting in the negative were Senators Allgood and Lester.

Those not voting were Senators:

Brannon	Garner	Hill
Brantley		

On the passage of the bill, the yeas were 50, nays 2.

The bill, having received the requisite constitutional majority, was passed by substitute www.libtool.com.cn

The following resolution of the Senate was read and put upon its adoption:

SR 219. By Senators Kennedy of the 4th and Allgood of the 22nd:

A resolution relative to adjournment by the General Assembly at 11:00 o'clock P.M. on March 1, 1983, and to reconvene at 9:30 o'clock A.M. on March 3, 1983.

On the adoption of the resolution, the yeas were 42, nays 0.

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

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

HB 327. By Representatives Ross of the 82nd, Murphy of the 18th, Mostiler of the 75th and others:

A bill to amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions under the "Georgia Administrative Procedure Act," so as to provide that the word "agency" shall mean and include the State Board of Education and the State Department of Education.

Senator Kidd of the 25th moved that the Senate insist upon the Senate substitute to HB 327.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate insisted upon the Senate substitute to HB 327.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House has agreed to the Senate substitute, as amended by the House, to the following bill of the House:

HB 219. By Representative Johnson of the 72nd:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement, so as to provide minimum funding standards for retirement or

pensions systems for employees and officials of the State of Georgia and its political subdivisions.

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

HB 365. By Representatives Horne of the 103rd, Dunn of the 73rd, Isakson of the 21st and others:

A bill to amend an Act entitled "An Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens", so as to change the effective date.

The House adheres to its insistence on its substitution and has appointed a Committee of Conference on the part of the House to confer with a like committee on the part of the Senate on the following bill of the Senate:

SB 209. By Senators Gillis of the 20th and McGill of the 24th:

A bill to amend Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to the sale, etc., of agricultural products, so as to make it unlawful for any person to sell, package, or label any onions as "Vidalia onions" or to use the term "Vidalia" in connection with the sale of onions unless such onions were grown in the "Vidalia production area"

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

Representatives Reaves of the 147th, Phillips of the 120th and Crawford of the 5th.

The House recedes from its position in amending the following bill of the Senate:

SB 189. By Senator Timmons of the 11th:

A bill to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior court, so as to provide that, for purposes of determining the minimum annual salary of the clerk of superior court in any county in which more than 50 percent of the population of the county resides on certain property of the U.S. government, the population shall be the total population of the county minus the population of the county which resides on property of the U.S. government; to provide an effective date.

The House insists on its position in substituting the following bill of the Senate:

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SB 154. By Senator Lester of the 23rd:

A bill to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants and registered public accountants.

The House has disagreed to the Senate amendments to the following bills of the House:

HB 460. By Representatives Adams of the 36th, Murphy of the 18th, Connell of the 87th and others:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to delete Chapter 14 thereof, relating to electrical contractors, plumbers, and conditioned air contractors, and reenact a new Chapter 14, relating to electrical contractors, plumbers, and conditioned air contractors.

HB 325. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to clarify the procedure for acknowledging paternity.

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

HB 400. By Representative Phillips of the 125th:

A bill to amend Code Section 43-34-27 of the Official Code of Georgia Annotated, relating to the licensing requirements for persons engaged in the practice of medicine, so as to delete the provision authorizing a graduate to stand a regular examination to practice medicine before completing a year's training as an intern.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 358. By Representatives Wood of the 9th, Galer of the 97th, Padgett of the 86th and others:

A resolution commending the employers of the State of Georgia for their support of the National Guard and Reserve Forces.

The House has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 219. By Senators Kennedy of the 4th and Allgood of the 22nd:
A resolution relative to adjournment.

The House insists on its position in disagreeing to the Senate amendments and has appointed Committees of Conference to confer with like committees on the part of the Senate on the following bills of the House:

HB 245. By Representatives Shepard of the 71st, Johnson of the 70th, Parham of the 105th and Moore of the 139th:
A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to issuance of bad checks, so as to change certain penalties and a definition.

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

Representatives Shepard of the 71st, Copelan of the 106th and Padgett of the 86th.

HB 129. By Representative Birdsong of the 104th:
A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis.

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

Representatives Birdsong of the 104th, Porter of the 119th and Walker of the 115th.

The House insists on its position in disagreeing to the Senate substitute and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 33. By Representatives Snow of the 1st, Lawson of the 9th, Bray of the 91st and others:
A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the general provisions relative to the General Assembly of Georgia, so as to provide for the oath of office of members of the General Assembly.

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

Representatives Snow of the 1st, Groover of the 99th and Davis of the 45th.

The House adheres to its insistence on its amendment and has appointed a Committee of Conference on the part of the House to confer with a like committee on the part of the Senate on the following bill of the Senate:

SB 32. By Senator Kidd of the 25th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to minimum salaries for judges of the probate courts; to repeal conflicting laws.

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

Representatives Bostick of the 138th, Groover of the 99th and Moore of the 139th.

The House insists on its position in substituting the following bills of the Senate:

SB 278. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk.

SB 280. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act changing the boundaries of the seven education districts of the Cobb County School District, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, so as to change the provisions relating to the compensation of the chairman and other members of the board of education.

SB 40. By Senators Hudgins of the 15th and Littlefield of the 6th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to define the crime of sexual assault; to define other terms; to provide penalties; to repeal conflicting laws.

The House insists on its position in amending the following bill of the Senate:

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SB 273. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Jones County; to provide for terms of office; to repeal conflicting laws.

The House has agreed to the Senate substitute, as amended by the House, to the following bill of the House:

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

The following communication from His Excellency, Governor Joe Frank Harris, was read by the Secretary:

Office of the Governor
Atlanta, Georgia 30334
March 1, 1983

Honorable Zell Miller
Lieutenant Governor and
President of the Senate and
Members of the Senate
Senate Chamber
Atlanta, Georgia 30334

Dear Lieutenant Governor Miller and Members of the Senate:

I submit to you, as provided by law, the following appointments for confirmation:

Honorable William B. Mulherin, M.D., of Clarke County as a member of the Georgia Board of Athletic Trainers, for the term of office beginning August 6, 1982 and ending January 31, 1988.

Honorable T. G. Rogers of Cobb County as a member of the Georgia State Board of Barbers, for the term of office beginning September 17, 1982 and ending December 29, 1984.

The following named persons as members of the Georgia State Board of Barbers, for terms beginning September 17, 1982 and ending July 25, 1985: Melvin A. Clay of Floyd County; Donald A. Wade of Bacon County.

Honorable Hewett M. (Mack) Alden, D.C., of DeKalb County as a

member of the Georgia Board of Chiropractic Examiners, for the term of office beginning August 20, 1982 and ending August 20, 1985.

Honorable Robert Ressmeyer of Muscogee County as a member of the Georgia Board of Chiropractic Examiners, for the term of office beginning September 17, 1982 and ending August 20, 1985.

Honorable Judy Hanenkrat of Fulton County as a member of the State Construction Industry Licensing Board, for the term of office beginning June 2, 1982 and ending June 30, 1984.

Honorable Helen Gnann Byars of DeKalb County as a member of the Board of Human Resources, for the term of office beginning July 14, 1982 and ending April 6, 1985.

Honorable Joseph T. Christmas, M.D., of Dooly County as a member of the Council on Maternal and Infant Health, for the term of office beginning August 25, 1982 and ending August 25, 1986.

The following named persons as members of the Council on Maternal and Infant Health, for terms beginning July 15, 1982 and ending July 1, 1986: Joyce F. Dillon, R.N., Ph.D., of Cobb County; William P. Kanto, Jr., M.D., of DeKalb County; James Stuart Levi, M.D., of Muscogee County; Alva L. Mayes, Jr., M.D., of Bibb County.

Honorable Raymond L. Wilkes of Bibb County as a member of the Board of Offender Rehabilitation, for the term of office beginning August 5, 1982 and ending January 25, 1983.

Honorable Kirk L. Smick, O.D., of Clayton County as a member of the Georgia State Board of Examiners in Optometry, for the term of office beginning July 13, 1982 and ending September 6, 1984.

Honorable Duane Cochran, O.D., of Glynn County as a member of the Georgia State Board of Examiners in Optometry, for the term of office beginning November 18, 1982 and ending September 6, 1983.

The following named persons as members of the Georgia State Board of Examiners in Optometry, for terms beginning November 18, 1982 and ending September 6, 1985: William H. Shuman of Clarke County; T. Joel Byars, O.D., of DeKalb County.

Honorable Anne Morgan Moore of Fulton County as a member of the Georgia State Board of Physical Therapy, for the term of office beginning June 2, 1982 and ending June 30, 1983.

The following named persons as members of the Board of Examiners for Speech Pathology and Audiology, for terms beginning August 31, 1982 and ending June 24, 1985: Francie L. Ross of Fulton County; Peggy G. Von Almen of Clarke County.

The following named persons as members of the Board of Trustees of the Teachers' Retirement System of Georgia, for terms beginning May 24, 1982 and serving at the pleasure of the Governor: Lithangia E. Robinson of Fulton County; Kyle D. Smith, Jr., of Gordon County.

Honorable J. C. Mullis of Clarke County as a member of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning May 24, 1982 and ending June 30, 1984.

Honorable Fern B. Patterson of Hall County as a member of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning May 24, 1982 and ending June 30, 1983.

Honorable Edward V. Deaton of Muscogee County as a member of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning May 24, 1982 and ending June 30, 1982.

Honorable Edward V. Deaton of Muscogee County as a member of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning July 1, 1982 and ending June 30, 1985.

Honorable R. B. Garrett, D.V.M., of Fulton County as a member of the Board of Veterinary Medicine, for the term of office beginning September 17, 1982 and ending September 16, 1987.

Sincerely,

/s/ Joe Frank Harris

The following report of the Committee on Enrolling and Journals was read by the Secretary:

Mr. President:

The Committee on Enrolling and Journals has read and examined the following Senate bill and has instructed me to report the same back to the Senate as correct and ready for transmission to the Governor:

SB 159.

Respectfully submitted,

/s/ Ed Barker, Chairman
Senator, District 18

Senator Allgood of the 22nd moved that the Senate stand in recess until 11:00 o'clock P.M. today at which time the Senate would stand adjourned, pursuant to SR 219 adopted previously, until 9:30 o'clock A.M. on Thursday, March 3, and the motion prevailed.

At 3:25 o'clock P.M., the President announced the Senate would stand in recess until 11:00 o'clock P.M. today at which time the Senate would stand adjourned, pursuant to SR 219 adopted previously, until 9:30 o'clock A.M. on Thursday, March 3.

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Senate Chamber, Atlanta, Georgia

Thursday, March 3, 1983

Thirty-ninth Legislative Day

The Senate met pursuant to adjournment at 9:30 A.M. today and was called to order by the President.

Senator Barker of the 18th reported that the Journal of the proceedings of Tuesday, March 1, had been read and found correct.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House has agreed to the Senate substitutes to the following bills of the House:

HB 627. By Representative Marcus of the 26th:

A bill to amend Code Section 3-8-1 of the Official Code of Georgia Annotated, relating to the regulation and taxation of the sale and storage of alcoholic beverages at airports owned and operated by counties or municipalities, so as to authorize the issuance of licenses for and the sale, storage, and distribution of alcoholic beverages within the boundaries of airports owned or operated or both by counties or municipalities.

HB 399. By Representative Phillips of the 125th:

A bill to amend Code Section 43-34-37 of the Official Code of Georgia Annotated, relating to the authority of the Composite State Board of Medical Examiners to refuse to issue licenses and to suspend licenses, to hearings before the board, and to immunity of witnesses for giving testimony, so as to change the provisions relating to immunity from civil and criminal liability relative to certain investigations and the giving of testimony in certain instances.

HB 308. By Representatives Logan of the 67th, Murphy of the 18th, Williams of the 6th and others:

A bill to amend Subpart 5A of Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to North Georgia College military scholarships, so as to provide that a student may meet the terms of a scholarship by accepting a regular army commission and serving

in the United States Army upon concurrence by the Georgia Army National Guard.

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HB 273. By Representative Cummings of the 17th:

A bill to amend Code Section 47-2-1 of the Official Code of Georgia Annotated, relating to definitions under the Employees' Retirement System of Georgia, so as to change the provisions relative to the definition of employee.

HB 324. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

A bill to amend Article 2 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mortgages, so as to provide that a public utility company may, by a deed to secure debt, embrace, cover, convey, pledge, and encumber after-acquired property in certain circumstances.

HB 567 By Representatives Walker of the 115th, Evans of the 84th, Phillips of the 120th and others:

A bill to amend Chapter 10 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Development Authority, so as to revise extensively the provisions relating to the Georgia Development Authority.

HB 72. By Representatives Matthews of the 145th, Moore of the 139th, Checks of the 89th and others:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to criminal issuance of bad checks, so as to provide that instruments issued for the support of minors are issued for a present consideration.

The House has agreed to the Senate amendments to the following bills of the House:

HB 719. By Representative Hanner of the 131st:

A bill to abolish the present mode of compensating the judge of the Probate Court of Clay County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

HB 249. By Representatives Logan of the 67th, Argo of the 68th, Wilson of the 20th and others:

A bill to amend Article 12 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to ticket scalping, so as to change the amount which may be charged by authorized ticket agents.

HB 294. By Representatives Darden of the 20th, Isakson and Aiken of the 21st and others:

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A bill to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologist, so as to change the definition of the term "cosmetologist."

HB 89. By Representatives Reaves of the 147th, Balkcom of the 140th, Godbee of the 110th and others:

A bill to amend Article 1 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to state licensed and bonded warehouses, so as to remove an exemption from the provisions of said article.

The House has agreed to the Senate amendment to the following resolution of the House:

HR 255. By Representatives Lambert of the 66th and Connell of the 87th:

A resolution recommending that the Georgia Building Authority preserve and restore the Georgia Railroad Freight Depot and use it to house the state museum.

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

SB 132. By Senators Bond of the 39th and Scott of the 36th:

A bill to amend an Act establishing a Municipal Court of the City of Atlanta (now a division of the State Court of Fulton County), as amended, so as to abolish the Office of Justice of the Peace and of Notary Public Ex Officio Justice of the Peace and Constable in Fulton County.

SB 208. By Senator Peevy of the 48th:

A bill to provide that the governing authority of Gwinnett County shall determine and establish the total annual compensation to be paid to the judge of the probate court, the clerk of the superior court, the sheriff, and the tax commissioner of Gwinnett County.

SB 253. By Senators Peevy of the 48th and Phillips of the 9th:

A bill to amend an Act to continue and re-create the State Court of Gwinnett County, as amended, so as to provide for an additional judge for the State Court of Gwinnett County.

SB 262. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Baldwin County; to provide for terms of

office; to provide for the appointment of other court personnel; to provide for filling vacancies.

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SB 274. By Senator Kidd of the 25th:

A bill to amend an Act placing the judge of the Probate Court of Baldwin County upon an annual salary, as amended, so as to change the provisions relating to the compensation of the judge of the probate court.

SB 294. By Senator Bryant of the 3rd:

A bill to amend an Act providing for the appointment and terms of office of members of the Liberty County Industrial Authority, as amended, so as to clarify the definition of the term "project"; to clarify the powers of the authority.

SB 283. By Senator Hudgins of the 15th:

A bill to amend Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury, so as to provide that a claim of violation on any loan secured by an interest in real estate may be asserted in an individual action only and may not be the subject of a class action.

SB 270. By Senator Lester of the 23rd:

A bill to amend Code Section 7-3-9 of the Official Code of Georgia Annotated, relating to the investigation of applications for licenses under the "Georgia Industrial Loan Act," so as to change the provisions relative to hearings.

SB 269. By Senator Tysinger of the 41st:

A bill to amend Chapter 9 of Title 33 of the Official Code of Georgia Annotated, relating to regulation of rule making, rates, and related organizations, as amended, so as to delete certain references to workers' compensation.

SB 256. By Senators Gillis of the 20th, Bryant of the 3rd and Walker of the 19th:

A bill to amend Code Section 12-5-134 of the Official Code of Georgia Annotated, relating to termination of the State Water Well Standards Advisory Council, so as to change the date for the termination of the council and for the repeal of laws relating thereto; to provide an effective date.

SB 73. By Senator Kidd of the 25th:

A bill to amend Article 5 of Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits, disability benefits, spouses benefits, etc., so as to change the provisions relating to retirement benefits for clerks of the superior court and their spouses who are receiving benefits under this article or who may become eligible for benefits in the future.

SB 268. By Senator Broun of the 46th:

~~A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to change the amount of restoration fee required before the Department of Public Safety will return an operator's driver's license or tag registration, or both; to provide an effective date.~~

SB 251. By Senators Greene of the 26th and Harris of the 27th:

A bill to amend Code Section 25-2-16 of the Official Code of Georgia Annotated, relating to the regulation of hazardous substances, so as to specify and provide for the use of certain type nozzles and valves used in dispensing gasoline and diesel fuel at certain places of business.

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

SB 265. By Senator Hine of the 52nd:

A bill to incorporate the City of Adairsville in the County of Bartow and provide a charter therefor.

SB 287. By Senator Kidd of the 25th:

A bill to consolidate the offices of tax receiver and tax collector of Jones County into the office of tax commissioner of Jones County.

SB 215. By Senator Cobb of the 28th:

A bill to amend Chapter 48 of Title 43 of the Official Code of Georgia Annotated, known as "The Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers Registration Act," so as to change the definition of certain terms.

SB 249. By Senators Harris of the 27th, Greene of the 26th, Cobb of the 28th and others:

A bill to amend Code Section 15-9-13 of the Official Code of Georgia Annotated, relating to proceedings when a probate judge is disqualified or unable to act, so as to provide that any probate judge may appoint an attorney to act in place of the judge; to provide an effective date.

SB 241. By Senator Stumbaugh of the 55th:

A bill to amend Code Section 33-6-5 of the Official Code of Georgia Annotated, relating to unfair methods of competition and unfair and deceptive acts or practices, so as to provide that no insurance company, when selling salvage motor vehicles, major component parts, or parts, shall sell to a used motor vehicle parts dealer, motor vehicle dismantler, motor vehicle rebuilder, salvage pool dealer, or salvage dealer who is not licensed under Chapter 48 of Title 43.

SB 206. By Senator Kidd of the 25th:

A bill to amend Article 4 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to participation of probationers in community service programs, so as to provide that services as a live-in attendant for a disabled person shall constitute community service under certain conditions.

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

SB 199. By Senators Coggin of the 35th, Scott of the 43rd, Engram of the 34th and others:

A bill to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide for the "Georgia Motor Vehicle Franchise Practices Act;" to provide for general provisions.

SB 242. By Senator Barnes of the 33rd:

A bill to amend Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for public works, so as to limit the amount of retained amounts; to provide an effective date.

SB 225. By Senator Engram of the 34th:

A bill to amend Chapter 9 of Title 31 of the Official Code of Georgia Annotated, relating to consent for surgical or medical treatment, so as to provide that a patient or any person or entity designated by the patient may be provided with the patient's health records.

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

SR 89. By Senator Hine of the 52nd:

A resolution authorizing the conveyance of certain state owned real property located in Bartow County, Georgia, to Mr. and Mrs. Frank J. Baia, Jr.

SR 111. By Senators Coleman of the 1st, Scott of the 2nd and Bryant of the 3rd:

A resolution authorizing and empowering the State of Georgia, acting by and through the State Properties Commission, to grant and convey to the Resource Recovery Development Authority for the City of Savannah, its successors and assigns, an easement over, under, across, and through certain property owned or claimed by the State of Georgia and located in Chatham County.

The following resolution of the Senate was introduced, read the first time and referred to committee.

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SR 203. By Senator Coggin of the 35th:

A resolution creating the No-Fault Liability Insurance Study Committee.
Referred to Committee on Insurance.

The following reports of standing committees were read by the Secretary:

Mr. President:

The Committee on Federal, State and Community Affairs has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 338. Do pass.	HB 689. Do pass.
HB 360. Do pass by substitute.	HB 692. Do pass.
HB 388. Do pass.	HB 693. Do pass.
HB 480. Do pass as amended.	HB 694. Do pass.
HB 481. Do pass as amended.	HB 695. Do pass.
HB 483. Do pass.	HB 697. Do pass.
HB 508. Do pass.	HB 712. Do pass.
HB 534. Do pass by substitute.	HB 740. Do pass.
HB 550. Do pass.	HB 784. Do pass.
HB 569. Do pass.	HB 806. Do pass.
HB 570. Do pass by substitute.	HB 813. Do pass.
HB 609. Do pass.	HB 825. Do pass.
HB 629. Do pass.	HB 834. Do pass.
HB 658. Do pass as amended.	HB 836. Do pass as amended.
HB 662. Do pass.	HB 837. Do pass.
HB 663. Do pass.	HB 838. Do pass.
HB 665. Do pass.	HB 841. Do pass.
HB 666. Do pass.	HB 843. Do pass.
HB 687. Do pass.	

Respectfully submitted,

Senator Scott of the 43rd District, Chairman

Mr. President:

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The Committee on Federal, State and Community Affairs has had under consideration the following bills and resolution of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 596.	Do pass by substitute.	HB 715.	Do pass by substitute.
HB 690.	Do pass.	HR 292.	Do pass by substitute.
HB 828.	Do pass by substitute.	HB 807.	Do pass.

Respectfully submitted,

Senator Scott of the 43rd District, Chairman

Mr. President:

The Committee on Higher Education has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 156. Do pass.

Respectfully submitted,

Senator Fincher of the 54th District, Chairman

Mr. President:

The Committee on Insurance has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 93. Do pass.

Respectfully submitted,

Senator Stumbaugh of the 55th District, Chairman

Mr. President:

The Committee on Judiciary and Constitutional Law has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 68. Do pass by substitute.
HB 393. Do pass by substitute.

HB 236. Do pass.

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Respectfully submitted,

Senator Greene of the 26th District, Chairman

Mr. President:

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

HB 107. Do pass by substitute.

Respectfully submitted,

Senator Turner of the 8th District, Chairman

Mr. President:

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

HB 199. Do pass by substitute.

Respectfully submitted,

Senator Turner of the 8th District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following resolutions of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SR 162. Do pass.

HR 67. Do pass.

Respectfully submitted,

Senator Holloway of the 12th District, Chairman

The following bills and resolutions of the Senate and House were read the second time:
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SR 156. By Senator Broun of the 46th:

A resolution creating the University System Laboratory and Equipment Needs Study Committee.

SR 162. By Senators Holloway of the 12th, Harris of the 27th, Peevy of the 48th and others:

A resolution creating the Georgia Transportation Study Committee.

HB 68. By Representative Coleman of the 118th:

A bill to amend Code Section 16-11-131 of the Official Code of Georgia Annotated, relating to the unlawful possession of firearms by convicted felons, so as to change the definition of the term "felony"

HB 93. By Representative Colbert of the 23rd:

A bill to amend Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to motor vehicle accident insurance, so as to require liability insurance providing certain coverages for motorcycles; to define a certain term.

HB 199. By Representatives Greer of the 39th, Adams of the 36th, Daugherty of the 33rd and Murphy of the 18th:

A bill to amend Code Section 47-9-70 of the Official Code of Georgia Annotated, relating to retirement benefits, disability benefits, spouses benefits, and age of retirement under the Superior Court Judges Retirement System, so as to remove the provisions relating to retirement after reaching 70 years of age.

HB 236. By Representatives Richardson of the 52nd, Galer of the 97th, Steinberg of the 46th and others:

A bill to amend Code Section 19-3-8 of the Official Code of Georgia Annotated, relating to the husband being the head of the family, so as no longer to presume one spouse to be head of the family, no longer to have one person subject to that person's spouse, and no longer to have one person's legal civil existence merged into that person's spouse.

HB 393. By Representatives Snow of the 1st, Darden of the 20th, Evans of the 84th and Bray of the 91st:

A bill to amend Code Section 19-11-19 of the Official Code of Georgia Annotated, relating to garnishment and orders to withhold and deliver in child support cases, so as to provide definitions; to provide that garnishment based

upon a court order for child support of a civil nature shall not be subject to requirements of departmental hearings.

HR 67. By Representative Hudson of the 117th:

A resolution designating the bridge on U.S. Highway 341 over the Ocmulgee River at Hawkinsville in Pulaski County as the Roger H. Lawson Memorial Bridge.

HB 107. By Representative Padgett of the 86th:

A bill to amend Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to credit for the Employees' Retirement System of Georgia for prior service, so as to provide credit for certain military service.

HB 338. By Representatives Isakson, Aiken, Johnson and Wilder of the 21st and others:

A bill to amend an Act creating the board of commissioners of Cobb County, so as to change the powers, duties, authority, and compensation of the chairman of the board of commissioners.

HB 360. By Representative Couch of the 40th:

A bill to amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to the legal defense of indigents, so as to provide for a public defender in all counties having a population of 550,000 or more according to the 1980 United States decennial census or any future such census.

HB 388. By Representatives Connell of the 87th, Padgett of the 86th, Barnes of the 90th and others:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment Number 74.

HB 480. By Representatives Horne of the 103rd, Groover of the 99th, Pinkston of the 100th and others:

A bill to repeal an Act entitled "An Act to amend an Act approved February 6, 1873 appearing on Page 219 et. seq. of the published Acts of The General Assembly of Georgia 1873, and captioned, 'An Act to establish a county board of commissioners for the County of Bibb; to define its duties; and for other purposes therein named'" and subsequent Acts amendatory thereof.

- HB 481. By Representatives Horne of the 103rd, Groover of the 99th, Pinkston of the 100th and others:

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A bill to repeal an Act entitled "An Act to amend an Act approved March 3, 1955, codifying all former Acts of the General Assembly of the State of Georgia, relating to and dealing with the Municipal Court of the City of Macon and its successor in name, jurisdiction and powers, the Civil Court of Bibb County, which Acts abolished justice courts and the office of justice of the peace and notary public; and for other purposes.", so as to provide that such repeal will not affect the status, retirement pay, or compensation of any presently retired or emeritus judge of the Civil Court of Bibb County.

- HB 483. By Representatives Robinson of the 58th, Aaron of the 56th and Williams of the 54th:

A bill to amend an Act revising, superseding and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, so as to change the provisions of said amendatory Act relating to the powers and duties of the governing authority of DeKalb County.

- HB 508. By Representatives Buck of the 95th, Smyre of the 92nd, Hirsch of the 96th and others:

A bill to amend an Act providing a charter for the county-wide government of Columbus, Georgia, so as to redefine the tort liability of the government.

- HB 534. By Representatives Walker of the 85th, Barnes of the 90th, Cheeks of the 89th and Brown of the 88th:

A bill to amend an Act creating the board of commissioners of Richmond County, so as to change the composition of the board and the qualifications for, terms of, and manner of electing members and chairman of the board.

- HB 550. By Representative Daugherty of the 33rd:

A bill to amend an Act creating the State Court of Fulton County, so as to provide terms of court.

- HB 569. By Representative Connell of the 87th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment Number 65, which amendment exempts from City of Augusta ad valorem taxes certain capital improvements of commercial and business establishments.

- HB 570. By Representatives Pinkston of the 100th, Groover of the 99th, Lucas of the 102nd and Horne of the 103rd:

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A bill to amend an Act creating the State Court of Bibb County, so as to provide for warrant officers of said court and their selection, compensation, and duties.

- HB 596. By Representatives Thompson and Darden of the 20th:

A bill to amend an Act creating the State Court of Cobb County, so as to change the jurisdiction of said court.

- HB 609. By Representative Bolster of the 30th:

A bill to provide for the appointment of magistrates of Fulton County to serve in the Magistrate Court of Fulton County which will be created July 1, 1983, under the Constitution of 1982.

- HB 629. By Representative Bolster of the 30th:

A bill to provide for urban enterprise zones in the City of Atlanta.

- HB 658. By Representative Bolster of the 30th:

A bill to amend an Act providing for the establishment of a county-wide library system in Fulton County, so as to except from the operation of certain provisions of the Act that part of the City of Atlanta within DeKalb County.

- HB 662. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment (Res. Act 94), duly ratified at the 1958 General Election and proclaimed by the Governor to be a part of the Constitution of 1945.

- HB 663. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to amend Code Section 48-5-149 of the Official Code of Georgia Annotated, relating to rate of interest and penalty on delinquent taxes in certain counties, so as to change certain population brackets and the census year upon which the brackets are based.

- HB 665. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment (Res. Act 605), duly ratified at the 1952 General Election and proclaimed by the Governor to be a part of the Constitution of 1945, and subsequently made a part of the Constitution of 1976, which amendment authorized a combined Board of Health for the City of Augusta and Richmond County.

HB 666. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to amend an Act establishing the compensation of certain officials in Richmond County, so as to change the compensation of certain officials; to provide for the payment of such compensation.

HB 687. By Representative Darden of the 20th:

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, so as to change the compensation of said judge.

HB 689. By Representative Darden of the 20th:

A bill to amend an Act creating a new charter for the City of Marietta in Cobb County, so as to grant to the mayor a veto power.

HB 692. By Representative Darden of the 20th:

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the clerk of the court; to change the compensation of the chief deputy clerk.

HB 693. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change compensation of the clerk of the Probate Court of Cobb County.

HB 694. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the provisions relating to the compensation of the clerk of the superior court and the deputy clerk of the superior court.

HB 695. By Representatives Darden and Thompson of the 20th:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the provisions relating to the supplement to be paid to each of the judges of the superior court of said circuit.

HB 697. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the judge of the probate court.

HB 690. By Representative Darden of the 20th:

~~A bill to amend an Act~~ changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation provisions relating to the sheriff, the chief deputy sheriff, the deputy sheriffs, and the chief investigator.

HB 712. By Representatives Thomas of the 69th and Johnson of the 70th:

A bill to amend an Act establishing the State Court of Carroll County, so as to change the compensation of the judge and solicitor.

HB 715. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act creating the office of commissioner of Carroll County, so as to change the compensation of the commissioner of Carroll County.

HB 740. By Representatives Childs of the 53rd, Morton of the 47th, Richardson of the 52nd and others:

A bill to amend an Act creating and establishing a new charter for the City of Decatur, so as to change, enlarge, and extend the corporate limits of the City of Decatur.

HB 784. By Representative Selman of the 32nd:

A bill to amend an Act providing a new charter for the City of Palmetto, so as to annex into the city limits of the City of Palmetto that property generally located northeast of the present city limits and lying and being between Roosevelt Highway and the northern land lot line of Land Lot 124 to the east.

HB 806. By Representatives Isakson, Atkins and Johnson of the 21st and others:

A bill to amend an Act entitled "An Act to amend an Act creating the State Court of Cobb County (formerly the Civil and Criminal Court of Cobb County)", so as to create an office of magistrate.

HB 807. By Representatives Pinkston of the 100th, Groover of the 99th and Horne of the 103rd:

A bill to authorize the creation of an intergovernmental relations study commission by the governing authorities of Bibb County and the City of Macon.

HB 813. By Representative Isakson of the 21st:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the county supplement for the district attorney.

- HB 825.** By Representatives Randall of the 101st, Lucas of the 102nd, Pinkston of the 100th and Groover of the 99th:

A bill to amend an Act establishing the Board of Public Education and Orphanage for Bibb County, so as to change the composition of the Education Districts from which members of the board are elected.

- HB 828.** By Representatives Randall of the 101st, Lucas of the 102nd, Groover of the 99th and Horne of the 103rd:

A bill to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to sales of alcoholic beverages during certain hours in certain municipalities and counties, so as to provide that sales of alcoholic beverages by certain establishments may be authorized during certain hours in counties having a population of not less than 140,000 and not more than 150,300 and in municipalities in such counties.

- HB 834.** By Representatives Jones of the 78th and Dunn of the 73rd:

A bill to amend an Act creating a new charter for the City of Locust Grove, so as to change provisions relating to officers of the city dealing with the city.

- HB 836.** By Representatives Hirsch of the 96th, Buck of the 95th, Galer of the 97th and others:

A bill to amend an Act establishing the Municipal Court of Columbus, so as to provide for an increase in civil jurisdiction; to provide for the salaries of the judge, clerk, and marshal of said court.

- HB 837.** By Representatives Colwell and Twiggs of the 4th:

A bill to create the Bald Mountain Water and Sewer Authority.

- HB 838.** By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating a new charter for the City of Statesboro, so as to change the maximum amount of fines which may be imposed by the court.

- HB 841.** By Representative Ross of the 82nd:

A bill to amend an Act amending, revising, consolidating, and superseding the Act incorporating the Town of Norwood, so as to change the term of the mayor and councilmen of said town and provide for biennial elections therefor.

- HB 843.** By Representative Darden of the 20th:

A bill to amend an Act creating the board of commissioners of Cobb County, so as to authorize the board to delay until October 1, 1983, the

effective date of any salary increase provided for by an Act of the 1983 General Assembly which is to be paid from county funds.

HR 292. By Representatives Ginsberg of the 122nd and Hamilton of the 124th:

A resolution creating the Chatham County Hospital Authority Study Commission.

The following local, uncontested bills of the House, favorably reported by the committee, were read the third time and put upon their passage:

HB 279. By Representatives Padgett of the 86th, Barnes of the 90th, Brown of the 88th and Connell of the 87th:

A bill to abolish the office of County Treasurer in Richmond County; to provide for the creation of the office of County Treasurer Emeritus in Richmond County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 339. By Representatives Greer of the 39th and Adams of the 36th:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," as amended so as to provide that the retail sales and use tax for the Authority shall be at the rate of one percent until June 30, 2012, and shall thereafter be reduced to one-half percent, and to provide for the use of the proceeds.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 449. By Representative Padgett of the 86th:

A bill to provide for and create a merit system of employment and personnel administration for employees of the sheriff in Richmond County.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 50, nays 0.

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

HB 652. By Representatives Porter of the 119th and Coleman of the 118th:

A bill to amend an Act consolidating the office of tax receiver and tax collector of Laurens County into the office of tax commissioner of Laurens County, so as to change the compensation of the tax commissioner.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 653. By Representatives Porter of the 119th and Coleman of the 118th:

A bill to amend an Act placing the judge of the Probate Court of Laurens County on an annual salary in lieu of fees, so as to change the compensation of the judge of the probate court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 705. By Representatives Cox of the 141st and Long of the 142nd:

A bill to create and establish an airport authority in all counties of this state having a population of not less than 25,400 nor more than 25,900 according to the United States decennial census of 1980 or any future such census and to provide for the powers of the authority.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 729. By Representatives Morton of the 47th, Richardson of the 52nd, Davis of the 45th and others:

A bill to amend an Act creating a new charter for the City of Doraville, so as to change the term of office for the mayor and members of the council.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

Senator Tysinger of the 41st moved that HB 729 be immediately transmitted to the House.

On the motion, the yeas were 39, nays 0; the motion prevailed, and HB 729 was immediately transmitted to the House.

HB 752. By Representatives Redding of the 50th, Davis of the 45th, Childs of the 53rd and others:

A bill to amend an Act creating the State Court of DeKalb County, so as to authorize the clerk of court to assign docket numbers to certain documents and to then forward a copy of such documents to the solicitor of the court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 753. By Representatives Davis of the 45th, Robinson of the 58th, Lawrence of the 49th and others:

A bill to amend an Act creating and establishing the State Court of DeKalb County (formerly the Civil and Criminal Court of DeKalb County), so as to provide for procedure of said court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 758. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend an Act creating the Small Claims Court of Thomas County, so as to provide that the judge of the court shall be elected.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 762. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend an Act creating a board of commissioners of Thomas County, so as to provide for the election of members of the board and for the districts from which they shall be elected.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 763. By Representatives Sherrod of the 143rd and Long of the 142nd:

A bill to amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to costs and compensation of probate judges, so as to change the amount of the court costs charged by the probate judges of all counties having a population of not less than 38,000 and not more than 38,200.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 785. By Representatives Smith of the 152nd and Moody and Byrd of the 153rd:

A bill to amend an Act providing a new charter for the City of Hoboken, Georgia, so as to change certain fines.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 786. By Representative Smith of the 152nd:

A bill to amend an Act creating a board of commissioners of Bacon County, so as to provide for commissioner districts; to provide for a chairman and members of the board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 787. By Representative Smith of the 152nd:

A bill to repeal specifically an Act providing for boards of commissioners in counties having a population of not less than 9,365 and not more than 9,385 according to the United States decennial census of 1980 or any future such census.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 793. By Representative Adams of the 79th:

A bill to further define, prescribe, and enlarge the powers of the Thomaston-Upson County Office Building Authority.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 50, nays 0.

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

HB 796. By Representative Murphy of the 18th:

A bill to amend an Act placing the sheriff and the ordinary of Haralson County on an annual salary in lieu of the fee system of compensation, so as to change the compensation of the probate judge of Haralson County (formerly ordinary of Haralson County).

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 800. By Representative Long of the 142nd:

A bill to amend an Act incorporating the City of Cairo, so as to extend the corporate limits of said city.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 803. By Representative Porter of the 119th:

A bill to amend an Act providing a new charter for the City of Dublin, so as to increase the maximum fine of the city court from \$500.00 to \$1000.00.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 808. By Representative Copelan of the 106th:

A bill to provide a new charter for the City of White Plains; to provide for corporate boundaries.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 811. By Representatives Kilgore of the 42nd, Watts of the 41st and Johnson of the 70th:

A bill to amend an Act creating the Douglas Judicial Circuit, so as to change the amount of the supplement paid to the superior court judges of the Douglas Judicial Circuit from funds of Douglas County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 818. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act placing the sheriff and clerk of the Superior Court of Wayne County on a salary basis in lieu of a fee basis of compensation, so as to change the provisions relative to the compensation of the clerk of the superior court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 819. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act establishing the State Court of Wayne County (formerly the City Court of Jesup in and for the County of Wayne), so as to change the compensation of the judge and the solicitor.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 820. By Representatives Waldrep of the 80th, Jones of the 78th and Dunn of the 73rd:

A bill to provide for an investigator for the district attorney of the Flint Judicial Circuit; to provide for the compensation, powers, duties, term of office, and expenses of the investigator.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 821. By Representative Balkcom of the 140th:

A bill to amend an Act creating the Board of Commissioners of Early County, so as to provide that the members of the board of commissioners shall be elected for a term of four years.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 822. By Representative Balkcom of the 140th:

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A bill to amend an Act creating the State Court of Early County, so as to authorize the county governing authority to determine the compensation of the judge of the state court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 823. By Representative Balkcom of the 140th:

A bill to abolish the present mode of compensating the judge of the Probate Court of Early County, known as the fee system; to provide in lieu thereof an annual salary for said officer.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 824. By Representative Balkcom of the 140th:

A bill to amend an Act creating and establishing the Small Claims Court of Early County, so as to abolish the present mode of compensating the judge of the Small Claims Court of Early County, known as the fee system.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

HB 827. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating the State Court of Screven County, so as to change the provisions relative to the compensation of the judge and solicitor of said court.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 50, nays 0.

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

HB 829. By Representatives Lawler, Darden and Burruss of the 20th and others:

A bill to amend an Act reincorporating the City of Austell, so as to change the corporate limits of said city.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 50, nays 0.

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

SB 234. By Senator Allgood of the 22nd:

A bill to amend an Act chartering the City of Augusta as the "City Council of Augusta," as amended, so as to change the corporate limits of said city; to provide an effective date.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to SB 234:

A BILL TO BE ENTITLED AN ACT

To amend an Act chartering the City of Augusta as the "City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended, so as to change the corporate limits of said city; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act chartering the City of Augusta as the "City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended, is amended by adding a new paragraph at the end of Section 1 to read as follows:

"Notwithstanding any other provisions of the charter of the City of Augusta to the contrary, the corporate limits of said city shall correspond to and be conterminous with the boundaries of Richmond County with the exception of all that territory lying and being in the corporate limits of the City of Blythe and the City of Hephzibah."

Section 2. This Act shall become effective only in the event an Act creating a commission-council of Richmond County and the City of Augusta to exercise the rights, powers, and duties of the board of commission-

ers of Richmond County and the mayor and council of the City of Augusta is enacted by the General Assembly of Georgia at its regular session in 1983 and approved in a referendum by the electors of Richmond County.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 50, nays 0, and the 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, the yeas were 50, nays 0.

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

HB 537. By Representatives Jackson of the 83rd and Evans of the 84th:

A bill to amend an Act creating a new board of commissioners of Columbia County, so as to change the composition of districts from which members are elected.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HB 537:

A BILL TO BE ENTITLED AN ACT

To amend an Act creating a new board of commissioners of Columbia County, approved March 21, 1980 (Ga. L. 1980, p. 3707), so as to change the composition of districts from which members are elected; to provide for the election of members from new commissioner districts; to provide for terms of office; to provide that a vacancy shall be created in the office of any member who no longer resides within the district from which he was elected; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section. 1. An Act creating a new board of commissioners of Columbia County, approved March 21, 1980 (Ga. L. 1980, p. 3707), is amended by striking Section 1 in its entirety and inserting in lieu thereof a new Section 1 to read as follows:

“Section 1. There is established in the County of Columbia a board of commissioners, which shall be the governing authority of said county and shall be composed of five members as hereinafter provided. For the purpose of electing members of the board, Columbia County is divided into five commissioner districts as follows:

Commissioner District No. 1 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Washington Road intersects Columbia Road; running thence in a northwesterly direction along the centerline of Washington Road to Reed Creek; running thence in an easterly direction down the thread of the stream of Reed Creek to the centerline of Fury's Ferry Road; running thence in a northwesterly direction along the centerline of Fury's Ferry Road to Evans to Locks Road; running thence in an easterly direction along the centerline of Evans to Locks Road to the Savannah River; running thence in a northwesterly direction up the thread of the Savannah River to its confluence with Uchee Creek; running thence southerly up the thread of Uchee Creek to its confluence with Tudor Branch; running thence southerly up the thread of Tudor Branch to its confluence with Crawford Creek; running thence southeasterly up the thread of Crawford Creek to the centerline of Columbia Road; running thence in an easterly direction along the center line of Columbia Road to its intersection with Washington Road and the point of BEGINNING.

Commissioner District No. 2 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Willowood Drive intersects the boundary line between Columbia County and Richmond County; running thence in a westerly direction along the centerline of Willowood Drive to its intersection with Maywood Drive; running thence in a northerly direction along the centerline of Maywood Drive to its intersection with Columbia Road; running thence in an easterly direction along the centerline of Columbia Road to its intersection with Washington Road; running thence in a northwesterly direction along the centerline of Washington Road to Reed Creek; running thence in an easterly direction down the thread of Reed Creek to Fury's Ferry Road; running thence in a northwesterly direction along the centerline of Fury's Ferry Road to its intersection with Evans to Locks Road; running thence in an easterly direction along the centerline of Evans to Locks Road to the Savannah River; running thence in a southeasterly direction down the thread of the Savannah River to the point of its intersection with the Richmond County Line; running thence in a southwesterly direction along the boundary line of Columbia County and Richmond County to its intersection with Willowood Drive and the BEGINNING.

Commissioner District No. 3 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Wrightsboro Road intersects the boundary line between Columbia County and Richmond County, Georgia; running thence in a westerly direction along the centerline of Wrightsboro Road to its intersection with the city limits of Grovetown, Georgia; running thence in a northerly and westerly direction along the city limits of Grovetown, Georgia to its intersection with Lewiston Road; running thence in a northerly direction along the centerline of Lewiston Road to its intersection with Interstate Highway 20; running thence in a westerly direction along the centerline of Interstate Highway 20 to Uchee Creek; running thence in a southerly and westerly direction up the thread of

Euchee Creek to its origin; running thence due west to Georgia State Highway 47; running thence in a northerly direction along the centerline of Georgia State Highway 47 to its intersection with Fairview Drive; running thence in a southwesterly direction along the centerline of Fairview Drive to its intersection with Sawdust Road; running thence in a southwesterly direction along the centerline of Sawdust Road to its intersection with U.S. Highway 78; running thence in a westerly direction along the centerline of U.S. Highway 78 to the boundary line between Columbia County and McDuffie County, Georgia; running thence in a southerly direction along the Columbia County and McDuffie County line to a point where it intersects with the Richmond County Line; running thence in a northeasterly direction along the Columbia County and Richmond County Line to a point where it intersects Wrightsboro Road and the point of BEGINNING.

Commissioner District No. 4 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Wheeler Road intersects the boundary line between Columbia County and Richmond County; running thence in a westerly direction along the centerline of Wheeler Road to its intersection with Beverly Road; running thence in a northerly direction along the centerline of Beverly Road to its intersection with Avery Avenue; running thence in a westerly direction along the centerline of Avery Avenue to its intersection with County Road 388; running thence in a southerly and westerly direction along the centerline of County Road 388 to its intersection with Wheeler Road; running thence in a westerly direction along the centerline of Wheeler Road to its intersection with South Belair Road and Old Belair Road; running thence in a westerly and northerly direction along the centerline of Old Belair Road to its intersection with Columbia Road; running thence in a westerly direction along the centerline of Columbia Road to Euchee Creek; running thence in a northerly direction down the thread of Euchee Creek to its confluence with Tudor Branch; running thence in a southerly direction up the thread of Tudor Branch to its confluence with Crawford Creek; running thence in a southeasterly direction up the thread of Crawford Creek to its intersection with Columbia Road; running thence in a easterly direction along the centerline of Columbia Road to its intersection with Maywood Drive; running thence in a southerly direction along the centerline of Maywood Drive to its intersection with Willowood Drive; running thence in a easterly direction along the centerline of Willowood Drive to its intersection with the Columbia County and Richmond County Line; running thence in a southwesterly direction along the Columbia County and Richmond County Line to its intersection with Wheeler Road and the BEGINNING.

Commissioner District No. 5 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Wrightsboro Road intersects the boundary line between Columbia County and Richmond County, Georgia; running thence in a westerly direction along the centerline of Wrightsboro Road to its intersection with the city limits of Grovetown, Georgia; running thence in a northerly and westerly direction along the city limits of

Grovetown, Georgia to its intersection with Lewiston Road; running thence in a northerly direction along the centerline of Beverly Road to its intersection with Avery Avenue; running thence in a westerly direction along the centerline of Avery Avenue to its intersection with County Road 388; running thence in a southerly and westerly direction along the centerline of County Road 388 to its intersection with Wheeler Road; running thence in a westerly direction along the centerline of Wheeler Road to its intersection with South Belair Road and Old Belair Road; running thence in a southerly and westerly direction up the thread of Uchee Creek to its origin; running thence due west to Georgia State Highway 47; running thence in a northerly direction along the centerline of Georgia State Highway 47 to its intersection with Fairview Drive; running thence in a southwesterly direction along the centerline of Fairview Drive to its intersection with Sawdust Road; running thence in a southwesterly direction along the centerline of Sawdust Road to its intersection with U.S. Highway 78; running thence in a westerly direction along the centerline of U.S. Highway 78 to the boundary line between Columbia County and McDuffie County; running thence in a northerly direction along the Columbia County and McDuffie County line to a point it intersects the boundary line between Columbia County and Lincoln County; running thence in generally easterly direction along the boundary line between Columbia County and Lincoln County to a point where it intersects with the boundary line between the State of Georgia and State of South Carolina; running thence in a southeasterly direction along the boundary line between the State of Georgia and the State of South Carolina to the confluence of Uchee Creek; running thence in a southerly direction up the thread of Uchee Creek to Columbia Road; running thence in a easterly direction along the centerline of Columbia Road to its intersection with Old Belair Road; running thence in a southerly and easterly direction along the centerline of Old Belair Road to its intersection with South Belair Road and Wheeler Road; running thence in a easterly direction along the centerline of Wheeler Road to a point where it intersects with County Road 388; running thence in a northerly and easterly direction along the centerline of County Road 388 to its intersection with Avery Avenue; running thence in an easterly direction along the centerline of Avery Avenue to its intersection with Beverly Road; running thence in a southerly direction along the centerline of Beverly Road to its intersection with Wheeler Road; running thence in an easterly direction along the centerline of Wheeler Road to a point where it intersects at the Columbia County and Richmond County line; running thence in a southwesterly direction along the Columbia County and Richmond County line to it intersects with Wrightsboro Road and the point of BEGINNING."

Section 2. Said Act is further amended by striking Section 2 in its entirety and inserting in lieu thereof a new Section 2 to read as follows:

"Section 2. (a) The present members of the board of commissioners of Columbia County shall continue to serve out the terms of office for which they were elected and until their successors are elected and qualified as provided in this section. Members of the board of commissioners shall be deemed to represent the commissioner district provided for in Section 1, which number corresponds to the commissioner district for which they were elected. Beginning with the primary and general elec-

tions held in 1984 and thereafter at which members of the board of commissioners are elected, members shall be elected from the commissioner districts provided for in Section 1.

(b) At the general election of 1984, new members from Commissioner Districts 3, 4, and 5 shall be elected. Members elected from Commissioner Districts 3, 4, and 5 shall take office on the first day of January following their election and shall serve for a term of four years. At the general election of 1986, new members from Commissioner Districts 1 and 2 shall be elected. Members elected from Commissioner Districts 1 and 2 shall take office on the first day of January following their election and shall serve for a term of four years. Thereafter, successors to the members of the board shall be elected in the general election in which their terms of office shall expire, shall take office on the first day of January following their election, and shall serve for a term of four years and until their successors are duly elected and qualified. In order to be elected as a member of the board from a commissioner district, a candidate shall be a bona fide resident of such district. One member of the board shall be from each district. Each member of the board shall be elected by the qualified voters of the entire county.

(c) In all elections conducted pursuant to this Act, each candidate shall designate, at the time of qualifying, the district from which he offers as a candidate. To be elected as a member of the board, a candidate must receive the highest number of votes cast for the seat he is seeking; and, at the same time, a candidate must receive a majority of the total votes cast for the election of a commissioner to that seat. In the event no candidate for a particular seat receives a majority of the votes for the seat he is seeking, a run-off election shall be conducted for that particular seat in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the Georgia Election Code, as now or hereafter amended.

(d) A vacancy shall be created in the office of any member of the board of commissioners who no longer resides within the district from which he was elected."

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 50, nays 0, and the 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, the yeas were 50, nays 0.

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

HB 538. By Representatives Jackson of the 83rd and Evans of the 84th:

A bill to amend an Act providing for the election of members of the board of education of Columbia County, so as to change the composition of education districts.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HB 538:

**A BILL TO BE ENTITLED
AN ACT**

To amend an Act providing for the election of members of the board of education of Columbia County, approved March 21, 1968 (Ga. L. 1968, p. 2708), as amended, so as to change the composition of education districts; to provide for the manner of electing members from new education districts; to provide for terms of office; to provide for an orderly transition of office; to provide for other matters relative to the foregoing; to provide for a referendum; to provide for the submission of this Act to the attorney general of the United States; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act providing for the election of members of the board of education of Columbia County, approved March 21, 1968 (Ga. L. 1968, p. 2708), as amended, is amended by striking Section 1 in its entirety and inserting in lieu thereof a new Section 1 to read as follows:

“Section 1. The board of education of Columbia County shall be composed of five members to be elected as hereinafter provided. For the purposes of electing members of the board of education of Columbia County, Columbia County is divided into five education districts as follows:

Education District No. 1 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Washington Road intersects Columbia Road; running thence in a northwesterly direction along the centerline of Washington Road to Reed Creek; running thence in an easterly direction down the thread of the stream of Reed Creek to the centerline of Fury's Ferry Road; running thence in a northwesterly direction along the centerline of Fury's Ferry Road to Evans to Locks Road; running thence in an easterly direction along the centerline of Evans to Locks Road to the Savannah River; running thence in a northwesterly direction up the thread of the Savannah River to its confluence with Uchee Creek; running thence southerly up the thread of Uchee Creek to its confluence

with Tudor Branch; running thence southerly up the thread of Tudor Branch to its confluence with Crawford Creek; running thence southeasterly up the thread of Crawford Creek to the centerline of Columbia Road; running thence in a easterly direction along the centerline of Columbia Road to its intersection with Washington Road and the point of BEGINNING.

Education District No. 2 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Willowood Drive intersects the boundary line between Columbia County and Richmond County; running thence in a westerly direction along the centerline of Willowood Drive to its intersection with Maywood Drive; running thence in a northerly direction along the centerline of Maywood Drive to its intersection with Columbia Road; running thence in a easterly direction along the centerline of Columbia Road to its intersection with Washington Road; running thence in a northwesterly direction along the centerline of Washington Road to Reed Creek; running thence in a easterly direction down the thread of Reed Creek to Fury's Ferry Road; running thence in a northwesterly direction along the centerline of Fury's Ferry Road to its intersection with Evans to Locks Road; running thence in a easterly direction along the centerline of Evans to Locks Road to the Savannah River; running thence in a southeasterly direction down the thread of the Savannah River to the point of its intersection with the Richmond County Line; running thence in a southwesterly direction along the boundary line of Columbia County and Richmond County to its intersection with Willowood Drive and the BEGINNING.

Education District No. 3 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Wrightsboro Road intersects the boundary line between Columbia County and Richmond County, Georgia; running thence in a westerly direction along the centerline of Wrightsboro Road to its intersection with the city limits of Grovetown, Georgia; running thence in a northerly and westerly direction along the city limits of Grovetown, Georgia to its intersection with Lewiston Road; running thence in a northerly direction along the centerline of Lewiston Road to its intersection with Interstate Highway 20; running thence in a westerly direction along the centerline of Interstate Highway 20 to Uchee Creek; running thence in a southerly and westerly direction up the thread of Uchee Creek to its origin; running thence due west to Georgia State Highway 47; running thence in a northerly direction along the centerline of Georgia State Highway 47 to its intersection with Fairview Drive; running thence in a southwesterly direction along the centerline of Fairview Drive to its intersection with Sawdust Road; running thence in a southwesterly direction along the centerline of Sawdust Road to its intersection with U.S. Highway 78; running thence in a westerly direction along the centerline of U.S. Highway 78 to the boundary line between Columbia County and McDuffie County, Georgia; running thence in a southerly direction along the Columbia County and McDuffie County line to a point where it intersects with the Richmond County Line; running thence in a northeasterly direction along the Columbia County and Richmond

County Line to a point where it intersects Wrightsboro Road and the point of BEGINNING.

Education District No. 4 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Wheeler Road intersects with the boundary line between Columbia County and Richmond County; running thence in a westerly direction along the centerline of Wheeler Road to its intersection with Beverly Road; running thence in a northerly direction along the centerline of Beverly Road to its intersection with Avery Avenue; running thence in a westerly direction along the centerline of Avery Avenue to its intersection with County Road 388; running thence in a southerly and westerly direction along the centerline of County Road 388 to its intersection with Wheeler Road; running thence in a westerly direction along the centerline of Wheeler Road to its intersection with South Belair Road and Old Belair Road; running thence in a westerly and northerly direction along the centerline of Old Belair Road to its intersection with Columbia Road; running thence in a westerly direction along the centerline of Columbia Road to Euchee Creek; running thence in a northerly direction down the thread of Euchee Creek to its confluence with Tudor Branch; running thence in a southerly direction up the thread of Tudor Branch to its confluence with Crawford Creek; running thence in a southeasterly direction up the thread of Crawford Creek to its intersection with Columbia Road; running thence in a easterly direction along the centerline of Columbia Road to its intersection with Maywood Drive; running thence in a southerly direction along the centerline of Maywood Drive to its intersection with Willowood Drive; running thence in a easterly direction along the centerline of Willowood Drive to its intersection with the Columbia County and Richmond County Line; running thence in a southwesterly direction along the Columbia County and Richmond County Line to its intersection with Wheeler Road and the BEGINNING.

Education District No. 5 shall be composed of all that land within Columbia County, Georgia more particularly described as follows: BEGINNING at a point where Wrightsboro Road intersects the boundary line between Columbia County and Richmond County, Georgia; running thence in a westerly direction along the centerline of Wrightsboro Road to its intersection with the city limits of Grovetown, Georgia; running thence in a northerly and westerly direction along the city limits of Grovetown, Georgia to its intersection with Lewiston Road; running thence in a northerly direction along the centerline of Beverly Road to its intersection with Avery Avenue; running thence in a westerly direction along the centerline of Avery Avenue to its intersection with County Road 388; running thence in a southerly and westerly direction along the centerline of County Road 388 to its intersection with Wheeler Road; running thence in a westerly direction along the centerline of Wheeler Road to its intersection with South Belair Road and Old Belair Road; running thence in a southerly and westerly direction up the thread of Uchee Creek to its origin; running thence due west to Georgia State Highway 47; running thence in a northerly direction along the centerline of Georgia State Highway 47 to its intersection with Fairview Drive; run-

ning thence in a southwesterly direction along the centerline of Fairview Drive to its intersection with Sawdust Road; running thence in a southwesterly direction along the centerline of Sawdust Road to its intersection with U.S. Highway 78; running thence in a westerly direction along the centerline of U.S. Highway 78 to the boundary line between Columbia County and McDuffie County; running thence in a northerly direction along the Columbia County and McDuffie County line to a point it intersects with the boundary line between Columbia County and Lincoln County; running thence in generally easterly direction along the boundary line between Columbia County and Lincoln County to a point where it intersects with the boundary line between the State of Georgia and the State of South Carolina; running thence in a southeasterly direction along the boundary line between the State of Georgia and the State of South Carolina to the confluence of Uchee Creek; running thence in a southerly direction up the thread of Uchee Creek to Columbia Road; running thence in a easterly direction along the centerline of Columbia Road to its intersection with Old Belair Road; running thence in a southerly and easterly direction along the centerline of Old Belair Road to its intersection with South Belair Road and Wheeler Road; running thence in a easterly direction along the centerline of Wheeler Road to a point where it intersects at County Highway 388; running thence in a northerly and easterly direction along the centerline of County Road 388 to its intersection with Avery Avenue; running thence in an easterly direction along the centerline of Avery Avenue to its intersection with Beverly Road; running thence in a southerly direction along the centerline of Beverly Road to its intersection with Wheeler Road; running thence in an easterly direction along the centerline of Wheeler Road to a point where it intersects at the Columbia County and Richmond County line; running thence in a southwesterly direction along the Columbia County and Richmond County line to it intersects with Wrightsboro Road and the point of BEGINNING."

Section 2. Said Act is further amended by striking Section 2 in its entirety and inserting in lieu thereof a new Section 2 to read as follows:

"Section 2. (a) The present members of the board of education shall serve for the terms of office for which they were elected and until their successors are elected and qualified as provided in this section.

(b)(1) Beginning with the primary and general elections held in 1984 at which new members of the board of education are elected and thereafter, members shall be elected from the education districts provided for in Section 1.

(2) There shall be elected to the board one member from each of said districts. Candidates may not offer for election to the board from any district other than that district in which their legal residence lies. The electors of the entire county may cast their votes for candidates offering for election to the board from all of the districts. No person shall be eligible to represent a district unless he has been a resident of the district from which he offers as a candidate for at least one year immediately preceding the date of the election. In the event a member moves his residence from the district he represents, his place on the board shall immediately become vacant.

(3) Candidates elected to the board at the general election in 1984 shall take office on the first day of January following their election. The two candidates elected to the board who receive the least number of votes shall serve a term of two years, the remaining three candidates elected to the board shall serve for a term of four years, and all shall serve until their successors are duly elected and qualified. Thereafter, successors to the initial members of the board shall be elected in the general election in which their terms of office shall expire, shall take office on the first day of January following their election, and shall serve for a term of four years and until their successors are duly elected and qualified.

(4) In all elections conducted pursuant to this Act, each candidate shall designate, at the time of qualifying, the district from which he offers as a candidate. To be elected as a member of the board, a candidate must receive the highest number of votes cast for the seat he is seeking; and, at the same time, a candidate must receive a majority of the total votes cast for the election of a member to that seat. In the event no candidate for a particular seat receives a majority of the votes for the seat he is seeking, a run-off election shall be conducted for that particular seat in accordance with the provisions of the Georgia Election Code, Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended."

Section 3. After the date of the approval of this Act by the Governor or after it otherwise becomes law, it shall be the duty of the election superintendent of Columbia County to issue the call for an election for the purpose of submitting this Act to the electors of the Columbia County School District for approval or rejection. The election superintendent shall set the date of the election for the same day in 1984 at which the presidential primary is held and shall issue the call for the election at least 30 days but not more than 45 days prior to the date thereof. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Columbia County. The ballot shall have written or printed thereon the following:

"[] YES Shall the Act changing the education districts for the board of education of Columbia County and providing for staggered terms of office be approved?"
[] NO

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect; otherwise it shall be void and of no force and effect.

The expense of such election shall be borne by Columbia County. It shall be the duty of the superintendent to hold and conduct such election. It shall be his further duty to certify the result thereof to the Secretary of State.

Section 4. The board of education of Columbia County is authorized and directed to instruct the attorney for the board to submit immediately a certified copy of this Act and other pertinent information to the attorney

general of the United States for approval in accordance with Section 5 of the Voting Rights Act of 1965.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 50, nays 0, and the 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, the yeas were 50, nays 0.

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

Serving as doctor of the day while the General Assembly was in recess on March 2 was Dr. Brantley Burns of Atlanta, Georgia.

Senator Howard of the 42nd filed the following statement with the Secretary of the Senate to be incorporated in the Journal:

The State Senate
Atlanta

March 3, 1983

Mr. President:

I wish to record, upon the minutes of the Senate, the fact that I oppose the position of the Senate in giving H.B. 707 a majority vote of 27-22. I voted "Aye" under a misapprehension and do oppose H.B. 707.

/s/ Pierre Howard
42nd District

The President called for the morning roll call and the following Senators answered to their names:

Allgood
Barker
Barnes
Bowen
Brannon
Brantley

Broun of 46th
Brown of 47th
Bryant
Burton
Cobb
Coleman

Dawkins
Deal
Dean
English
Engram
Fincher

Foster	Kennedy	Scott of 43rd
Garner	Kidd	Starr
Greene	Land	Stumbaugh
Harris	Lester	Tate
Harrison	McGill	Thompson
Hill	McKenzie	Timmons
Hine	Peevy	Trulock
Hinton	Perry	Turner
Howard	Scott of 2nd	Walker
Huggins		

Those not answering were Senators:

Bond	Holloway (excused	Phillips
Coggin	conferee)	Scott of 36th
Coverdell	Hudgins	Tysinger
Gillis	Littlefield	

Senator Thompson of the 32nd introduced the chaplain of the day, Dr. Clark Hutcheson, pastor of Eastside Baptist Church, Atlanta, Georgia, who offered scripture reading and prayer.

The following resolutions of the Senate and House were read and adopted:

SR 216. By Senator Brannon of the 51st:

A resolution expressing good wishes, good health, and heartfelt thanks to Honorable Lester G. Maddox; former Chief Executive and President of the Senate; recognizing the former First Lady, Virginia Maddox.

SR 218. By Senators Foster of the 50th, Deal of the 49th, Peevy of the 48th and others:

A resolution expressing appreciation for Jeff Henderson.

SR 220. By Senator Brannon of the 51st:

A resolution wishing a speedy recovery for Mr. Guy Sharpe.

SR 221. By Senator Cobb of the 28th:

A resolution commending Frank Asbell Thomas.

SR 222. By Senator Cobb of the 28th:

A resolution commending Mr. Malcolm Daniel (Dykes) Stephens.

SR 223. By Senator Cobb of the 28th:

~~A resolution commending~~ Mr. Thomas A. Luckie.

SR 224. By Senators Scott of the 2nd and Bond of the 39th:

A resolution commending Michael Andre Donnella.

HR 358. By Representatives Wood of the 9th, Galer of the 97th, Padgett of the 86th and others:

A resolution commending the employers of the State of Georgia for their support of the National Guard and Reserve Forces.

SENATE RULES CALENDAR

Thursday, March 3, 1983

THIRTY-NINTH LEGISLATIVE DAY

- HB 387 Richmond County—limits on levying, collecting ad valorem taxes (B&F—23rd)
- HB 485 Richmond County—elections in Augusta (Gov Op—23rd)
- HB 121 Magistrate Court—provide in each county (SUBSTITUTE/AMENDMENTS) (Judy—49th)
- HB 145 State Court—provide for creation and uniformity (SUBSTITUTE) (Judy—49th)
- HB 374 General Assembly—define “population bill” (Judy—52nd)
- HB 424 Constitutional Executive Office—powers when executive office disabled (SUBSTITUTE) (J&CL—26th)
- HB 581 Judges Outside Own Court—exercise of judicial powers (Judy—49th)
- HB 647 Speaker of the House—method for determining permanent disability (Rules—33rd)
- SR 143 State Election Board—elect Mrs. Shirley Altman, Thomas County (Gov Op—10th)
- HB 707 Laws Applicable to General Assembly—certain constitutional principles (AMENDMENT) (J&CL—25th)
- HB 458 Inmate Punishment, Transfer—change provisions on using certain restraints (SUBSTITUTE) (Off R—30th)
- HB 545 Fair Business Practices Act—provisions for hospital billing (Hum R—42nd)
- HB 625 Distilled Spirits—provisions on special election for sale, distribution (C Aff—39th)
- HB 639 Reports of Disciplinary Actions Against Doctors—conditions (Hum R—42nd)
- HB 440 State and National Banks, Federal Savings, and Loans—revise taxation (SUBSTITUTE) (B&F—23rd)

- HB 385 License to Carry Certain Firearms—requirements for search of records (Judy—35th)
- HB 375 Trademark or Service Mark—increase renewal fee (Judy—22nd)
- HB 348 Labor Practices—revise existing provisions of Fair Employment Practices Act (SUBSTITUTE/AMENDMENT) (Gov Op—39th)
- HB 448 Administrative Services Department—administrative services to political subdivisions certain circumstances (FS&CA-G—28th)
- HB 79 Temporary Guardian for Minor—provisions for appointment (C&Y—15th)
- HB 605 Personal Property Foreclosure—writ of possession to owner of rented property (Judy—20th)
- HB 421 Board of Equalization—procedures for appeals of assessments (AMENDMENTS) (B&F—23rd)
- HB 10 Terminally Ill Indigent, Elderly—program of care (Hum R—42nd)
- HR 243 Foster Grandparents Day—designate last Friday in May (Gov Op—23rd)
- HB 80 Emergency Medical Technicians—render certain services in hospitals (AMENDMENT) (Hum R—10th)
- HR 15 Bartow County—conveyance of state owned property (Pub U—31st)
- HB 282 Tax sales—amount payable for redemption (B&F—43rd)
- SR 122 Joint County and Municipal Grant Study Committee—create (SUBSTITUTE) (FS&CA-G—40th)
- HR 30 Elective Official—office declared vacant when qualifying for other office (Gov Op—25th)
- HB 638 Certain State Representative Districts—change composition (Gov Op—25th)
- HR 222 Macon—conveyance of State-owned property to Bibb County Board of Commissioners (Pub U—27th)
- HB 137 Juvenile Proceedings—disposition orders for restrictive custody (AMENDMENT) (J&CL—33rd)
- HR 246 Pleasant Theodore McCutchen, Sr., Bridge—designate (Trns—12th)
- HB 340 MARTA Board of Directors—compensation (AMENDMENT) (FS&CA-G—43rd)
- HR 260 Infant Mortality Rate—relative to reducing (Hum R—39th)
- HB 622 Nonpartisan Municipal Elections—qualification reopening upon death of candidate (AMENDMENT) (Gov Op—25th)
- HB 247 Downtown Development Authority Law—change legislative purpose (SUBSTITUTE) (FS&CA-G—14th)
- HR 106 Augusta—conveyance of state owned property (Pub U—22nd)
- HB 568 Used Car Dealers—revise laws regulating (C Aff—35th)
- HB 544 Hospitals—provide certain information regarding charges (Hum R—42nd)

- HB 548 Inmate Information Confidentiality—investigation reports, etc. (Off R—30th)
HB 90 Grain Dealers—application for license (Ag—24th)

Respectfully submitted,
/s/ Dean of the 31st, Chairman
Senate Rules Committee

Pursuant to SB 159 (Act No. 12) which created the office of Sergeant at Arms for the Georgia State Senate, the President announced that nominations would be open for Sergeant at Arms.

Senator Hine of the 52nd nominated Marvin W “Cap” Hicks. There were no other nominations.

Senator Allgood of the 22nd moved that the nominations be closed and that the Secretary be instructed to cast a unanimous vote for Marvin W “Cap” Hicks.

On the motion, the yeas were 38, nays 0, and the motion prevailed.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

- HB 387 By Representatives Connell of the 87th, Padgett of the 86th, Cheeks of the 89th and Barnes of the 90th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the general election in 1982 that Constitutional Amendment Number 113, which amendment limits the power of local taxing jurisdictions in Richmond County to levy and collect ad valorem taxes.

Senate Sponsor: Senator Lester of the 23rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bowen
Brannon

Brantley
Broun of 46th
Brown of 47th
Bryant
Burton

Cobb
Coggin
Coleman
Coverdell
Dawkins

Deal	Hudgins	Scott of 36th
Dean	Huggins	Scott of 43rd
English	Kennedy	Starr
Engram	Kidd	Stumbaugh
Garner	Land	Tate
Gillis	Lester	Thompson
Harris	McGill	Timmons
Hine	Peevy	Trulock
Holloway	Perry	Turner
Horton	Phillips	Walker
Howard	Scott of 2nd	

Those not voting were Senators:

Bond	Greene	Littlefield
Fincher	Harrison	McKenzie
Foster	Hill	Tysinger

On the passage of the bill, the yeas were 47, nays 0.

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

HB 485. By Representatives Brown of the 88th, Cheeks of the 89th, Connell of the 87th and others:

A bill to amend Code Section 21-3-10 of the Official Code of Georgia Annotated, relating to the authorization by the governing authority of certain municipalities to allow the county to conduct all municipal elections, so as to provide that the governing authority of certain municipalities may authorize the county to conduct all municipal elections in said municipalities.

Senate Sponsor: Senator Lester of the 23rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Brown of 47th	Deal
Barker	Bryant	Dean
Barnes	Burton	English
Bowen	Coggin	Engram
Brannon	Coleman	Foster
Brantley	Coverdell	Gillis
Broun of 46th	Dawkins	Hill

Hine	Lester	Starr
Horton	McGill	Stumbaugh
Howard	Peevy	Tate
Hudgins	Perry	Thompson
Huggins	Phillips	Trulock
Kennedy	Scott of 2nd	Turner
Kidd	Scott of 36th	Walker
Land	Scott of 43rd	

Those not voting were Senators:

Bond	Harris	Littlefield
Cobb	Harrison	McKenzie
Fincher	Holloway (excused	Timmons
Garner	conferee)	Tysinger
Greene		

On the passage of the bill, the yeas were 44, nays 0.

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

The following bill was taken up for the purpose of considering the House substitute thereto:

SB 225. By Senator Engram of the 34th:

A bill to amend Chapter 9 of Title 31 of the Official Code of Georgia Annotated, relating to consent for surgical or medical treatment, so as to provide that a patient or any person or entity designated by the patient may be provided with the patient's health records.

The House substitute to SB 225 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide that a patient or any person or entity designated by the patient may be provided with the patient's health records; to provide definitions; to provide conditions and procedures; to provide exceptions; to provide for costs; to provide for other rights; to provide for applicability; to provide that there shall be no liability upon good faith compliance; to provide for construction; to provide sovereign immunity to hospital authorities under certain conditions; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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Section 1. Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding at the end thereof a new Chapter 31 to read as follows:

“CHAPTER 31

31-31-1. As used in this chapter, the term:

(1) ‘Patient’ means any person who has received health care services from a provider.

(2) ‘Provider’ means all hospitals, including public, private, osteopathic, and tuberculosis hospitals; other special care units, including podiatric facilities, skilled nursing facilities, and kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities; ambulatory surgical or obstetrical facilities; health maintenance organizations; and home health agencies. It shall also mean any person licensed to practice under Chapter 9, 11, 26, 34, 35 or 39 of Title 43.

(3) ‘Record’ means a patient’s health record, including, but not limited to, evaluations, diagnoses, prognoses, laboratory reports, X-rays, prescriptions, and other technical information used in assessing the patient’s condition, or the pertinent portion of the record relating to a specific condition or a summary of the record.

31-31-2. (a) Upon written request from the patient, the provider having custody and control of the patient’s record shall furnish a complete and current copy of that record, in accordance with the provisions of this Code section.

(b) Any record requested under subsection (a) of this Code section shall be furnished to the patient, any other provider designated by the patient, or any other person designated by the patient.

(c) If the provider reasonably determines that disclosure of the record to the patient will be detrimental to the physical or mental health of the patient, the provider may refuse to furnish the record; however, upon such refusal, the patient’s record shall, upon written request by the patient, be furnished to any other provider designated by the patient.

31-31-3. (a) The party requesting the patient’s records shall be responsible to the provider for the reasonable costs of copying and mailing the patient’s record. Payment of such costs may be required by the provider prior to the records being furnished. This subsection shall not apply to records requested in order to make or complete an application for a disability benefits program.

(b) The rights granted to a patient under this chapter are in addition to any other rights a patient may have relating to access to his records; however, nothing in this chapter shall be construed as granting to a patient any right of ownership in the records, as such records are owned by and are the property of the provider.

31-31-4. The provisions of this chapter shall not apply to psychiatric, psychological, or other mental health records of a patient.

31-31-5. Any provider releasing information in good faith pursuant to the provisions of this chapter shall not be civilly or criminally liable to the patient, guardian, parent, or any other person for such release.

31-31-6. Nothing in this chapter shall be construed as destroying or diminishing the privileged or confidential nature of any communication now or hereafter recognized by law."

Section 1.1. Said article is further amended by adding following Code Section 31-7-95 a new Code section to read as follows:

"31-7-95.1. Sovereign immunity shall be granted to a hospital authority as to those actions for the recovery of damages for any claims against that hospital authority only if that hospital authority maintains for such claims liability insurance or self-insurance in an amount of at least \$1,000.00 for each inpatient hospital bed of the hospital authority. Sovereign immunity granted to a hospital authority which maintains the insurance protection required by this Code section shall be waived only to the extent of that insurance protection. A hospital authority shall not have sovereign immunity as to any action ex contractu for the breach of any written contract now existing or hereafter entered into by the hospital authority."

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Engram of the 34th moved that the Senate disagree to the House substitute to SB 225.

On the motion, the yeas were 30, nays 0; the motion prevailed, and the Senate disagreed to the House substitute to SB 225.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

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

HB 844. By Representative Phillips of the 93rd:

A bill to provide for the Board of Education of Harris County; to provide for the election of certain members of the board; to provide for election districts.

HB 847. By Representative Mullinax of the 81st:

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A bill to amend an Act creating a Small Claims Court of Troup County, so as to change the salary of the judge.

HB 848. By Representative Mullinax of the 81st:

A bill to amend an Act creating the State Court of Troup County (formerly the Civil and Criminal Court of Troup County), so as to change the compensation of the judge and solicitor.

HB 849. By Representative Mullinax of the 81st:

A bill to amend an Act providing compensation for specified officers in Troup County, so as to change the salary of the sheriff, clerk of the superior court, tax commissioner, and judge of the probate court.

HB 850. By Representative Mullinax of the 81st:

A bill to amend an Act to change the compensation of the coroner of Troup County, so as to change the salary of the coroner.

HB 851. By Representatives Athon, Alford, and Mangum of the 57th:

A bill to provide a homestead exemption from all ad valorem taxation by the City of Conyers for residents who are 62 years of age or over or who are totally disabled.

HB 852. By Representatives Dobbs of the 74th and Lambert of the 66th:

A bill to amend an Act relating to the board of education of Newton County, so as to change the composition of the districts from which members of the board are elected.

HB 853. By Representatives Dobbs of the 74th and Lambert of the 66th:

A bill to amend an Act creating a board of commissioners of Newton County, so as to change the composition of the districts from which members of the board are elected.

HB 855. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act placing the judge of the Probate Court of Gilmer County on an annual salary, so as to change the provisions relating to the compensation of said officer.

HB 856. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act creating a county commissioner of Gilmer County and an advisory board of Gilmer County, so as to change the provisions relative to the compensation of the commissioner.

HB 857. By Representative Jackson of the 65th:

A bill to amend an Act reincorporating the City of Loganville and creating a new charter for said city, so as to change the qualifications of the recorder.

HB 858. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act relating to the election of members of the board of education of Wayne County, so as to change the number of members of the board of education.

HB 860. By Representatives Mueller of the 126th, Triplett of the 128th, Ginsberg of the 122nd and others:

A bill to amend Code Section 48-5-404 of the Official Code of Georgia Annotated, relating to the collection of county school taxes by tax commissioners or tax collectors, so as to change a provision thereof relating to counties having a population of not less than 190,000 nor more than 300,000 according to the United States decennial census of 1970 or any future such census, so that such provision shall apply to counties having a population of not less than 250,000 nor more than 350,000 according to the United States decennial census of 1980 or any future such census.

HB 861. By Representatives Mueller of the 126th, Johnson of the 123rd, Phillips of the 125th and others:

A bill to provide that the tax commissioner of Chatham County shall remit all educational funds collected by said officer to the Board of Public Education for the City of Savannah and the County of Chatham and shall not retain any portion thereof to reimburse the county for the cost of collecting school taxes.

HB 862. By Representative Coleman of the 118th:

A bill to provide for an appointee school superintendent of the board of education of Dodge County; to provide for vacancies; to provide for a referendum.

The House has passed by the requisite constitutional majority the following bills of the Senate:
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SB 279. By Senators Harrison of the 37th, Brantley of the 56th and Thompson of the 32nd:

A bill to amend an Act changing the boundaries of the seven education districts of the Cobb County School District, as amended, so as to change the boundaries of the seven education districts; to provide for applicability.

SB 288. By Senator Cobb of the 28th:

A bill to further define, prescribe and enlarge the powers and duties of the Griffin-Spalding County Development Authority and further to regulate the management and conduct thereof; to provide that projects in progress on the effective date of this Act may be completed hereunder.

SB 293. By Senator McGill of the 24th:

A bill to amend an Act entitled "An Act to incorporate the City of Crawford; to define its limits; to provide for its government; to define its rights and liabilities; to provide for the issuance of bonds for school and other municipal improvements, and for other purposes.", as amended, so as to change the terms of the mayor and councilmen; to provide for a change in the elections.

SB 295. By Senator Hine of the 52nd:

A bill to amend an Act creating a new charter for the City of Rome, as amended, so as to provide for an additional member of the board of education; to provide for qualifications for election to the board of education.

SB 301. By Senators Scott of the 2nd, Coleman of the 1st and Bryant of the 3rd:

A bill to amend the several Acts relating to and incorporating the Mayor and Aldermen of the City of Savannah, so as to provide that there shall be eight aldermen of the City of Savannah; to provide for filing vacancies on the Board of Aldermen of the City of Savannah.

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

SB 123. By Senator Coverdell of the 40th:

A bill to amend an Act authorizing the commissioners of Fulton County to establish rules and regulations governing the payment of pensions to county

employees, as amended, so as to provide that individuals employed by the Fulton County Probation System prior to July 1, 1984, may continue membership in this pension system.

The following bills of the House were read the first time and referred to committee:

HB 844. By Representative Phillips of the 93rd:

A bill to provide for the Board of Education of Harris County; to provide for the election of certain members of the board; to provide for election districts.

Referred to Committee on Federal, State and Community Affairs.

HB 847. By Representative Mullinax of the 81st:

A bill to amend an Act creating a Small Claims Court of Troup County, so as to change the salary of the judge.

Referred to Committee on Federal, State and Community Affairs.

HB 848. By Representative Mullinax of the 81st:

A bill to amend an Act creating the State Court of Troup County (formerly the Civil and Criminal Court of Troup County), so as to change the compensation of the judge and solicitor.

Referred to Committee on Federal, State and Community Affairs.

HB 849. By Representative Mullinax of the 81st:

A bill to amend an Act providing compensation for specified officers in Troup County, so as to change the salary of the sheriff, clerk of the superior court, tax commissioner, and judge of the probate court.

Referred to Committee on Federal, State and Community Affairs.

HB 850. By Representative Mullinax of the 81st:

A bill to amend an Act to change the compensation of the coroner of Troup County, so as to change the salary of the coroner.

Referred to the Committee on Federal, State and Community Affairs.

HB 851. By Representatives Athon, Alford and Mangum of the 57th:

A bill to provide a homestead exemption from all ad valorem taxation by the City of Conyers for residents who are 62 years of age or over or who are totally disabled.

Referred to Committee on Federal, State and Community Affairs.

HB 852. By Representatives Dobbs of the 74th and Lambert of the 66th:

A bill to amend an Act relating to the board of education of Newton County, so as to change the composition of the districts from which members of the board are elected.

Referred to Committee on Federal, State and Community Affairs.

HB 853. By Representatives Dobbs of the 74th and Lambert of the 66th:

A bill to amend an Act creating a board of commissioners of Newton County, so as to change the composition of the districts from which members of the board are elected.

Referred to Committee on Federal, State and Community Affairs.

HB 855. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act placing the judge of the Probate Court of Gilmer County on an annual salary, so as to change the provisions relating to the compensation of said officer.

Referred to Committee on Federal, State and Community Affairs.

HB 856. By Representatives Colwell and Twiggs of the 4th:

A bill to amend an Act creating a county commissioner of Gilmer County and an advisory board of Gilmer County, so as to change the provisions relative to the compensation of the commissioner.

Referred to Committee on Federal, State and Community Affairs.

HB 857. By Representative Jackson of the 65th:

A bill to amend an Act reincorporating the City of Loganville and creating a new charter for said city, so as to change the qualifications of the recorder.

Referred to Committee on Federal, State and Community Affairs.

HB 858. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act relating to the election of members of the board of education of Wayne County, so as to change the number of members of the board of education.

Referred to Committee on Federal, State and Community Affairs.

HB 860. By Representatives Mueller of the 126th, Triplett of the 128th, Ginsberg of the 122nd and others:

A bill to amend Code Section 48-5-404 of the Official Code of Georgia Annotated, relating to the collection of county school taxes by tax commissioners or tax collectors, so as to change a provision thereof relating to counties having a population of not less than 190,000 nor more than 300,000 according to the United States decennial census of 1970 or any future such census, so that such provision shall apply to counties having a population of not less than 250,000 nor more than 350,000 according to the United States decennial census of 1980 or any future such census.

Referred to Committee on Federal, State and Community Affairs.

HB 861. By Representatives Mueller of the 126th, Johnson of the 123rd, Phillips of the 125th and others:

A bill to provide that the tax commissioner of Chatham County shall remit all educational funds collected by said officer to the Board of Public Education for the City of Savannah and the County of Chatham and shall not retain any portion thereof to reimburse the county for the cost of collecting school taxes.

Referred to Committee on Federal, State and Community Affairs.

HB 862. By Representative Coleman of the 118th:

A bill to provide for an appointee school superintendent of the board of education of Dodge County; to provide for vacancies; to provide for a referendum.

Referred to Committee on Federal, State and Community Affairs.

The following general bill of the House, having been read the third time on February 24 and postponed until February 28, was put upon its passage:

HB 121. By Representatives Lawson of the 9th, Snow of the 1st, Williams of the 48th and others:

A bill to implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts.

Senate Sponsor: Senator Deal of the 49th.

The Senate Committee on Judiciary offered the following substitute to HB 121:

A BILL TO BE ENTITLED AN ACT

To implement certain changes required by Article VI of the Constitu-

tion of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts; to abolish constables, justices of the peace, and justice courts; to amend the Official Code of Georgia Annotated, so as to delete references to justices of the peace and their court and to change other references so that they refer to magistrates and magistrate courts; to repeal certain specific Code sections and chapters of the Official Code of Georgia Annotated, relating to constables, justices of the peace, and justice courts and proceedings therein; to repeal Chapter 22 of Title 15 of the Official Code of Georgia Annotated, the "Courts of Limited Jurisdiction Compensation Act of 1982"; to provide for the compensation of officers who will become magistrates; to provide for the compensation of certain probate judges; to provide for all other matters relative to the foregoing; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Part I

Section 1-1. It is the intent of this Act to implement certain changes required by Article VI of the Constitution of the State of Georgia.

Section 2-1. Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking Chapter 10, relating to justice of the peace courts, and inserting in its place a new Chapter 10, relating to magistrate courts, to read as follows:

"CHAPTER 10

ARTICLE 1

15-10-1. There shall be one magistrate court in each county of the state which shall be known as the Magistrate Court of _____County.

15-10-2. Each magistrate court and each magistrate thereof shall have jurisdiction and power over the following matters:

(1) The hearing of applications for and the issuance of arrest and search warrants;

(2) Issuance of warrants and related proceedings as provided in Article 4 of Chapter 6 of Title 17, relating to bonds for good behavior and bonds to keep the peace;

(3) The holding of courts of inquiry;

(4) The trial of charges of violations of county ordinances;

(5) The trial of civil claims including garnishment and attachment in which exclusive jurisdiction is not vested in the superior court and the amount demanded or the value of the property claimed does not exceed \$2,500.00;

(6) The issuance of summons, trial of issues, and issuance of writs

and judgments in dispossessory proceedings and distress warrant proceedings as provided in Article 3 of Chapter 7 of Title 4;

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(7) The punishment of contempts by fine not exceeding \$200.00 or by imprisonment not exceeding ten days or both;

(8) The administration of any oath which is not required by law to be administered by some other officer;

(9) The granting of bail in all cases where the granting of bail is not exclusively committed to some other court or officer;

(10) The issuing of subpoenas to compel attendance of witnesses in the magistrate court; and

(11) Such other matters as are committed to their jurisdiction by other general laws.

15-10-2.1. (a) Any magistrate court in existence on June 30, 1983, which on that date has, under the law creating the court, any jurisdiction over misdemeanor cases and over the enforcement of municipal ordinances shall until July 1, 1985, continue to have the same jurisdiction over such matters as it had on June 30, 1983.

(b) This Code section shall be repealed effective July 1, 1985; but any case in which a court assumed jurisdiction under this Code section prior to July 1, 1985, may be retained for disposition by that court after that date.

15-10-3. (a) All magistrates, constables, and clerks of magistrates court shall before entering on the duties of their offices subscribe before the judge of the probate court the oaths prescribed by Code Sections 45-3-1 and 45-3-13 and the following oath:

'I swear or affirm that I will duly and faithfully perform all the duties required of me as (magistrate, constable, or clerk of magistrate court) of _____ County.'

(b) The probate judge shall make an entry of the oath on the minutes of the probate court and shall issue to the officer taking the oath a certificate which shall serve as the officer's commission except that magistrates shall be commissioned by the Governor as provided in Code Section 45-3-31.

(c) In the case of a clerk of superior court serving as clerk of magistrate court or a sheriff or sheriff's deputy serving as constable, no oath, certificate, or commission shall be required except the oath and commission of the clerk of superior court as clerk of superior court or sheriff or deputy as such.

15-10-4. The magistrate court shall not have fixed terms. The chief magistrate shall provide for sessions of court to be held at such times and in such places, within or without the county seat, as are necessary or convenient.

15-10-5. The county governing authority shall provide suitable of-

fices and courtrooms for the use of the magistrate court and shall supply all fixtures, supplies, and equipment necessary for the proper functioning of the magistrate court.

15-10-6. The chief magistrate may with the approval of the chief judge of superior court adopt local rules for the court not inconsistent with law and the rules adopted by the Supreme Court.

ARTICLE 2

15-10-20. (a) Each magistrate court shall have a chief magistrate and may have one or more other magistrates. Such magistrates shall be the judges of the magistrate court and shall be known as magistrates of the county. Unless otherwise provided by local law, the number of magistrates in each county shall be fixed from time to time by the chief judge of superior court, but no magistrate shall be removed from office during a term of office except for cause as provided by Code Sections 15-10-24 and 15-10-25. The number of magistrates authorized for the county shall be one magistrate until increased by the chief judge of superior court or by local law; but this subsection shall not operate to remove a magistrate from office during his term of office.

(b) The term of office of any magistrate taking office prior to January 1, 1985, shall expire on December 31, 1984, except that this paragraph shall not operate to shorten any term of office in violation of Article VI, Section X, Paragraph II of the Constitution. The term of office of any magistrate taking office on or after January 1, 1985, shall be for four years beginning on the first day of an odd-numbered year, except that in selecting magistrates to fill newly created positions or if otherwise necessary, a magistrate may be selected for a term of less than four years to expire on the last day of an even-numbered year.

(c) (1) Unless otherwise provided by local law, all magistrates, other than the officers becoming magistrates pursuant to Code Section 15-10-120, who are selected to take office prior to January 1, 1985, shall be selected as provided in this subsection. The chief judge of superior court shall appoint as chief magistrate either an officer becoming a magistrate pursuant to Code Section 15-10-120 or some other person meeting the qualifications specified in subsection (a) of Code Section 15-10-22. Any other magistrates, other than the officers becoming magistrates pursuant to Code Section 15-10-120, shall be appointed by the chief magistrate with the consent of the chief judge of superior court.

(2) If the chief magistrate so selected is an officer becoming a magistrate pursuant to Code Section 15-10-120, his term as chief magistrate shall expire on December 31, 1984, even if he is granted a longer term as magistrate by Article VI, Section X, Paragraph II of the Constitution; but his term as magistrate shall not be shortened in violation of said paragraph of the Constitution. In any case covered by this paragraph, the person whose term as chief magistrate expires December 31, 1984, but who is granted by the Constitution a longer term as magistrate shall be eligible to succeed himself for a four-year term as chief magistrate beginning January 1, 1985, if he resigns his current term as magistrate prior to beginning such four-year term as chief magistrate.

(d) Unless otherwise provided by local law, all magistrates taking office on or after January 1, 1985, shall be selected as provided in this subsection. The chief magistrate shall be elected at the November, 1984, general election by the voters of the county, in a partisan election in the same manner as county officers are elected, for a term beginning on the first day of January following his election. His successors shall likewise be elected quadrennially thereafter for terms beginning on the first day of January following their election. Magistrates other than the chief magistrate shall be appointed by the chief magistrate with the consent of the chief judge of superior court. The term of a magistrate so appointed shall run concurrently with the term of the chief magistrate by whom he was appointed.

(e) Unless otherwise provided by local law, a vacancy in the office of chief magistrate shall be filled by an appointment by the chief judge of superior court for the remainder of the unexpired term; and a vacancy in the office of any other magistrate shall be filled by an appointment by the chief magistrate with the consent of the chief judge of superior court for the remainder of the unexpired term. If, however, a vacancy occurs which does not reduce the number of magistrates for the county below the number of magistrates authorized for the county, then such vacancy shall not be filled.

(f) The General Assembly may by local law provide for the number of magistrates of a county, provide for a different method of selecting magistrates than that specified in subsections (c) and (d) of this Code section, and provide for a different method of filling vacancies than that specified in subsection (e) of this Code section.

(g) The General Assembly may at any time provide by local law that the probate judge shall serve as chief magistrate and provide for compensation of the probate judge in his capacity as chief magistrate; and in such a case the chief magistrate shall not be separately elected but shall be the probate judge. In the absence of local law, the chief judge of superior court may, with the consent of the probate judge, provide that the probate judge shall serve as chief magistrate until January 1, 1985, and provide for his compensation in such capacity. Any compensation paid under this subsection shall be paid from county funds.

15-10-21. The chief magistrate shall assign cases among the several magistrates of the county and shall decide any disputes between the magistrates of the county.

15-10-22. (a) Each magistrate shall have been a resident of the county for one year next preceding the beginning of his term of office and shall as of such date be at least 21 years of age and shall possess a high school diploma or its equivalent. However, an officer becoming a magistrate pursuant to Code Section 15-10-120 shall be eligible to the office of magistrate without the necessity of meeting these qualifications. Additional qualifications for the office of chief magistrate or magistrate or both may be imposed by local law.

(b) A magistrate who is an attorney may practice in other courts

but may not practice in his own court or appear in any matter as to which his court has exercised any jurisdiction.

15-10-23. (a) Unless otherwise provided by local law, the chief magistrate of each county other than those counties where the probate judge serves as chief magistrate shall receive a minimum annual salary of the amount fixed in the following schedule:

Population	Minimum Salary
0— 5,999	\$5,925.00
6,000— 11,999	8,825.00
12,000— 19,999	10,065.00
20,000— 29,999	11,250.00
30,000— 39,999	13,365.00
40,000— 49,999	14,580.00
50,000— 99,999	15,480.00
100,000— 199,999	20,210.00
200,000— or more	26,550.00

The minimum salary for each affected magistrate shall be fixed from the above table according to the population of the county in which he serves as determined by the United States decennial census of 1980 or any future such census. The county governing authority may supplement the minimum annual salary of the chief magistrate in such amount as it may fix from time to time; but no chief magistrate's compensation or supplement shall be decreased during any term of office.

(b) Unless otherwise provided by local law, each magistrate other than the chief magistrate shall receive a minimum monthly salary of \$50.00 per month. The annual salary of each magistrate other than the chief magistrate may be supplemented by the county governing authority in such amount as it may fix from time to time; but no such magistrate's compensation or supplement shall be decreased during any term of office.

(c) Magistrates shall be compensated solely on a salary basis and not in whole or in part from fees; and the salaries and supplements of all magistrates shall be paid in equal monthly installments from county funds.

(d) The General Assembly may by local law fix the compensation of any or all of a county's magistrates.

15-10-24. Magistrates shall be subject to discipline, removal, and involuntary retirement by the Judicial Qualifications Commission.

15-10-25. (a) All magistrates shall periodically satisfactorily complete a training course as provided in Article 8 of this chapter. A magistrate who is an active member of the State Bar of Georgia shall be exempt from said training requirements.

(b) The Georgia Magistrate Courts Training Council shall keep records of training completed by magistrates.

(c) If any magistrate does not satisfactorily complete the required

training in any year, the Georgia Magistrate Courts Training Council shall promptly notify the Judicial Qualifications Commission which shall remove the magistrate from office unless the Judicial Qualifications Commission finds that the failure was caused by facts beyond the control of the magistrate.

(d) The reasonable costs and expenses of such training shall be paid by the county governing authority from county funds.

15-10-26. In any case in which action is authorized under this chapter to be taken by local Act or local ordinance, no local ordinance shall be enacted which is inconsistent with a local Act.

ARTICLE 3

15-10-40. This article shall govern civil proceedings in the magistrate court.

15-10-41. (a) There shall be no jury trials in the magistrate court.

(b) Appeals may be had from judgments returned in the magistrate court to the superior court of the county and the same provisions now provided for by general law for appeals contained in Code Section 5-3-29 shall be applicable to appeals from the magistrate court, the same to be a de novo appeal.

15-10-42. Proceedings in the magistrate court shall not be subject to Chapter 11 of Title 9, the 'Georgia Civil Practice Act.'

15-10-43. (a) Actions shall be commenced by the filing of a statement of claim, including the last known address of the defendant, in concise form and free from technicalities. The plaintiff or his agent shall sign and verify the statement of claim by oath or affirmation. At the request of any individual, the judge or clerk may prepare the statement of claim and other papers required to be filed in an action.

(b) A copy of the verified statement of claim together with a notice of hearing shall be served on the defendant, and such service shall be sufficient to give the court jurisdiction in the premises. Service of said notice shall be made within the county as provided in this Code section. Service outside the county shall be by second original as provided in Code Section 9-10-72. Said service shall be made by any official or person authorized by law to serve process in the superior court, by a constable, or by any person sui juris who is not a party to, or otherwise interested in, the action, who is specially appointed by the judge of said court for that purpose. When the claim and notice are served by a private individual, such individual shall make proof of service by affidavit, showing the time and place of such service on the defendant.

(c) Upon the failure of the defendant to appear, the plaintiff shall be entitled to judgment by default, without further proof, when the claim of the plaintiff is for a liquidated amount. Upon the failure of the defendant to appear, the plaintiff may proceed to prove his damages and receive judgment if the claim is for an unliquidated amount.

(d) Said notice shall include the date, hour, and location of the hearing, which date shall not be less than ten nor more than 30 days from the date of the service of said notice.

15-10-44. (a) The trial shall be conducted on the day set for the hearing, or at such later time as the judge may set. Immediately prior to the trial of any case, the judge shall counsel the parties to make an earnest effort to settle the controversy by conciliation. If the parties fail to settle their differences without a trial, the judge shall proceed with the hearing on its merits.

(b) The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law. All rules and regulations relating to pleading, practice, and procedure shall be liberally construed so as to administer justice.

(c) If the plaintiff fails to appear, the action may be dismissed for want of prosecution, the defendant may proceed to a trial on the merits, or the case may be continued as the judge may direct. If both parties fail to appear, the judge may continue the case, order the same dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice may require.

15-10-45. (a) If any defendant has a claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim and does not require for its adjudication the presence of third parties over whom the court cannot obtain jurisdiction, such claim must be asserted by the defendant at or before the hearing on plaintiff's claim or thereafter be barred.

(b) If any defendant has a claim against the plaintiff other than a compulsory counterclaim described in subsection (a) of this Code section, such claim may be asserted by the defendant at or before the hearing on the plaintiff's claim.

(c) If any defendant asserts a claim against the plaintiff, the defendant shall file with the court a statement of the claim in concise form and free from technicalities. The defendant shall sign and verify the statement of claim by oath or affirmation. At the request of a defendant, the judge or clerk may prepare the statement.

(d) If the amount of a counterclaim exceeds the jurisdictional limits of the magistrate court, the case shall be transferred to the state court of the county or to the superior court of the county if there is no state court.

(e) A counterclaim may in the discretion of the magistrate be tried either separately or jointly with the plaintiff's claim.

15-10-46. (a) When the judgment is to be rendered and the party against whom it is to be entered requests it, the judge shall inquire fully into the earnings and financial status of such party and shall have full discretionary power to stay the entry of judgment, to stay execution, and to order partial payments in such amounts, over such periods, and upon such terms as seem just under the circumstances and as will assure a

definite and steady reduction of the judgment until it is fully and completely satisfied.

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(b) The judge of the magistrate court shall not be obligated to collect such deferred partial payments on judgments so rendered but, if the plaintiff so requests, he may do so at the expense of the plaintiff for clerical and accounting costs incurred thereby, not to exceed 10 percent of each payment.

15-10-47. A judgment of the magistrate court shall constitute a lien on both the real and personal property of a defendant, regardless of where such property is situated within the state. Said lien shall become perfected at the time an execution based upon such judgment is filed in the office of the clerk of the superior court for the appropriate county and the entry thereof is made by the clerk in the general execution docket for said county.

15-10-48. The statement of claim, verification, and notice shall be in substantially the following form:

Magistrate Court of _____ County

State of Georgia

Plaintiff

Address

vs.

Defendant

Statement of Claim

(Here the plaintiff or, at his request, the court will insert a statement of the plaintiff's claim and, if the action is on a contract, either express or implied, the original statement of the plaintiff's claim which is to be filed with the court may be verified by the plaintiff or his agent as follows:)

STATE OF GEORGIA

COUNTY OF _____

_____, being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by defendant to plaintiff, exclusive of all setoffs and just grounds of defense.

Plaintiff
or agent

Sworn and subscribed
before me this _____
day of _____, 19 ____

Notary Public
or attesting
official

Notice

TO: _____
Defendant

Home Address

or

Business
Address

You are hereby notified that _____ has made a claim and is requesting judgment against you in the sum of _____ dollars (\$ _____), as shown by the foregoing statement. The court will hold a hearing upon this claim on _____ at _____ M. at (address of court).

You are required to be present at the hearing in order to avoid a judgment by default against you.

If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them with you at the time of hearing.

If you wish to have witnesses summoned, see the court at once for assistance.

If you have any claim against the plaintiff, you should notify the court at once.

If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

You may come with or without an attorney.

Magistrate of
_____ County

15-10-49. (a) Procedure in attachment cases shall be subject to Chapter 3 of Title 18.

(b) Procedure in garnishment cases shall be subject to Chapter 4 of Title 18.

(c) Procedure in dispossessory proceedings and in distress warrant proceedings shall be subject to Chapter 7 of Title 44.

ARTICLE 4

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15-10-60. This article governs trials of violations of county ordinances which violations may be punished by incarceration or monetary penalty. Nothing in this chapter shall grant to any county more authority to enact or enforce such ordinances than the county has independently of this chapter. The punishment imposed for any ordinance violation shall not exceed a fine of \$500.00 or 60 days' imprisonment or both and shall not exceed the maximum punishment specified by the ordinance.

15-10-61. There shall be no jury trials in the magistrate court. Any defendant who is charged with one or more ordinance violations may, at any time before trial, demand that the case be removed for a jury trial to the state court of the county or to the superior court of the county if there is no state court. Such a demand shall be written. Upon such a demand the court shall grant the demand. Failure to so demand removal of the case shall constitute a waiver of any right to trial by jury which the defendant may otherwise have.

15-10-62. (a) Prosecutions for violations of county ordinances shall be upon citation as provided in Code Section 15-10-63 or upon accusation by the county attorney or such other attorney as the county governing authority may designate; and such attorney shall be the prosecuting attorney in cases tried upon accusation.

(b) Accusations of violations of county ordinances and citations shall be personally served upon the person accused. Each accusation shall state the time and place at which the accused is to appear for trial. The accused shall not be arrested prior to the time of trial; but any defendant who fails to appear for trial shall thereafter be arrested on the warrant of the magistrate and required to post a bond for his future appearance.

15-10-63. (a) The governing authority of any county may provide that ordinance violations may be tried upon citations with or without a prosecuting attorney as well as upon accusations.

(b) Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the county agent who completes and serves it.

(c) Prosecutions for violations of county ordinances shall be commenced by the completion, signing, and service of a citation by any agent of the county who is authorized by the county governing authority to issue citations. The original of the citation shall be personally served upon the accused; and a copy shall promptly be filed with the court.

(d) No person shall be arrested prior to the time of trial; but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the magistrate and required to post a bond for his future appearance.

15-10-64. (a) Execution may issue immediately upon any fine imposed by the court and not immediately paid.

(b) The sheriff of the county shall receive and house all persons sentenced to confinement for contempt or violation of county ordinances.

15-10-65. Review of convictions shall be by certiorari to the superior court.

15-10-66. The county attorney or another attorney designated by the county governing authority may act as prosecuting attorney.

ARTICLE 5

15-10-80. (a) Upon filing any civil action the plaintiff shall pay a filing deposit as established by local court rule not to exceed \$20.00 which shall cover all costs of the action except service of process.

(b) Upon filing any civil action the plaintiff shall pay the actual cost of serving each party required to be served but not more than the amount of the fee charged by sheriffs for serving process for each party to be served.

(c) For issuing a writ of fieri facias the fee charged shall be \$2.00 which shall be paid by the person requesting the same.

(d) As between the parties, costs shall be taxed against the losing party.

15-10-81. In cases of conviction of violation of county ordinances, costs of \$30.00 shall be taxed against the defendant.

15-10-82. For hearing an application for an arrest or search warrant the fee charged shall be \$5.00 but this fee may be waived by the issuing magistrate if he finds that because of the financial circumstances of the party applying for the warrant or for other reasons this fee should not be charged in justice.

15-10-83. For levying on executions and conducting judicial sales constables shall collect the same fees as are charged by sheriffs.

15-10-84. For administering any oath other than in connection with a matter before the court, a magistrate shall collect a fee of \$1.00.

15-10-85. All fees, costs, and other funds collected by officers of the magistrate court shall be accounted for and paid into the county treasury not less often than once a month.

15-10-86. Law library fees shall not be charged unless otherwise provided by local law.

15-10-87. When any case is transferred from the magistrate court to the state court or superior court, the magistrate court shall transmit to the state court clerk or superior court clerk the filing fee paid to the magistrate court. The state court clerk or superior court clerk shall file the case without further deposit against costs or filing fee, but as between

the parties the costs shall be as in other cases in the state court or superior court.

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ARTICLE 6

15-10-100. (a) Unless otherwise provided by local law, the county governing authority may provide for the appointment of constables by the chief magistrate. Constables so appointed shall serve at the pleasure of the chief magistrate. The compensation of constables so appointed shall be fixed by the county governing authority.

(b) If no provision is made for the appointment of constables the sheriff and his deputies shall perform the duties of constables.

(c) The General Assembly may by local law provide for the appointment of constables and their salaries.

(d) All constables shall be compensated solely on a salary basis and not in whole or in part from fees; and their salaries shall be paid in equal monthly installments from county funds.

(e) If there is more than one constable, one shall be appointed as chief constable and shall supervise the other constables.

15-10-101. The eligibility for constable is the same as for magistrate.

15-10-102. The powers and duties of constables include the following:

- (1) To attend regularly all sessions of magistrate court;
- (2) To promptly pay over money collected by them to the magistrate court;
- (3) To execute and return all warrants, summons, executions, and other processes directed to them by the magistrate court; and
- (4) To perform such other duties as are required of them by law or as necessarily appertain to their offices.

15-10-103. Constables shall exercise the power of arrest only with a warrant or at the direction of and in the presence of a magistrate or the judge of another court.

15-10-104. Constables shall not be subject to Chapter 8 of Title 35 relating to employment and training of peace officers.

15-10-105. (a) Unless otherwise provided by local law, the clerk of superior court shall serve as clerk of the magistrate court.

(b) If the clerk of superior court does not serve as clerk of the magistrate court, a local law shall provide for the appointment by the chief magistrate of a clerk of magistrate court and personnel to assist the clerk. A clerk and other personnel so appointed shall serve at the pleasure of the chief magistrate. The compensation of the clerk and other per-

sonnel so appointed shall be fixed by the county governing authority and paid from county funds.

(c) The eligibility for clerk is the same as for magistrate.

(d) If there is no clerk of magistrate court, any magistrate may act as clerk; and in any case any magistrate may perform any duty to be performed by the clerk.

15-10-106. If necessary, the county governing authority may provide for the appointment by the chief magistrate of secretaries and other personnel to assist the magistrates. Personnel so appointed shall serve at the pleasure of the chief magistrate. The compensation of such personnel shall be fixed by the county governing authority and paid from county funds.

ARTICLE 7

15-10-120. (a) Except as otherwise provided in subsection (b) of this Code section, on July 1, 1983, each of the following officers shall become a magistrate of the county in which he formerly exercised jurisdiction:

(1) Each justice of the peace in office on June 30, 1983;

(2) Each notary public ex officio justice of the peace in office on June 30, 1983;

(3) Each judge of a small claims court in office on June 30, 1983;

(4) Each magistrate or judge of a magistrate court in office on June 30, 1983; and

(5) Each judge of the County Court of Echols County.

(b) Any officer who was required to be certified under former Article 5 of this chapter, 'The Georgia Justice Courts Training Council Act,' and who was not so certified as of June 30, 1983, or any officer holding over beyond the expiration of the term for which he was selected shall not so become a magistrate on July 1, 1983.

(c) Each magistrate taking office on July 1, 1983, shall continue in office for a term which shall expire on the date of expiration of the term which he was serving in such other capacity. Such magistrates may thereafter be reappointed or reelected as provided in Article 2 of this chapter. However, at the expiration of the term of any magistrate other than the chief magistrate, no magistrate shall be selected to replace him unless the number of magistrates remaining in office is less than the number fixed by local law or by the chief judge of superior court under Code Section 15-10-20.

15-10-121. On July 1, 1983, any matter pending in a court referred to in Code Section 15-10-120 shall by operation of law be transferred to the magistrate court of the same county. Such pending matters shall be decided by the magistrate court of the county even if the magistrate court would not otherwise have jurisdiction over the case.

15-10-122. This chapter, the Act enacting this chapter, and future Acts amending this chapter shall not be construed as laws affecting municipal courts, county recorder's courts, or the civil courts of Richmond and Bibb counties.

15-10-123. Unless otherwise apparent from the context, references in local laws to justices of the peace and their courts shall be deemed on and after July 1, 1983, to refer to magistrates and magistrate courts.

ARTICLE 8

15-10-130. This article shall be known and may be cited as 'The Georgia Magistrate Courts Training Council Act.'

15-10-131. As used in this article, the term:

(1) 'Certified magistrate' means a magistrate judge who has the appropriate required certificate of training issued by the council and on file with the council.

(2) 'Council' means the Georgia Magistrate Courts Training Council.

(3) 'Magistrate' includes any magistrate other than a magistrate who is an active member of the State Bar of Georgia.

(4) 'School' means any school, college, university, academy, or training program approved by the council and the Judicial Council of Georgia and which offers basic, in-service, advanced, specialized, or continuing judicial training or a combination thereof, and includes within its meaning a combination of course curriculum, instructors, and facilities which meet the standards required by the council.

15-10-132. (a) There is established a council which shall be known and designated as the 'Georgia Magistrate Courts Training Council' and which shall be composed of the director of the Administrative Office of the Courts or his designee, which member shall not be a voting member, and five magistrate judges, either elected or appointed, who shall be appointed by the Governor for terms of two years.

(b) Membership on the council does not constitute public office and no member shall be disqualified from holding office by reason of his membership.

(c) Members of the Georgia Justice Courts Training Council serving as of July 1, 1983, shall continue on and automatically become members of the Georgia Magistrate Courts Training Council with the same term and office as held on June 30, 1983.

15-10-133. Immediately and before entering upon the duties of office, the members of the Georgia Magistrate Courts Training Council shall take the oath of office and shall file the same in the office of the Judicial Council, which, upon receiving the oath of office, shall issue to each member a certificate of appointment.

15-10-134. (a) A chairman and vice-chairman shall be elected at the first meeting of each calendar year.

(b) The director of the Administrative Office of the Courts or his designee shall serve as secretary to the council.

(c) A simple majority of the members of the council shall constitute a quorum for the transaction of business.

(d) The council shall maintain minutes of its meetings and such other records as it deems necessary.

(e) The council shall report at least annually to the Governor and to the General Assembly as to its activities.

15-10-135. The members of the council shall receive no salary but shall be reimbursed for their reasonable and necessary expenses actually incurred in the performance of their functions; provided, however, that such expenses shall not exceed those allowed to members of the General Assembly.

15-10-136. The council is vested with the following functions, powers, and responsibilities:

(1) To make all the necessary rules and regulations to carry out this article;

(2) To cooperate with and secure the cooperation of every department, agency, or instrumentality of the state government or its political subdivisions in furtherance of the purposes of this article;

(3) To approve schools and to prescribe minimum qualifications for instructors at approved schools;

(4) To issue a certification to any magistrate judge satisfactorily complying with an approved training program established;

(5) To do any and all things necessary or convenient to enable it wholly and adequately to perform its duties and to exercise the power granted to it; and

(6) To prescribe, by rules and regulations, the minimum requirements for curricula and standards composing the initial in-service, advanced, specialized, and continuing training courses for certification.

15-10-137. (a) Any person who takes office as a magistrate on July 1, 1983, and who was certified under the former Justice Courts Training Council shall satisfactorily complete 40 hours of training prior to December 31, 1984, in order to become certified under this article.

(b) Except as provided in subsection (a) of this Code Section, any person who becomes a magistrate on or after July 1, 1983, shall satisfactorily complete 40 hours of training in the performance of his duties and shall attend the first scheduled training session held after the date of his election or appointment in order to become certified under this article.

(c) In order to maintain the status of a certified magistrate judge, each person certified as such shall complete 20 hours of additional training per annum during each calendar year after the year of his initial certification in which he serves as a magistrate judge.”

Part 3

Section 3-1. Code Section 5-3-29 of the Official Code of Georgia Annotated, relating to de novo appeals to superior court, is amended to read as follows:

“5-3-29. An appeal to the superior court from a magistrate court or probate court, and in any other case where not otherwise provided by law, is a de novo investigation. It brings up the whole record from the court below; and all competent evidence shall be admissible on the trial thereof, whether adduced on a former trial or not. Either party is entitled to be heard on the whole merits of the case.”

Section 3-2. Code Section 5-3-31 of the Official Code of Georgia Annotated, relating to damages for frivolous appeals, is amended to read as follows:

“5-3-31. If upon the trial of any appeal it shall appear to the jury that the appeal was frivolous and intended for delay only, they shall assess damages against the appellant and his security, if any, in favor of the appellee for such delay, not exceeding 25 percent on the principal sum which they shall find due, which damages shall be specially noted in their verdict.

Section 3-3. Subsection (a) of Code Section 9-10-5 of the Official Code of Georgia Annotated, relating to written charges of court in civil cases, is amended to read as follows:

“(a) The judges of the superior, state and city courts, when counsel for either party requests it before argument begins, shall write out their charges and read them to the jury; and it shall be error to give any other or additional charge than that so written and read; provided, however, that this Code section shall not apply when there is an official court reporter in attendance thereon who records the full charge of the trial judge in the case upon the direction of the court.”

Section 3-4. Code Section 9-10-180 of the Official Code of Georgia Annotated, relating to time limits for arguments of counsel, is amended to read as follows:

“9-10-180. Counsel shall be limited in their arguments to two hours on a side.”

Section 3-5. Subsection (b) of Code Section 9-12-86, relating to recording of judgments, is amended to read as follows:

“(b) No judgment, decree, or order or any writ of fieri facias issued pursuant to any judgment, decree, or order of any superior court, city court, magistrate court, municipal court, or any federal court shall in any way affect or become a lien upon the title to real property until the judg-

ment, decree, order, or writ of fieri facias is recorded in the office of the clerk of the superior court of the county in which the real property is located and is entered in the indexes to the applicable records in the office of the clerk. Such entries and recordings must be requested and paid for by the plaintiff or the defendant, or his attorney at law.

Section 3-6. Code Section 9-13-163 of the Official Code of Georgia Annotated, relating to judicial sales of perishable property, is amended to read as follows:

“9-13-163. Whenever any personal property which is of a perishable nature or liable to deteriorate from keeping or the keeping of which is attended by expense is levied on by virtue of any fi. fa., attachment, or other process, and the defendant fails to recover possession of the same and it remains in the hands of the levying officer, upon the facts being made plainly to appear to the judge of the court from which the process has issued or to the judge of the superior court of the county or to the judge of the probate court of the county in which the levy has been made during the absence of the judge of the superior court, it shall be the duty of the judge to order a sale of the property. The sale shall be at the usual place of holding sheriff's sales for the county where the property is located.”

Section 3-7. Subsections (a) and (b) of Code Section 9-13-164 of the Official Code of Georgia Annotated, relating to notice of judicial sales, are amended to read as follows:

“(a) The time and place of holding a sale under Code Section 9-13-163 shall be advertised at the courthouse and at two other public places at least ten days before the day of sale.

(b) The judge or judge of the probate court may order a sale of livestock, fruit, or other personal property in a perishable condition, after three days' notice.”

Section 3-8. Code Section 9-13-165 of the Official Code of Georgia Annotated, relating to sales of perishable property under tax fi. fas. or county court fi. fas., is amended to read as follows:

“9-13-165. Whenever a tax fi. fa. is levied on property which is of a perishable nature or is liable to deteriorate in value from keeping or which is attended with expense in keeping, the same may be sold under Code Sections 9-13-163 and 9-13-164.”

Section 3-9. Subsection (c) of Code Section 10-1-186 of the Official Code of Georgia Annotated, relating to “stop-sale” orders of adulterated brake fluid, is amended to read as follows:

“(c) Any brake fluid not in compliance with this part shall be subject to seizure upon complaint of the Commissioner or any of his agents, inspectors, or representatives to a superior court in the county in which said brake fluid is located. In the event the court finds that any brake fluid is adulterated or misbranded, it may order the condemnation of said brake fluid; and such brake fluid shall be disposed of in any manner consistent with the rules and regulations of the Commissioner and the laws

of this state, provided that in no instance shall the disposition of said brake fluid be ordered by the court without first giving the claimant or owner of same an opportunity to apply to the court for the release of said brake fluid or for permission to process or label said brake fluid so as to bring it into compliance with this part.”

Section 3-10. Paragraphs (3) and (4) of Code Section 15-6-8 of the Official Code of Georgia Annotated, relating to jurisdiction and powers of superior courts, is amended to read as follows:

“(3) To exercise appellate jurisdiction from judgments of the probate or magistrate courts as provided by law;

(4) To exercise a general supervision over all inferior tribunals and to review and correct, in the manner prescribed by law, the judgments of:

(A) Magistrates;

(B) Municipal corporation or police courts or councils;

(C) Any inferior judicature;

(D) Any person exercising judicial powers; and

(E) Judges of the probate courts, except in cases touching the probate of wills and the granting of letters of administration, in which a jury must be impaneled;”

Section 3-11. Code Section 15-6-51 of the Official Code of Georgia Annotated, relating to authority of clerks of superior courts to sit as clerks of other courts, is amended to read as follows:

“15-6-51. Clerks of the superior courts shall be eligible to hold the office of clerk of the city or state court in the counties of their residence, on taking the oath and giving bond and security as prescribed by law.”

Section 3-12. Code Section 15-6-89 of the Official Code of Georgia Annotated, relating to additional remuneration of superior court clerks, is amended to read as follows:

“15-6-89. In addition to the minimum salary provided in Code Section 15-6-88, each clerk of the superior court of any county who also serves as clerk of a state court, city court, or civil court under any applicable general or local law of this state shall receive for his services in such other court a salary of not less than \$100.00 per month, to be paid from the funds of the county. In the event any such court for which a clerk of the superior court is serving as clerk is abolished, the clerk of the superior court shall continue to receive the amount provided above.”

Section 3-13. Code Section 15-9-10 of the Official Code of Georgia Annotated, relating to vacancies in office of the judge of probate court, is amended to read as follows:

“15-9-10. (a) Until a vacancy in the office of judge of the probate court is filled, the chief judge of the city or state court, as the case may be, shall serve as the judge and shall be vested with all the powers of the

judge. If there is no such chief judge or if for some reason the chief judge cannot serve as judge, the clerk of the superior court of the county shall serve as judge and shall be vested with all the powers of the judge. In the event that the clerk of the superior court, for some reason, cannot serve as judge, the chief judge of the superior court of the county shall appoint a person to serve as judge; such person shall be vested with all the powers of the judge. The board of county commissioners or, in those counties which have no commissioners, the chief judge of the superior court shall fix the compensation of the person who serves as judge until the vacancy is filled. The compensation shall be paid from the general funds of the county. The fees collected during such period of time shall be paid into the general funds of the county.

(b) Notwithstanding subsection (a) of this Code section or other laws to the contrary, in the event the office of judge of the probate court becomes vacant in any county of this state having a population of not less than 200,000 nor more than 250,000 according to the United States decennial census of 1970 or any future such census, the vacancy shall be filled by majority vote of the superior court judges of the judicial circuit in which the county lies. The person appointed to fill the vacancy shall serve until the next succeeding general election, at which election a successor shall be elected to serve for the remainder of the unexpired term or for a full term, as the case may be. A person appointed to fill a vacancy in the office of judge of the probate court of any county described in this subsection shall receive the same compensation that the judge of the probate court was receiving at the time the office became vacant."

Section 3-14. Subsection (a) of Code Section 15-9-13 of the Official Code of Georgia Annotated, relating to replacement of the judge of the probate court where he is disqualified or unable to act, is amended to read as follows:

"(a) Whenever a judge of the probate court is disqualified to act in any case or because of sickness, absence, or any other reason is unable to act in any case, the judge of the probate court may appoint an attorney at law who is a member of the State Bar of Georgia to exercise the jurisdiction of the probate court. If the judge of the probate court does not so appoint, the judge of the city, state, or the county court, as the case may be, shall exercise all the jurisdiction of the judge of the probate court in the case. If, however, the inability of the probate judge to act arises from any unlawful act or the accusation of an unlawful act on the part of the probate judge, the probate judge may not appoint an attorney and only another judge shall exercise the jurisdiction of the probate court."

Section 3-15. Subsection (a) of Code Section 15-12-4 of the Official Code of Georgia Annotated, relating to ineligibility of jurors to serve at next succeeding terms, is amended to read as follows:

"(a) Any juror who has served as a grand or trial juror at any session of the superior courts, state courts, or city courts shall be ineligible for duty as a juror at the next succeeding term of the court in which he has previously served. Nothing herein contained shall prevent any trial juror from serving as a grand juror at the next term of the superior court of his county. This subsection shall not apply to any court in any county

wherein the grand jury box contains not exceeding 100 names and the trial jury box contains not exceeding 350 names.”

Section 3-16. Subsection (a) of Code Section 16-13-46 of the Official Code of Georgia Annotated, relating to administrative inspections and warrants, is amended to read as follows:

“(a) Issuance and execution of inspection warrants shall be as follows:

(1) A judge of the superior, state, city or magistrate court, or any municipal officer clothed by law with the powers of a magistrate, upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting inspections authorized by this article, or rules hereunder, and seizures of property appropriate to the inspections. For purpose of the issuance of inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this article, or rules hereunder, sufficient to justify inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant;

(2) A warrant shall issue only upon an affidavit of a designated officer, drug agent, or employee of the State Board of Pharmacy having knowledge of the facts alleged, sworn to before the judicial officer and establishing the grounds for issuing the warrant. If the judicial officer is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, registrant, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:

(A) State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(B) Be directed to persons authorized by Code Section 16-13-45 to execute it;

(C) Command the persons to whom it is directed to inspect the area, premises, building, registrant, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(D) Identify the item or types of property to be seized, if any; and

(E) Designate the judicial officer to whom it shall be returned;

(3) A warrant issued pursuant to this Code section must be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided upon request to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. A copy of the inventory shall be delivered upon request to the person from whom or from whose premises the property was taken and to the applicant for the warrant;

(4) The judicial officer who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the superior court for the county in which the inspection was made."

Section 3-17. Code Section 17-4-40 of the Official Code of Georgia Annotated, relating to persons authorized to issue arrest warrants, is amended to read as follows:

"17-4-40. Any judge of a superior, city, state, or magistrate court, or any municipal officer clothed by law with the powers of a magistrate may issue his warrant for the arrest of any offender against the penal laws, based either on his own knowledge or on the information of others given to him under oath. Any warrant for the arrest of a peace officer for any offense alleged to have been committed while in the performance of his duties may be issued only by a judge of a superior court, a judge of a state court, or a judge of a probate court."

Section 3-18. The introductory language of subsection (a) of Code Section 17-6-3 of the Official Code of Georgia Annotated, relating to recognizance bonds for military personnel, not including the five paragraphs of the subsection, is amended to read as follows:

"In the case of any person engaged in military service who is charged with a misdemeanor and whose bond has been fixed at not more than \$400.00 plus costs, any sheriff shall be allowed to accept, in lieu of bail, a recognizance bond executed and signed by the commanding officer of the person or the officer's lawfully delegated subordinates. Any person so charged may be taken into custody on behalf of the military installation by his commanding officer or by persons designated by the commanding officer of the military installation under the following terms and conditions:"

Section 3-19. Code Section 17-7-20 of the Official Code of Georgia Annotated, relating to courts of inquiry, is amended to read as follows:

"17-7-20. Any judge of a superior or state court, judge of the probate court, magistrate, or officer of a municipality who has the criminal jurisdiction of a magistrate may hold a court of inquiry to examine into an accusation against a person legally arrested and brought before him. The time and place of the inquiry shall be determined by him."

Section 3-20. Code Section 17-8-36 of the Official Code of Georgia Annotated, relating to entry of continuances on court dockets, is amended to read as follows:

"17-8-36. The judges of the superior, state, and city courts shall, upon the continuance of any case, enter the date of the continuance upon their dockets opposite the case and in open court make public announcement of the continuance."

Section 3-21. Subsection (a) of Code Section 17-8-54 of the Official Code of Georgia Annotated, relating to written charges of court in criminal cases, is amended to read as follows:

“(a) The judges of the superior, state, and city courts shall, when the counsel for either party requests it before argument begins, write out their charges and read them to the jury; and it shall be error to give any other or additional charge than that so written and read.”

Section 3-22. Paragraph (1) of Code Section 17-13-1 of the Official Code of Georgia Annotated, relating to applications for extradition of fugitives, is amended to read as follows:

“(1) The application for a requisition shall be made to the Governor by a district attorney, prosecuting attorney of a state court, judge of a city or state court, or the mayor of any municipal corporation of this state and must show the full name of the fugitive for whom extradition is asked, the crime charged, the state or territory to which he has fled, the full name of the person suggested to act as agent of this state to receive and convey the fugitive to this state, the agent in no case to be the prosecutor; but the Governor may, in his discretion, appoint some other suitable person as agent of this state to receive and convey the fugitive. The application must also show that the ends of public justice require that the fugitive shall be brought back to this state for trial and that the requisition is not wanted for the purpose of enforcing the collection of a debt or for any private purpose whatever but solely for the purpose of a criminal prosecution as provided by law;”

Section 3-23. Subsection (a) of Code Section 24-8-24 of the Official Code of Georgia Annotated, relating to establishment of lost or destroyed papers, is amended to read as follows:

“(a) The owner of a lost or destroyed paper which is not an office paper as defined in Code Section 24-8-20 who desires to establish the same shall present to the clerk of the superior court of the county where the maker of the paper resides, if the maker is a resident of this state, a petition in writing, together with a copy, in substance, of the paper lost or destroyed, as nearly as he can recollect, which copy shall be sworn to by the petitioner, his agent, or his attorney.”

Section 3-24. Code Section 24-10-27 of the Official Code of Georgia Annotated, relating to witness fees for police officers, is amended to read as follows:

“24-10-27 Notwithstanding any other provision in this article, any member of the Georgia State Patrol, Georgia Bureau of Investigation, or municipal or county police force, or any deputy sheriff who shall be required by writ of subpoena to attend any superior court, other courts having jurisdiction to enforce the penal laws of this state, municipal or police court having jurisdiction to enforce the penal laws of this state as provided by Code Section 40-13-21, juvenile court, or grand jury, or hearing or inquest held or called by a coroner, or magistrate court involving any criminal matter, as a witness on behalf of the state during any hours except the regular duty hours to which the officer is assigned, shall be paid for such attendance at a rate fixed by the court, but not less than the per diem paid grand jurors in the preceding term of the superior court of such county or \$20.00 per diem, whichever is greater. The claim for the witness fees shall be endorsed on the subpoena showing the dates

of attendance and stating that attendance was required during the hours other than the regular duty hours to which the claimant was assigned. The claimant shall verify this statement. The dates of attendance shall be certified by the judge or the prosecuting attorney of the court attended. The director of the Georgia Bureau of Investigation, the commanding officer of the Georgia State Patrol, the chief of police, or the sheriff shall certify that the claimant has been paid no additional compensation nor given any time off on account of such service. The amount due shall be paid by the governing body authorized to dispense public funds for the operation of the court. However, no such officer may claim or receive more than one witness fee per day for attendance in any court or before the grand jury regardless of the number of subpoenas which the officer may have received requiring him to appear in such court or before the grand jury on any one day."

Section 3-25. Code Section 31-21-20 of the Official Code of Georgia Annotated, relating to the board for distribution of dead bodies, is amended to read as follows:

"31-21-20. Professors and demonstrators of anatomy and the deans of medical and dental colleges incorporated under the laws of this state shall constitute a board for the distribution and delivery of dead bodies described in Code Section 31-21-21 to and among such institutions as are entitled thereto. This board shall have power to establish rules and regulations for its governance and to appoint and remove its officers and shall keep minutes of its transactions. Records shall be kept, under its direction, of all bodies received and distributed and of the persons or institutions to whom they may be distributed, which records shall be open at all times to the inspection of members of this board, any district attorney, or prosecuting attorney of any city or state court."

Section 3-26. Code Section 36-32-3 of the Official Code of Georgia Annotated, relating to criminal jurisdiction of police and recorders' courts, is amended to read as follows:

"36-32-3. All police court recorders and judges of all recorders' courts in this state shall have and are given the same powers and authorities as magistrates in the matter of and pertaining to criminal cases of whatever nature in the several courts of this state."

Section 3-27. Subsection (b) of Code Section 38-2-6 of the Official Code of Georgia Annotated, relating to ordering organized militia into active service, is amended to read as follows:

"(b) Whenever any judge of a superior, city, or state court, sheriff, or mayor of a municipality shall apprehend the outbreak of insurrection, riot, breach of the peace, or combination to oppose the enforcement of the law by force or violence within the jurisdiction of which such officer is by law the conservator of the peace, or in the event of disaster or other grave emergency, it shall be the duty of the judge, sheriff, or mayor, when it appears that the unlawful combination or disaster has progressed beyond the control of the civil authorities, to notify the Governor, and the Governor may then, in his discretion, if he deems the apprehension well founded or the disaster or emergency of sufficient magnitude, order into

the active service of the state for such period, to such extent, and in such manner, as he may deem necessary all or any part of the organized militia.

Section 3-28. Subsection (b) of Code Section 40-11-4 of the Official Code of Georgia Annotated, relating to liens for removal or storage of automobiles, is amended to read as follows:

“(b) The lien acquired under subsection (a) of this Code section may be foreclosed in any court which is competent to hear civil cases, including, but not limited to, magistrate courts. Liens shall be foreclosed in magistrate courts only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.”

Section 3-28.1. Subsection (b) of Code Section 44-7-53, relating to answer and trial in dispossessory cases, is amended to read as follows:

“(b) If the tenant answers, a trial of the issues shall be had in accordance with the procedure prescribed for civil actions in courts of record except that if the action is tried in the magistrate court the trial shall be had in accordance with the procedures prescribed for that court. Every effort should be made by the trial court to expedite a trial of the issues. The defendant shall be allowed to remain in possession of the premises pending the final outcome of the litigation; provided, however, that, at the time of his answer, the tenant must pay rent into the registry of the court pursuant to Code Section 44-7-54.”

Section 3-29. Code Section 44-7-71 of the Official Code of Georgia Annotated, relating to applications for distress warrants, is amended to read as follows:

“44-7-71. When rent is due or the tenant is seeking to remove his property, the landlord, his agent, his attorney in fact, or his attorney at law may, upon a statement of the facts under oath, apply for a distress warrant before the judge of the superior court, the state court, the civil court, or the magistrate court within the county where the tenant may reside or where his property may be found.”

Section 3-30. Code Section 44-7-72 of the Official Code of Georgia Annotated, relating to issuance of process regarding distress warrants, is amended to read as follows:

“44-7-72. When the affidavit provided for in Code Section 44-7-71 is made, the judge of the superior court, the state court, the civil court, or the magistrate court before whom it was made shall grant and issue a summons to the marshal or the sheriff or his deputy of the county where the tenant resides or where his property may be found. A copy of the summons and the affidavit shall be personally served upon the defendant. If an officer is unable to serve the defendant personally, service may be given by delivering the summons and affidavit to any person who is sui juris residing on the premises. The summons served on the defendant pursuant to this Code section shall command and require the tenant to appear at a hearing on a day certain not less than five nor more than seven days from the date of actual service.”

Section 3-30-1. Subsection (c) of Code Section 44-7-74, relating to answer and trial in dispossessory warrant cases, is amended to read as follows:

“(c) If the tenant answers, a trial of the issues shall be had in accordance with the procedure prescribed for civil actions in courts of record except that if the action is tried in the magistrate court the trial shall be had in accordance with the procedures prescribed for that court. Every effort shall be made by the trial court to expedite a trial of the issues. The defendant shall be allowed to remain in possession of the premises and his property pending the final outcome of the litigation, provided that he complies with Code Section 44-7-75.”

Section 3-31. Code Section 44-14-303 of the Official Code of Georgia Annotated, relating to defenses to certain mortgage foreclosures, is amended to read as follows:

“44-14-303. The mortgagor may avail himself of any defense he may have to the foreclosure in the same manner and upon the same conditions as allowed by law in case of foreclosure of chattel mortgages in the superior courts. Whenever any such defense is filed by the mortgagor, the magistrate issuing the execution shall have the power and jurisdiction to hear and determine the issues made thereon as in other cases at law.”

Section 3-32. Code Section 45-3-31 of the Official Code of Georgia Annotated, relating to officers' commissions, is amended to read as follows:

“45-3-31. The commissions of all other civil officers except constables and clerks of magistrate courts of the state or county shall be under the seal of the Office of the Governor, signed by the Governor, and countersigned by one of his secretaries. All officers of the militia of the grade of lieutenant or higher shall have commissions under the seal of the office of the Governor.”

Section 3-33. The first sentence of Code Section 45-11-4 of the Official Code of Georgia Annotated, relating to malpractice in office, is amended to read as follows:

“Any judge of the probate court or member of any board of commissioners who shall be charged with malpractice in office; or with using oppression or tyrannical partiality; or with willfully refusing or failing to preside in or hold his court at the regular terms thereof, or when it is his duty under the law to do so; or with using any other means to delay or avoid the due course or proceeding of law; or with any other conduct unbecoming the character of an upright magistrate; or who shall willfully and knowingly demand more cost than he is entitled to by law in the administration and under color of his office may be indicted.”

Section 3-34. Code Section 48-4-1 of the Official Code of Georgia Annotated, relating to procedure for sales under tax executions, is amended to read as follows:

“48-4-1. If the levy is made upon real or personal property, the property shall be advertised and sold as provided for fi. fas. and judicial

sales. Sales under tax executions shall be made under the rules governing judicial sales.”
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Section 3-35. Subsection (f) of Code Section 48-5-359 of the Official Code of Georgia Annotated, relating to sales of property for taxes due municipalities, is amended to read as follows:

“(f) The marshal of a municipality and other officers of the municipality whose duty it is to collect the taxes and other revenues of the municipality by levy and sale shall be subject to be ruled for money in the hands of the officer arising from the public sale of any property pursuant to process issued by the municipality. Action pursuant to this Code section may be taken either in the superior court, city court, or state court in the county where the municipality is located and shall be accomplished in the same manner as sheriffs and constables are ruled for the distribution of money coming into their hands from the sale of any property.”

Part 4

Section 4-1. The following Code sections of the Official Code of Georgia Annotated are amended by striking the terms “justice of the peace” and “justices of the peace” wherever they occur and inserting in their places the terms “magistrate” and “magistrates,” respectively:

- (1) Code Section 4-5-6, relating to destruction of diseased and disabled animals;
- (2) Code Section 9-10-113, relating to verification of pleadings;
- (3) Code Section 9-12-18, relating to confession of judgment;
- (4) Code Section 9-12-80, relating to dignity of judgments;
- (5) Code Section 9-15-9, relating to costs on recoveries of less than \$50.00;
- (6) Code Section 9-15-11, relating to inclusion of costs in judgments;
- (7) Code Section 14-9-114, relating to acknowledgement of certificates of limited partnership;
- (8) Code Section 15-1-8, relating to disqualification of judicial officers;
- (9) Code Section 15-9-33, relating to authority of probate courts to take oaths;
- (10) Code Section 15-13-3, relating to demand for money collected by court officers;
- (11) Code Section 15-13-4, relating to grant of rule nisi;
- (12) Code Section 15-13-7, relating to liability of court officers to be ruled;

(13) Code Section 15-13-8, relating to liability of court officers to be ruled;
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(14) Code Section 15-13-30, relating to court fees not charged to the state;

(15) Code Section 19-3-30, relating to marriage licenses;

(16) Code Section 19-3-39, relating to certification of marriage;

(17) Code Section 19-3-42, relating to marriages performed by unauthorized officers;

(18) Code Section 19-3-46, relating to penalties for performing unauthorized marriages;

(19) Code Section 19-3-48, relating to penalties for performing illegal marriages;

(20) Code Section 29-2-82, relating to attestation of receipts of guardians from wards;

(21) Code Section 35-3-36, relating to duties of criminal justice agencies to submit data to the Georgia Crime Information Center;

(22) Code Section 44-2-15, relating to attestation of registerable instruments;

(23) Code Section 44-7-50, relating to dispossessory demands;

(24) Code Section 44-7-51, relating to dispossessory summons;

(25) Code Section 44-14-231, relating to petitions for writs of possession;

(26) Code Section 44-14-300, relating to foreclosure of mortgages on personal property;

(27) Code Section 44-14-301, relating to notice of foreclosure proceedings;

(28) Code Section 45-3-5, relating to oaths of county officers;

(29) Code Section 50-18-91, relating to definitions used in the "Georgia Records Act";

(30) Code Section 51-7-42, relating to malicious prosecution in courts of inquiry;

(31) Code Section 53-7-166, relating to receipts of settlement given to administrators and executors; and

(32) Code Section 53-12-152, relating to small claims against trust estates.

Section 4-2. The following Code sections and chapters of the Official Code of Georgia Annotated are stricken in their entirety and each such

Code section or chapter shall be designated in the Official Code of Georgia Annotated as "Reserved.":

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(1) Chapter 2 of Title 5, relating to appeals to juries in justice of the peace courts;

(2) Code Section 5-3-1, relating to appeals from county courts and justice of the peace courts;

(3) Code Section 5-3-26, relating to written defenses in appeals from justice of the peace courts;

(4) Code Section 5-4-4, relating to certiorari from justice of the peace court cases tried by a jury;

(5) Code Section 15-16-17, relating to service of sheriffs in justice of the peace courts;

(6) Chapter 17 of Title 15, relating to constables;

(7) Code Section 17-7-33, relating to billing and payment of costs of justices of the peace and constables;

(8) Code Section 24-7-22, relating to transcripts of proceedings in justice of the peace courts;

(9) Code Section 24-8-23, relating to establishment of lost papers in justice of the peace courts;

(10) Code Sections 36-2-5 through 36-2-7, relating to the effect on justice of the peace courts of changes in militia district lines; and

(11) Chapter 8 of Title 51, relating to actions for forcible entry and detainer.

Part 5

Section 5-1. Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and disposition of fines and forfeitures, is amended by striking Code Section 15-21-2, relating to payment into the county treasury, and inserting in its place a new Code section to read as follows:

"15-21-2. (a) The officers of the several courts, including the prosecuting officers, shall pay into the county treasury of the county where the court is held all moneys arising from fines and forfeitures collected by them and, upon failure to do so, shall be subject to rule and attachment as in the case of defaulting sheriffs.

(b) No officer shall be required to pay any money into the treasury until all the legal claims on the funds held and owned by the officer bringing the money into court and constables in the particular case by which the funds for distribution were brought into court have been allowed and paid."

Section 5-2. Said chapter is further amended by striking Code Section 15-21-6 which reads as follows:

“15-21-6. Any officer of the county court having jurisdiction for the trial of misdemeanors in any county or any notary public or justice of the peace having a like claim for costs or before whom a preliminary investigation has been conducted and also constables having a like claim for costs shall present the same to the judge of the county court in the form prescribed in Code Section 15-21-5. When an order is approved and entered on the minutes of the county court, if any, and if not, on a book prepared and kept by the county court, notary public, or justice of the peace for that purpose, the same shall be a warrant on the county treasurer to be paid out of any fines and forfeitures arising from proceedings in the county court, in accordance with the laws providing for the distribution of fines and forfeitures in the superior court.”,

and inserting in its place the following:

“15-21-6. Reserved.”

Section 5-3. Said chapter is further amended by striking Code Section 15-21-11, relating to priorities for distribution, and inserting in its place a new Code section to read as follows:

“15-21-11. Unless otherwise provided by law, money arising from fines for a violation of the penal laws or collected on forfeited recognizances in the superior courts shall be first applied to the extinguishment of the insolvent lists of the officers bringing the funds into court and then to the orders of former officers in proportion to their claims.”

Section 5-4. Said chapter is further amended by striking Code Section 15-21-12 which reads as follows:

“15-21-12. (a) Costs due justices of the peace and constables in the cases listed in subsection (b) of this Code section shall be paid out of fines and forfeitures upon the order of the judge of the superior court, are of equal dignity with the accounts of the officers of the superior court, and are entitled to participate pro rata upon a distribution of any funds arising from fines and forfeitures.

(b) This Code Section shall apply to cases:

- (1) When a party has been acquitted;
- (2) When a party is unable to pay costs;
- (3) In counties in which there are no county courts, when persons have been bound over by the justice of the peace or have been committed to jail in default of bail and the grand jury makes a return of ‘no bill’;
- (4) When, after an investigation, the party has been discharged by the justice of the peace;
- (5) In counties where there are county courts, in felony cases; and

(6) In misdemeanor cases in which an indictment has been demanded.”
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and inserting in its place the following:

“15-21-12. Reserved.”

Section 5-5. Said chapter is further amended by striking Code Section 15-21-13, relating to priority of claims, and inserting in its place a new Code Section to read as follows:

“15-21-13. (a) All claims for fees of solicitors of city courts, sheriffs, clerks, and district attorneys shall be paid from the funds arising from fines imposed in criminal cases before any claim or order of any claimant or distributee shall be paid.

(b) Nothing contained in subsection (a) of this Code section shall in any way affect the fines and forfeitures of any court whose officers are on salaries and where the fines and forfeitures are remitted to the county treasury.”

Section 5-6. Said chapter is further amended by striking Article 2, relating to compensation of justices of the peace and constables in certain criminal cases, and inserting in its place the following:

“ARTICLE 2

Reserved.”

Part 6

Section 6-1. Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by striking from subsection (a) of Code Section 21-2-5, relating to qualifications of candidates, the following:

“, except for the office of justice of the peace,”

Section 6-2. Said title is further amended by striking from subsection (a) of Code Section 21-2-6, relating to qualifications of candidates for county office, the following:

“and for the office of justice of the peace”

Section 6-3. Said title is further amended by striking from Code Section 21-2-9, relating to election dates, the following:

“county officers, and justices of the peace”,

and inserting in lieu thereof the following:

“and county officers”

Section 6-4. Said title is further amended by striking from paragraph (1) of subsection (a) of Code Section 21-2-131, relating to qualification fees, the following:

“, except that the fee for the office of justice of the peace shall be \$10.00”

Section 6-5. Said title is further amended by striking from paragraph (1) of subsection (c) of Code Section 21-2-132, relating to notice of candidacy, the following:

“, except that such filing shall not apply to a candidate for a militia district office (justice of the peace)”

Section 6-6. Said title is further amended by striking from subparagraph (C) of paragraph (4) of Code Section 21-2-497, relating to election returns, the following:

“, justice of the peace,”

Section 6-7. Said title is further amended by striking from subsection (d) of Code Section 21-2-502, relating to certificates of election, the following:

“and justices of the peace”,

and by striking from said subsection (d) the following:

“or justice of the peace”

Section 6-8. Said title is further amended by striking from subparagraph (A) of paragraph (3) of Code Section 21-4-3, relating to definitions pertaining to recall, the following:

“except justices of the peace”,

and by striking from subparagraph (B) of said paragraph (3) the following:

“and justices of the peace”

Section 6-9. Said title is further amended by striking from paragraph (2) of subsection (b) of Code Section 21-4-12, relating to recall elections, the following:

“or justice of the peace”,

by striking from paragraph (1) of subsection (d) of said Code section the following:

“other than a justice of the peace”,

and by striking from paragraph (2) of subsection (d) of said Code section the following:

“or justice of the peace”

Section 6-10. Said title is further amended by striking from para-

graph (1) of subsection (a) of Code Section 21-5-5, relating to campaign financial disclosure reports, the following:

“and justices of the peace”,

by striking from paragraph (3) of subsection (a) of said Code section the following:

“or for justice of the peace”,

and by striking from paragraph (5) of subsection (g) of said Code section the following:

“, county officials, or justices of the peace”,

and inserting in lieu of said immediately preceding stricken matter the following:

“or county officials”

Part 7

Section 7-1. Effective June 30, 1983, Chapter 22 of Title 15 of the Official Code of Georgia Annotated, the “Courts of Limited Jurisdiction Compensation Act of 1982,” is repealed in its entirety.

Section 7-2. Not later than June 15, 1983, the governing authority of each county shall fix the compensation to be received by each officer other than a probate judge who will become a magistrate pursuant to this Act. Such compensation shall not be less than the minimum compensation specified by Code Section 15-10-23 of the Official Code of Georgia Annotated enacted by this Act. The salaries so fixed shall become effective on June 30, 1983. If, however, any county governing authority fails to act under this section, it will be deemed to have fixed for such officer a salary equal to the greater of the salary he was receiving immediately prior to June 30, 1983, or the minimum specified by Code Section 15-10-23 enacted by this Act. Probate judges formerly compensated under Chapter 22 of Title 15 of the Official Code of Georgia Annotated shall, on and after June 30, 1983, continue to receive the same salary they were receiving immediately prior to that date but not less than the amount specified in Code Sections 15-9-63 through 15-9-67. This section shall not prohibit any otherwise lawful local Act relating to any probate judge's compensation.

Section 7-3. As to any other matter which a county governing authority or chief judge of superior court will after July 1, 1983, be authorized to act upon under Chapter 10 of Title 15 of the Official Code of Georgia Annotated, as enacted by this Act, the county governing authority or chief judge of superior court may act prior to July 1, 1983. If the effective date of such action is delayed until July 1, 1983, or later.

Section 7-4. With respect to each officer other than a probate judge who becomes a magistrate on July 1, 1983, pursuant to Article VI, Section X, Paragraph II of the Constitution, the position or office in which such officer was formerly serving shall be abolished for all purposes immediately upon the expiration of the term of the incumbent; and no person shall be

selected to fill such office thereafter. This section shall not operate to shorten the term which any such officer will serve as magistrate pursuant to said paragraph of the Constitution and shall not operate to prevent any such officer from thereafter being selected as a magistrate.

Part 8

Section 8-1. (a) Part 7 of this Act shall become effective upon approval of this Act by the Governor.

(b) Except as provided in subsection (a) of this section, this Act shall become effective July 1, 1983.

Section 8-2. All laws and parts of laws in conflict with this Act are repealed.

Senator Land of the 16th offered the following amendment:

Amend the substitute to HB 121 offered by the Senate Committee on Judiciary by deleting on lines 28 and 29 of Page 6 the words "partisan election in the same manner as county officers are elected", and inserting in their place the words "nonpartisan election"

On the adoption of the amendment, the yeas were 2, nays 33, and the amendment was lost.

Senator Timmons of the 11th offered the following amendment:

Amend the substitute to HB 121 offered by the Senate Committee on Judiciary by adding between lines 25 and 26 of Page 9 the following:

"(e) Notwithstanding the provisions of subsection (a) of this Code section, unless otherwise provided by local law, in any county in which more than 70 percent of the population according to the United States decennial census of 1980 or any future such census resides on property of the United States government which is exempt from taxation by this state, the minimum annual salary of the chief magistrate shall be \$2,500.00, which minimum annual salary may be supplemented by the county governing authority as in other cases; and the salary of each magistrate other than the chief magistrate shall be fixed by the county governing authority without regard to the minimum specified by this Code section."

On the adoption of the amendment, the yeas were 35, nays 0, and the amendment was adopted.

Senator Kidd of the 25th offered the following amendment:

Amend the substitute to HB 121 offered by the Senate Committee on Judiciary by striking in their entirety subsections (a) and (b) of Code Sec-

tion 15-10-105, beginning on line 8 and continuing through line 19 of Page 21, which reads as follows:

“(a) Unless otherwise provided by local law, the clerk of superior court shall serve as clerk of the magistrate court.

(b) If the clerk of superior court does not serve as clerk of the magistrate court, a local law shall provide for the appointment by the chief magistrate of a clerk of magistrate court and personnel to assist the clerk. A clerk and other personnel so appointed shall serve at the pleasure of the chief magistrate. The compensation of the clerk and other personnel so appointed shall be fixed by the county governing authority and paid from county funds.”

and inserting in lieu thereof new subsections (a) and (b) to read as follows:

“(a) Unless otherwise provided by local law, the governing authority of the county may provide for the appointment of the clerk by the chief magistrate.

(b) If no provision is made for a clerk, the clerk of the superior court shall serve as clerk of the magistrate court. The appointment of personnel to assist the clerk shall be provided by local law. A clerk and other personnel so appointed shall serve at the pleasure of the chief magistrate. The compensation of the clerk and other personnel so appointed shall be fixed by the governing authority of the county and paid from county funds.”

On the adoption of the amendment, the yeas were 14, nays 22, and the amendment was lost.

Senators Horton of the 17th, Deal of the 49th and Kidd of the 25th offered the following amendment:

Amend the substitute to HB 121 offered by the Senate Committee on the Judiciary by striking from lines 25 and 26 of Page 6 the following:

“at the November, 1984, general election by the voters of the county”,

and inserting in lieu thereof the following:

“by the voters of the county at the general election next preceding the expiration of the term of the incumbent chief magistrate”

By striking all matter on lines 7 through 22 of Page 6 and inserting in lieu thereof the following:

“(2) (A) If the chief magistrate so selected is an officer becoming a magistrate pursuant to Code Section 15-10-120, then his term as chief magistrate will be as provided by this paragraph.

(B) If the term which he was serving on June 30, 1983, will expire

on the last day of 1984 or 1986 then his term as chief magistrate will likewise expire on the last day of 1984 or 1986.

(C) If the term which he was serving on June 30, 1983, will expire other than on the last day of 1984 or 1986, then his term as chief magistrate shall expire on December 31, 1984, even though he is granted a longer term as magistrate by Article VI, Section X, Paragraph II of the Constitution; but his term as magistrate shall not be shortened in violation of said paragraph of the Constitution. In any case covered by this subparagraph, the person whose term as chief magistrate expires December 31, 1984, but who is granted by the Constitution a longer term as magistrate shall be eligible to succeed himself for a four-year term as chief magistrate beginning January 1, 1985, if he resigns his current term as magistrate prior to beginning such four-year term as chief magistrate."

On the adoption of the amendment, the yeas were 39, nays 1, and the amendment was adopted.

Senators Greene of the 26th and Deal of the 49th offered the following amendment:

Amend the substitute to HB 121 offered by the Senate Committee on Judiciary by adding between lines 16 and 17 of Page 10 the following:

"15-10-27. (a) With respect to any county in which there exists a civil court of the county continued in existence by Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution and in which there are as of June 30, 1983, no officers who will become magistrates pursuant to Code Section 15-10-120, the provisions of this Code section shall control over any other conflicting provisions of this chapter.

(b) In any county subject to this Code section the judge of such civil court shall serve as chief magistrate for a term of office concurrent with his term as judge of civil court. The chief judge of superior court of any such county shall fix the compensation to be received by the chief magistrate for his services as chief magistrate, and such compensation may be less than the minimum salary otherwise specified by this chapter.

(c) In any county subject to this Code section the clerk of civil court shall serve as clerk of magistrate court and the sheriff and deputies of civil court shall serve as constables of magistrate court."

On the adoption of the amendment, the yeas were 37, nays 1, and the amendment was adopted.

Senator McGill of the 24th offered the following amendment:

Amend the substitute to HB 121 offered by the Senate Committee on Judiciary by striking from line 25 of Page 8 through line 2 of Page 9 the following:

“Population	Minimum Salary
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0— 5,999	\$ 5,925.00
6,000— 11,999	8,825.00
12,000— 19,999	10,065.00
20,000— 29,999	11,250.00
30,000— 39,999	13,365.00
40,000— 49,999	14,580.00
50,000— 99,999	15,480.00
100,000— 199,999	20,210.00
200,000— or more	26,550.00”

and inserting in lieu thereof the following:

“Population	Minimum Salary
0— 5,999	\$ 3,160.00
6,000— 11,999	4,710.00
12,000— 19,999	5,370.00
20,000— 29,999	6,000.00
30,000— 39,999	7,130.00
40,000— 49,999	7,780.00
50,000— 99,999	8,260.00
100,000— 199,999	10,780.00
200,000— or more	14,160.00”

On the adoption of the amendment, the yeas were 29, nays 12, and the amendment was adopted.

Senator Coleman of the 1st offered the following amendment:

Amend the substitute to HB 121 offered by the Senate Committee on Judiciary by deleting on Page 5, line 5,

“chief judge of superior court”

and insert

“county governing authority”

and

by deleting on Page 5, line 10, “chief judge of superior court”

and insert

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“county governing authority”

and

by deleting on Page 5, line 31, “chief judge of superior court”

and insert

“county governing authority”

and

by deleting on Page 6, lines 5 and 6 in their entirety

and insert

“county governing authority”

and

by deleting on Page 7, line 7, “chief judge of superior court”

and insert

“county governing authority”

and

on Page 7, lines 10 and 11, delete words between and including
“chief magistrate superior court”

and insert

“county governing authority”

and

on Page 8 delete all of lines 25 through 32 and on Page 9 delete
lines 1 through 25 and insert in lieu thereof

“salaries to be set by county governing authority”

On the adoption of the amendment, Senator Coleman of the 1st called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Bowen
Brown of 47th
Coleman
English
Gillis

Harris
Hill
McGill
Perry
Scott of 2nd

Starr
Thompson
Turner
Walker

Those voting in the negative were Senators:

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Allgood	Engram	Land
Barker	Fincher	Lester
Barnes	Foster	Littlefield
Bond	Garner	McKenzie
Brantley	Greene	Peevy
Broun of 46th	Harrison	Phillips
Bryant	Hine	Scott of 36th
Burton	Holloway	Scott of 43rd
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coverdell	Hudgins	Timmons
Dawkins	Huggins	Trulock
Deal	Kennedy	Tysinger
Dean	Kidd	

Not voting was Senator Brannon.

On the adoption of the amendment, the yeas were 14, nays 41, and the amendment was lost.

Senator Kidd of the 25th offered the following amendment:

Amend the substitute to HB 121 offered by the Senate Committee on Judiciary by striking in their entirety subsections (a) and (b) of Code Section 15-10-23, beginning on line 20 of Page 8 and continuing through line 19 of Page 9, which reads as follows:

“(a) Unless otherwise provided by local law, the chief magistrate of each county other than those counties where the probate judge serves as chief magistrate shall receive a minimum annual salary of the amount fixed in the following schedule:

Population	Minimum Salary
0— 5,999	\$ 5,925.00
6,000— 11,999	8,825.00
12,000— 19,999	10,065.00
20,000— 29,999	11,250.00
30,000— 39,999	13,365.00
40,000— 49,999	14,580.00
50,000— 99,999	15,480.00
100,000— 199,999	20,210.00
200,000— or more	26,550.00

The minimum salary for each affected magistrate shall be fixed from the above table according to the population of the county in which he serves as determined by the United States decennial census of 1980 or any future such census. The county governing authority may supplement the minimum annual salary of the chief magistrate in such amount as it may fix from time to time; but no chief magistrate's compensation or supplement shall be decreased during any term of office.

(b) Unless otherwise provided by local law, each magistrate other than the chief magistrate shall receive a minimum monthly salary of \$50.00 per month. The annual salary of each magistrate other than the chief magistrate may be supplemented by the county governing authority in such amount as it may fix from time to time; but no such magistrate's compensation or supplement shall be decreased during any term of office.”,

and inserting in lieu thereof new subsections (a) and (b) to read as follows:

“(a) Unless otherwise provided by local law, the chief magistrate of each county other than those counties where the probate judge serves as chief magistrate shall receive the same minimum annual salary and compensation as the judge of the probate court of such county. The chief magistrate of each county having a population of less than 6,000 according to the United States decennial census of 1980 or any future such census shall be paid on an hourly wage based on the minimum annual salary of the judge of the probate court of the county. The actual working hours of the chief magistrate of any county having a population of less than 6,000 according to the United States decennial census of 1980 or any future such census shall be set by the chief judge of the superior court of the judicial circuit in which the county is located. The governing authority of the county may supplement the minimum annual salary of the chief magistrate from time to time in such amount as it shall determine; but no chief magistrate's compensation or supplement shall be decreased during any term of office.

(b) Unless otherwise provided by local law, each magistrate other than the chief magistrate shall receive a minimum hourly wage based on an annual salary equal to 80 percent of the minimum annual salary of the judge of the probate court of the county. The working hours of these magistrates shall be set by the chief magistrate with the approval of the chief judge of the superior court of the judicial circuit in which the county is located. The annual salary of each magistrate other than the chief magistrate may be supplemented from time to time by the governing authority of the county in such amount as it shall determine; but no such magistrate's compensation or supplement shall be decreased during any term of office.”

On the adoption of the amendment, the yeas were 8, nays 30, and the amendment was lost.

Senator Land of the 16th moved that the Senate reconsider its action in defeating the amendment offered by Senator Land of the 16th to the substitute to HB 121 offered by the Senate Committee on Judiciary.

On the motion, Senator Hudgins of the 15th called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

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Barker	Fincher	Land
Brantley	Harrison	Phillips
Burton	Hine	Stumbaugh
Coverdell		

Those voting in the negative were Senators:

Allgood	Foster	McGill
Barnes	Garner	McKenzie
Bond	Gillis	Peevy
Bowen	Greene	Perry
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Holloway	Scott of 43rd
Cobb	Howard	Starr
Coggin	Hudgins	Tate
Coleman	Huggins	Thompson
Dawkins	Kennedy	Timmons
Deal	Kidd	Trulock
Dean	Lester	Turner
English	Littlefield	Walker
Ingram		

Those not voting were Senators:

Brannon	Horton	Tysinger
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On the motion, the yeas were 10, nays 43; the motion was lost, and the amendment offered by Senator Land of the 16th was not reconsidered.

On the adoption of the substitute, the yeas were 46; nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Bryant	Dawkins
Barker	Burton	Deal
Barnes	Cobb	Dean
Bond	Coggin	English
Brantley	Coleman	Ingram
Brown of 47th	Coverdell	Fincher

Foster	Hudgins	Scott of 2nd
Garner	Huggins	Scott of 36th
Gillis	Kennedy	Scott of 43rd
Greene	Kidd	Starr
Harris	Land	Stumbaugh
Harrison	Littlefield	Tate
Hill	McGill	Timmons
Hine	McKenzie	Trulock
Holloway	Peevy	Tysinger
Horton	Perry	Walker
Howard	Phillips	

Those voting in the negative were Senators:

Bowen	Lester	Turner
Broun of 46th	Thompson	

Not voting was Senator Brannon.

On the passage of the bill, the yeas were 50, nays 5.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

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

HB 530. By Representative Couch of the 40th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to application for homestead exemption in all counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census.

The House insists on its position in disagreeing to the Senate substitute and has

appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 327. By Representatives Ross of the 82nd, Murphy of the 18th, Mostiler of the 75th and others:

A bill to amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions under the "Georgia Administrative Procedure Act," so as to provide that the word "agency" shall mean and include the State Board of Education and the State Department of Education.

The Speaker has appointed on the part of the House:

Representatives Ross of the 82nd, Mostiler of the 75th and Kilgore of the 42nd.

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

SB 130. By Senator Kidd of the 25th:

A bill to amend Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds of insurance, limits of risks, and reinsurance, so as to change the provisions relating to property insurance.

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

HB 327. By Representatives Ross of the 82nd, Murphy of the 18th, Mostiler of the 75th and others:

A bill to amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions under the "Georgia Administrative Procedure Act," so as to provide that the word "agency" shall mean and include the State Board of Education and the State Department of Education.

Senator Dawkins of the 45th moved that the Senate adhere to the Senate substitute to HB 327, and that a Conference Committee be appointed.

On the motion, the yeas were 35, nays 1; the motion prevailed, and the Senate adhered to the Senate substitute to HB 327.

The President appointed as a Conference Committee on the part of the Senate the following: www.libtool.com.cn

Senators Dawkins of the 45th, Starr of the 44th and Foster of the 50th.

SB 154. By Senator Lester of the 23rd:

A bill to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants.

Senator Lester of the 23rd moved that the Senate adhere to its disagreement to the House substitute to SB 154, and that a Conference Committee be appointed.

On the motion, the yeas were 38, nays 0; the motion prevailed, and the Senate adhered to its disagreement to the House substitute to SB 154.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Lester of the 23rd, English of the 21st and Barker of the 18th.

SB 273. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Jones County; to provide for terms of office.

Senator Kidd of the 25th moved that the Senate adhere to its disagreement to the House amendment to SB 273, and that a Conference Committee be appointed.

On the motion, the yeas were 39, nays 0; the motion prevailed, and the Senate adhered to its disagreement to the House amendment to SB 273.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Kidd of the 25th, Walker of the 19th and Harris of the 27th.

The following local bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 287. By Senator Kidd of the 25th:

A bill to consolidate the offices of tax receiver and tax collector of Jones County into the office of tax commissioner of Jones County.

The House amendment was as follows:

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Amend SB 287 as follows:

By striking from line 26 on Page 2 the following:

“\$20,000.00”,

and inserting in lieu thereof the following:

“\$25,000.00”

By designating the present language of Section 5 where the same appears in lines 25 through 31 on Page 2 as subsection (a) of Section 5 and by adding at the end of Section 5 a new subsection (b) to read as follows:

“(b) Unless the governing authority of Jones County grants greater increases pursuant to subsection (a) of this section, on and after January 1, 1985, when the governing authority of Jones County grants a cost-of-living increase in the compensation of county employees, the average percentage by which the compensation of county employees is increased shall be applied to the then current salary of the tax commissioner, and the salary of said officer shall be increased by such average percentage.”

By inserting in line 31 on Page 3 between the word “three” and the word “full-time” the following:

“or four, at the discretion of the tax commissioner,”

Senator Kidd of the 25th moved that the Senate agree to the House amendment to SB 287.

On the motion, the yeas were 29, nays 1; the motion prevailed, and the Senate agreed to the House amendment to SB 287.

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

HB 325. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the “Child Support Recovery Act,” so as to clarify the procedure for acknowledging paternity.

Senator Bond of the 39th moved that the Senate insist upon the Senate amendment to HB 325.

On the motion, the yeas were 33, nays 0; the motion prevailed, and the Senate insisted upon the Senate amendment to HB 325.

SB 278. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into one office of tax commissioner of Cobb County, as amended, so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk.

Senator Harrison of the 37th moved that the Senate adhere to its disagreement to the House substitute to SB 278, and that a Conference Committee be appointed.

On the motion, the yeas were 32, nays 0; the motion prevailed, and the Senate adhered to its disagreement to the House substitute to SB 278.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Thompson of the 32nd, Harrison of the 37th and Brantley of the 56th.

SB 280. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act changing the boundaries of the seven education districts of the Cobb County School District, as amended, so as to change the provisions relating to the compensation of the chairman and other members of the board of education.

Senator Harrison of the 37th moved that the Senate adhere to its disagreement to the House substitute to SB 280, and that a Conference Committee be appointed.

On the motion, the yeas were 37, nays 0; the motion prevailed, and the Senate adhered to its disagreement to the House substitute to SB 280.

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The President appointed as a Conference Committee on the part of the Senate the following: www.libtool.com.cn

Senators Thompson of the 32nd, Harrison of the 37th and Brantley of the 56th.

SB 40. By Senators Hudgins of the 15th and Littlefield of the 6th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to define the crime of sexual assault; to define other terms; to provide penalties.

Senator Hudgins of the 15th moved that the Senate adhere to its disagreement to the House substitute to SB 40, and that a Conference Committee be appointed.

On the motion, the yeas were 29, nays 2; the motion prevailed, and the Senate adhered to its disagreement to the House substitute to SB 40.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Hudgins of the 15th, Kidd of the 25th and Thompson of the 32nd.

HB 365. By Representatives Horne of the 103rd, Dunn of the 73rd, Isakson of the 21st and others:

A bill to amend an Act entitled "An Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens," so as to change the effective date.

Senator Holloway of the 12th moved that the Senate insist upon Senate amendment No. 1 and recede from Senate amendment No. 2 to HB 365.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate insisted upon Senate amendment No. 1 and receded from Senate amendment No. 2 to HB 365.

The following bill of the Senate was taken up for the purpose of considering the House amendments thereto:

SB 215. By Senator Cobb of the 28th:

A bill to amend Chapter 48 of Title 43 of the Official Code of Georgia Annotated, known as "The Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers Registration Act," so as to change the definition of certain terms.

The House amendments were as follows:

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Amendment No. 1:

Amend SB 215 on Page 7, line 26, by inserting a period after the word "turpitude" and striking lines 27 through 34 in their entirety, and on Page 8 striking lines 1 through 4 in their entirety.

Amendment No. 2:

Amend SB 215 by adding in the title on line 10 of Page 1, immediately preceding the words "to provide", the following:

"to change the termination date of the State Board of Registration for Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers and the date of repeal of laws relating to such board;"

By renumbering Sections 7 and 8 on Pages 9 and 10 as Sections 8 and 9, respectively, and inserting a new Section 7 to read as follows:

"Section 7. Said chapter is further amended by striking in its entirety Code Section 43-48-21, relating to the termination date of the State Board of Registration for Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers, and inserting in lieu thereof a new Code Section 43-48-21 to read as follows:

'43-48-21. For the purposes of Chapter 2 of this title, "The Act Providing for the Review, Continuation, Reestablishment, or Termination of Regulatory Agencies," the State Board of Registration for Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers shall be terminated on July 1, 1989, and this chapter and any other laws relating to such board shall be repealed in their entirety effective on the date specified in Code Section 43-2-8.'"

Senator Cobb of the 28th moved that the Senate agree to the House amendments to SB 215.

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

Those voting in the affirmative were Senators:

Allgood	Coggin	Harris
Barker	Coleman	Harrison
Barnes	Deal	Hine
Bond	Dean	Holloway
Bowen	English	Horton
Brantley	Engram	Howard
Broun of 46th	Fincher	Huggins
Brown of 47th	Foster	Kennedy
Bryant	Garner	Kidd
Burton	Gillis	Land
Cobb	Greene	Lester

Littlefield	Scott of 2nd	Thompson
McGill	Scott of 36th	Timmons
McKenzie	Scott of 43rd	Trulock
Peevy	Starr	Turner
Perry	Stumbaugh	Tysinger
Phillips	Tate	Walker

Those not voting were Senators:

Brannon	Dawkins	Hudgins
Coverdell	Hill	

On the motion, the yeas were 51, nays 0; the motion prevailed, and the Senate agreed to the House amendments to SB 215.

The following bills of the House were taken up for the purpose of considering the House action thereon:

HB 245. By Representatives Shepard of the 71st, Johnson of the 70th, Parham of the 105th and Moore of the 139th:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to issuance of bad checks, so as to change certain penalties and a definition.

Senator Garner of the 30th moved that the Senate adhere to the Senate amendment to HB 245, and that a Conference Committee be appointed.

On the motion, the yeas were 29, nays 0; the motion prevailed, and the Senate adhered to the Senate amendment to HB 245.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Garner of the 30th, Kidd of the 25th and Hudgins of the 15th.

HB 460. By Representatives Adams of the 36th, Murphy of the 18th, Connell of the 87th and others:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to delete Chapter 14 thereof, relating to electrical contractors, plumbers, and conditioned air contractors, and reenact a new Chapter 14, relating to electrical contractors, plumbers, and conditioned air contractors.

Senator Tysinger of the 41st moved that the Senate insist upon the Senate amendment to HB 460.

On the motion, the yeas were 32, nays 0; the motion prevailed, and the Senate insisted upon the Senate amendment to HB 460.

The following bill of the House was taken up for the purpose of considering the House amendment to the Senate substitute thereto:

HB 219. By Representative Johnson of the 72nd:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement, so as to provide minimum funding standards for retirement or pension systems for employees and officials of the state of Georgia and its political subdivisions.

The House amendment was as follows:

Amend the substitute to HB 219 offered by the Senate by striking on Page 14, line 7, the word "actual" and inserting in lieu thereof the word "actuarial"

Senator Turner of the 8th moved that the Senate agree to the House amendment to the Senate substitute to HB 219.

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

Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barker	Fincher	McKenzie
Barnes	Garner	Peevy
Bond	Gillis	Perry
Bowen	Greene	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Bryant	Horton	Starr
Burton	Howard	Stumbaugh
Cobb	Hudgins	Tate
Coggin	Huggins	Thompson
Coleman	Kennedy	Timmons
Dawkins	Kidd	Trulock
Deal	Land	Turner
Dean	Lester	Walker
English	Littlefield	

Those not voting were Senators:

www.libtool.com.cn	Hill	Tysinger
Brannon	Holloway (excused	
Coverdell	conferee)	
Foster		

On the motion, the yeas were 50, nays 0; the motion prevailed, and the Senate agreed to the House amendment to the Senate substitute to HB 219.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 242. By Senator Barnes of the 33rd:

A bill to amend Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for public works, so as to limit the amount of retained amounts; to provide an effective date.

The House substitute to SB 242 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for public works, so as to limit the amount of retained amounts; 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 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for public works, is amended by striking in its entirety Code Section 13-10-20, relating to authorization and procedure for retention of contractual payments by state or political subdivisions, and inserting in lieu thereof a new Code Section 13-10-20 to read as follows:

“13-10-20. (a) Any department, agency, or instrumentality of the state or any political subdivision of the state is authorized to insert in the specifications of all contracts relating to the installation, extension, improvement, maintenance, or repair of any water or sewer facility a clause providing for the retention of amounts not exceeding 10 percent of the gross value of the completed work as may be provided for in the contract; provided, however, that no amounts shall be retained on estimates or progress payments submitted after 50 percent of the work on the project has been completed if in the opinion of the department, agency, or instrumentality of the state or any political subdivision thereof such work is satisfactory and has been completed on schedule. This will not affect the retained amounts on the first 50 percent of the work on the project which may continue to be held to ensure satisfactory completion of the project. If, after discontinuing the retention, the department, agency, or instrumentality of the state or any political subdivision thereof determines that

the work is unsatisfactory or has fallen behind schedule, retention may be resumed at the previous level.

(b) Final payment of the retained amounts to the contractor under the contract to which the retained amounts relate shall be made after certification by the engineer in charge of the project covered by the contract that the work has been satisfactorily completed and is accepted in accordance with the contract, plans, and specifications.”

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Barnes of the 33rd moved that the Senate agree to the House substitute to SB 242.

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

Those voting in the affirmative were Senators:

Barker	Fincher	McKenzie
Barnes	Foster	Peevy
Bowen	Garner	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Timmons
Dawkins	Kennedy	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	Walker
Engram	McGill	

Those not voting were Senators:

Allgood	Brannon	Greene
Bond	Gillis	Littlefield

On the motion, the yeas were 50, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 242.

Senator Kennedy of the 4th, President Pro Tempore, assumed the Chair.

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The following general bills of the House, favorably reported by the committee, were read the third time and put upon their passage:

HB 145. By Representatives Thomas of the 69th, Darden of the 20th, Karrh of the 109th and others:

A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for uniformity among the state courts with regard to certain aspects of such courts.

Senate Sponsor: Senator Deal of the 49th.

The Senate Committee on Judiciary offered the following substitute to HB 145:

A BILL TO BE ENTITLED AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for uniformity among the state courts with regard to certain aspects of such courts; to provide for legislative intent; to provide a definition; to provide for the creation of state courts; to provide for applicability; to provide for jurisdiction; to provide for the compensation, qualifications, and elections of judges and solicitors of state courts; to provide that state court judges shall be subject to discipline, removal, and involuntary retirement by the Judicial Qualifications Commission; to provide for filling vacancies; to provide for certain powers and duties of state court judges, retired state court judges, and judges emeritus of state courts; to provide for sessions of court; to provide for the rules of practice and procedure to be followed in state courts; to provide for certain powers of state courts; to provide for juries; to provide that an accused in criminal proceedings in state courts shall not have the right to indictment; to provide for certain aspects of the administrative operation of state courts; to provide for a bond for clerks of state courts; to provide for the continued applicability of certain provisions of local laws; to provide that state courts shall not be subject to Chapter 8 of Title 15; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. It is the intent of this Act to implement certain changes required by Article VI of the Constitution of the State of Georgia.

Section 2. Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking Chapter 7, relating to state courts of counties, in its entirety and substituting in lieu thereof a new Chapter 7 to read as follows:

“CHAPTER 7www.libtool.com.cn**ARTICLE 1**

15-7-1. As used in this chapter, the term ‘state court’ shall mean any court created pursuant to the provisions of this chapter or any court continued as a state court by Section X of Article VI of the Constitution of the State of Georgia.

15-7-2. The General Assembly may by local law create a state court in any county or counties of this state in which there is no state court, and such court shall be the ‘State Court of (whatever county or counties in which the court is located).’

15-7-3. This chapter shall apply to and govern all state courts; and, unless otherwise provided in this chapter, in all cases in which there is a conflict between this chapter and the local law creating the state court, this chapter shall take priority and shall be controlling.

15-7-4. Each state court shall have jurisdiction, within the territorial limits of the county or counties for which it was created and concurrent with the superior courts, over the following matters:

- (1) The trial of criminal cases below the grade of felony;
- (2) The trial of civil actions without regard to the amount in controversy, except those actions in which exclusive jurisdiction is vested in the superior courts;
- (3) The hearing of applications for and the issuance of arrest and search warrants;
- (4) The holding of courts of inquiry;
- (5) The punishment of contempts by fine not exceeding \$500.00 or by imprisonment not exceeding 20 days, or both; and
- (6) Review of decisions of other courts as may be provided by law.

ARTICLE 2

15-7-20. (a) The General Assembly shall by local law establish the number of judges for each state court and shall establish whether the judge or judges shall be full-time judges or part-time judges.

(b) Judges of the state court shall be elected by the qualified electors of the county or counties in which the court is located, shall be elected on a nonpartisan basis as provided by law, and shall serve for a term of four years.

(c) Elections shall be held at the general election in the year in which the incumbent’s term expires, and judges so elected shall take office on the first day of January following such election. The judges of the state courts shall be commissioned by the Governor and, before entering office, shall take the same oaths which judges of the superior courts must take.

15-7-21. (a) Each judge of the state court shall have been a resident of the geographic area in which he is selected to serve for three years next preceding the beginning of his term of office, shall as of such date be at least 25 years of age, and shall have been admitted to practice law for five years.

(b) A full-time judge of the state court may not engage in the private practice of law. A part-time judge of the state court may engage in the private practice of law in other courts but may not practice in his own court or appear in any matter as to which that judge has exercised any jurisdiction.

(c) Judges of the state courts shall be subject to discipline, removal, and involuntary retirement by the Judicial Qualifications Commission.

15-7-22. Judges of the state courts shall be compensated from county funds as provided by local law. The county governing authority is authorized to supplement the compensation thus fixed to be paid to the judges of the state court of that county.

15-7-23. In the event of a vacancy in the office of judge of the state court for any reason except the expiration of the term of office, the Governor shall appoint a qualified person who shall serve as provided in Paragraphs III and IV of Section VII of Article VI of the Constitution.

15-7-24. (a) Unless otherwise provided by local law, there shall be a solicitor of each state court who shall be elected for a four-year term. The solicitors of the state courts shall be commissioned by the Governor and, before entering office, shall take the same oath which district attorneys of superior courts must take. Local law may provide for the number, selection, and salaries of assistant solicitors. An assistant district attorney may also serve as solicitor if local legislation so provides.

(b) Each solicitor of the state court shall have been a resident of the geographic area in which he is selected to serve for one year next preceding the beginning of his term of office, shall as of such date be at least 25 years of age, and shall have been admitted to practice law for three years.

(c) The General Assembly, by local law, shall determine whether the solicitor shall be a full-time or part-time solicitor. A full-time solicitor of the state court or any of his full-time employees may not engage in the private practice of law. A part-time solicitor of the state court may engage in the private practice of law but may not practice in his own court, or appear in any matter as to which that solicitor has exercised jurisdiction.

(d) Solicitors of state courts shall be compensated from county funds as provided by local law. The county governing authority is authorized to supplement the compensation thus fixed to be paid to the solicitor of the state court of that county.

(e) In the event of a vacancy in the office of solicitor of the state court for any reason except the expiration of the term of office, the Gov-

ernor shall appoint a qualified person who shall serve as provided in Paragraphs III and IV of Section VII of Article VI of the Constitution.

15-7-25. (a) Except as otherwise provided in the Constitution of this state, a retired judge or judge emeritus of a state court shall be authorized to serve as judge of a state court upon the call of the judge of such court. When serving in such capacity, the retired judge or judge emeritus of the state court shall exercise the same jurisdiction, power, and authority as the regular judge of the court, as provided by general or local law.

(b) A retired judge or a judge emeritus of a state court shall be vested with the same authority as an active judge of this state for the purpose of performing marriage ceremonies.

(c) Except as otherwise provided in the Constitution of this state, a judge of a state court shall be authorized to serve as judge of any other state court, but only upon the call of the judge of such other state court. When serving in a state court other than his own, the judge shall exercise the same jurisdiction, power, and authority as the regular judge of the court, as provided by general or local law.

ARTICLE 3

15-7-40. The courts governed by this chapter shall be deemed always open for the disposition of matters properly cognizable by them; however, all trials on the merits shall be conducted at trial terms regularly prescribed by local laws, as now or hereafter amended, creating the individual courts.

15-7-41. The state courts shall be courts of record and shall have a seal; and the minutes, records, and other books and files that are required by law to be kept for the superior courts shall, in the same manner, so far as the jurisdiction of state courts may render necessary, be kept in and for such courts.

15-7-42. All trials on the merits shall be conducted in open court and, so far as convenient, in a regular courtroom. All other proceedings, hearings, and acts may be done or conducted by a judge in chambers and in the absence of the clerk or other court officials. The judge of the court may hear motions and enter interlocutory orders in all cases pending in the court over which he presides, in open court or in chambers.

15-7-43. (a) The general laws and rules of appellate practice and procedure which are applicable to cases appealed from the superior courts of this state shall be applicable to and govern appeals from the state courts.

(b) The general laws and rules of practice, pleading, procedure, and evidence which are applicable to the superior courts of this state shall be applicable to and govern in the state courts.

(c) The general laws and rules applicable to the execution and enforcement of judgments in the superior courts of this state shall be applicable to and govern in the state courts.

15-7-44. (a) Procedure in attachment cases shall be subject to Chapter 3 of Title 18.

(b) Procedure in garnishment cases shall be subject to Chapter 4 of Title 18.

15-7-45. All laws with reference to the number, composition, qualifications, impaneling, challenging, and compensation of jurors in superior courts shall apply to and be observed by state courts, except where in conflict with the terms of the Act creating such courts.

15-7-46. The accused in criminal proceedings in a state court shall not have the right to indictment by the grand jury of the county.

15-7-47. (a) Court reporting personnel shall be made available for the reporting of civil and criminal trials in state courts, subject to the laws governing same in the superior courts of this state.

(b) Reporting of any trial may be waived by consent of the parties.

(c) Appointment of a reporter or reporters for court proceedings in each court shall be made by the judge thereof; the compensation and allowances of reporters for the courts shall be paid by the county governing authority and shall be the same as that for reporters of the superior courts of this state.

15-7-48. Any person who serves as a clerk of any state court, as a qualification of holding his office, shall execute bond in the sum of \$25,000.00 for the faithful performance of his duties as clerk, which amount may be increased by local Act. However, any clerk of a superior court who is also serving as clerk of a state court shall not be required to post a bond under this Code section; the bond given by the clerk of the superior court for the faithful performance of his duties shall also be conditioned on his faithful performance of his duties as clerk of the state court.

ARTICLE 4

15-7-60. This chapter is not intended to repeal any local law creating a state court; and, to the extent any such local law does not conflict with the provisions of this chapter, such local law shall remain in full force and effect.

15-7-61. Courts which come under this chapter shall not be subject to Chapter 8 of this title."

Section 3. This Act shall become effective on July 1, 1983.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senators Peevy of the 48th and Dawkins of the 45th offered the following amendment:

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Amend the substitute to HB 145 offered by the Senate Committee on Judiciary by striking from lines 11 and 12, Page 4, the following:

“by the Judicial Qualifications Commission”

and inserting in lieu thereof the following:

“pursuant to Article VI, Section VII, Paragraphs VI and VII of the Constitution of the State of Georgia.”

On the adoption of the amendment, the yeas were 30, nays 1, and the amendment was adopted.

On the adoption of the substitute, the yeas were 33, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barnes	Fincher	McKenzie
Bond	Foster	Peevy
Bowen	Garner	Perry
Brantley	Gillis	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Howard	Thompson
Coverdell	Hudgins	Timmons
Dawkins	Huggins	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	Walker

Those not voting were Senators:

Barker	Greene	Littlefield
Brannon	Harrison	Starr (excused)
Coleman	Kennedy (presiding)	conferee)

On the passage of the bill, the yeas were 48, nays 0.

The bill, having received the requisite constitutional majority, was passed by substitute. www.libtool.com.cn

HB 374. By Representatives Snow of the 1st, Karrh of the 109th, Ginsberg of the 122nd and others:

A bill to provide for legislative intent; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions regarding the General Assembly, so as to define "population bill" and to prohibit the General Assembly from passing any population bill, with certain exceptions.

Senate Sponsor: Senator Hine of the 52nd.

Senator Scott of the 43rd offered the following amendment:

Amend HB 374 by adding on Page 3, after line 4, a new subparagraph 7 to read as follows:

"(7) A bill having an unincorporated population more than a specified population."

On the adoption of the amendment, the yeas were 27, nays 9, and the amendment was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barnes	Fincher	McKenzie
Bond	Foster	Peevy
Bowen	Garner	Perry
Brantley	Gillis	Phillips
Broun of 46th	Greene	Scott of 2nd
Brown of 47th	Harris	Scott of 36th
Bryant	Hill	Scott of 43rd
Burton	Hine	Starr
Cobb	Holloway	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Hudgins	Timmons
Dawkins	Huggins	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	Walker

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Those not voting were Senators:

Barker
Brannon

Harrison
Kennedy (presiding)

Littlefield

On the passage of the bill, the yeas were 51, nays 0.

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

Senator Kennedy of the 4th, President Pro Tempore, who was presiding, announced that the Senate would stand in recess from 12:30 o'clock P.M. until 2:00 o'clock P.M.

At 2:00 o'clock P.M., the President called the Senate to order.

The following resolutions of the Senate were read and adopted:

SR 229. By Senator Dean of the 31st:

A resolution commending the Jaycees of Bremen, Georgia.

SR 230. By Senator Dean of the 31st:

A resolution commending the Pilot Club of Bremen, Georgia.

SR 231. By Senator Dean of the 31st:

A resolution commending the Lions Club of Bremen, Georgia.

SR 232. By Senator Dean of the 31st:

A resolution commending the VFW of Bremen, Georgia.

SR 233. By Senator Dean of the 31st:

A resolution commending the Sorosis Club of Bremen, Georgia.

SR 234. By Senator Dean of the 31st:

A resolution commending the Cedar Valley Shrine Club.

SR 235. By Senator Dean of the 31st:

A resolution commending the Lions Club of Cartersville, Georgia.

SR 236. By Senator Dean of the 31st:

A resolution commending the Dallas Woman's Club of Dallas, Georgia.

SR 237. By Senator Dean of the 31st:

A resolution commending the Woman's Club of Rockmart, Georgia.

SR 238. By Senator Dean of the 31st:

A resolution commending the American Legion Auxiliary of Rockmart, Georgia.

SR 239. By Senator Dean of the 31st:

A resolution commending the Order of the Rebeccas of Rockmart, Georgia.

SR 240. By Senator Dean of the 31st:

A resolution commending the Rotary Club of Rockmart, Georgia.

SR 241. By Senator Dean of the 31st:

A resolution commending the Lions Club of Rockmart, Georgia.

SR 242. By Senator Dean of the 31st:

A resolution commending the Order of Eastern Star of Rockmart, Georgia.

SR 243. By Senator Dean of the 31st:

A resolution commending the Junior Chamber of Commerce of Rockmart, Georgia.

SR 244. By Senator Dean of the 31st:

A resolution commending the Order of the Odd Fellows of Rockmart, Georgia.

SR 245. By Senator Dean of the 31st:

A resolution commending the Kiwanis Club of Rockmart, Georgia.

SR 246. By Senator Dean of the 31st:

A resolution commending American Legion Post #12 of Rockmart, Georgia.

SR 247. By Senator Dean of the 31st:

A resolution commending the Paulding County Ruritan Club.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 424. By Representatives Snow of the 1st, Evans of the 84th, Lawson of the 9th and Lambert of the 66th:

A bill to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to provide for the exercise of the powers of an elected constitutional executive office during the period of temporary disability of the person holding such office.

Senate Sponsor: Senator Greene of the 26th.

The Senate Committee on Judiciary and Constitutional Law offered the following substitute to HB 424:

A BILL TO BE ENTITLED AN ACT

To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to provide for the exercise of the powers of an elected constitutional executive office during the period of temporary disability of the person holding such office; to provide for intent; to provide for the appointment and confirmation of persons exercising the powers of certain elected constitutional executive officers during periods of temporary disability of such officers; to provide procedures for the determination of temporary disability of elected constitutional executive officers and when such disability has ended; to provide for the compensation of persons exercising the powers of an elected constitutional executive office during the period of temporary disability of the person holding such office; to prohibit an elected constitutional executive officer from receiving the compensation for such office during periods of temporary disability under certain circumstances; to repeal Article 3 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to removal of the Attorney General for incapacity; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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Section 1. It is the intent of this Act to implement certain changes required by Article V, Section IV, Paragraph III of the Constitution of the State of Georgia.

Section 2. Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by adding between Chapters 5 and 6 a new chapter, to be designated Chapter 5A, to read as follows:

“CHAPTER 5A

45-5A-1. If, after hearing the evidence on the disability of an elected constitutional executive officer pursuant to Article V, Section IV of the Constitution of Georgia, the Supreme Court determines that such officer has a temporary disability, such court shall certify to the elected constitutional executive officers filing the petition that such executive officer has a temporary disability which prevents such officer from performing the duties of office.

45-5A-2. In case of the temporary disability of the Governor, the Lieutenant Governor shall exercise the powers and duties of the Governor as provided in Article V, Section I, Paragraph V of the Constitution of Georgia until such time as the temporary disability of the Governor ends. The Lieutenant Governor shall receive the same compensation as the Governor until such time as the temporary disability of the Governor ends.

45-5A-3. In case of the temporary disability of the Lieutenant Governor, the President Pro Tempore of the Senate shall exercise the powers and duties of the Lieutenant Governor and receive the same compensation as the Lieutenant Governor until such time as the temporary disability of the Lieutenant Governor ends.

45-5A-4. (a) In case of the temporary disability of the Secretary of State, the Attorney General, the State School Superintendent, the Insurance Commissioner, the Commissioner of Agriculture, or the Commissioner of Labor, the Governor shall appoint a person to perform the duties of such elected constitutional executive officer until such time as the temporary disability of such officer ends.

(b) The person appointed to perform the duties of an elected constitutional executive officer as provided in subsection (a) of this Code section shall have the qualifications to hold such office, shall give bond with good security if required of a person elected to such office, and shall take the oath of office. The person appointed to serve in the office of an incapacitated elected constitutional executive officer named in subsection (a) of this Code section shall be subject to the confirmation of the Senate if the Senate is in session at the time of his appointment or convenes in session prior to the expiration of his appointment. Any such appointment made at times when the Senate is not in session shall be effective ad interim. The person appointed to perform the duties of an elected constitutional executive officer shall be authorized to perform every act and exercise every prerogative and discretion that a person holding such office is authorized to perform or exercise under existing law. Such person shall

be entitled to receive the compensation as may be provided by law for such office during the period of incapacity of the elected constitutional executive officer.

45-5A-5. (a) The Supreme Court shall determine when the temporary disability of an elected constitutional executive officer has ended and when the officer shall resume the exercise of the powers of office. The Supreme Court may hold hearings for such purpose.

(b) Upon the Supreme Court certifying that the disability of an elected constitutional executive officer has ended, the appointment of the person performing the duties of such officer shall terminate. The elected constitutional executive officer shall thereafter assume and perform the duties of his office.

45-5A-6. Whenever an elected constitutional executive officer is unable to exercise the duties of office due to a temporary disability and another person exercises the duties of office as provided in this chapter, during the period of disability the elected constitutional executive officer shall be entitled to receive the compensation as may be provided by law for such office."

Section 3. Article 3 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to removal of the Attorney General for incapacity, is repealed in its entirety.

Section 4. This Act shall become effective July 1, 1983.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the President ordered a roll call, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Fincher	Peevy
Bond	Harris	Perry
Broun of 46th	Hine	Phillips
Brown of 47th	Howard	Scott of 2nd
Bryant	Hudgins	Scott of 43rd
Burton	Huggins	Stumbaugh
Cobb	Kennedy	Thompson
Coggin	Kidd	Trulock
Coverdell	Land	Turner
Dawkins	Littlefield	Tysinger
Deal	McKenzie	Walker
Dean		

Those not voting were Senators:

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Allgood	Foster	Horton
Barker	Garner	Lester
Bowen	Gillis	McGill
Brannon	Greene	Scott of 36th
Brantley	Harrison	Starr (excused
Coleman	Hill	conferee)
English	Holloway (excused	Tate
Ingram	conferee)	Timmons

On the adoption of the substitute, the yeas were 34, nays 0, and the 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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Fincher	Peevy
Bond	Foster	Perry
Broun of 46th	Garner	Phillips
Brown of 47th	Harris	Scott of 2nd
Bryant	Hine	Scott of 36th
Burton	Howard	Scott of 43rd
Cobb	Hudgins	Stumbaugh
Coggin	Huggins	Thompson
Coleman	Kennedy	Trulock
Coverdell	Kidd	Turner
Dawkins	Land	Tysinger
Deal	Littlefield	Walker
Dean	McKenzie	

Those not voting were Senators:

Allgood	Gillis	Lester
Barker	Greene	McGill
Bowen	Harrison	Starr (excused
Brannon	Hill	conferee)
Brantley	Holloway (excused	Tate
English	conferee)	Timmons
Ingram	Horton	

On the passage of the bill, the yeas were 38, nays 0.

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

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 265. By Senator Hine of the 52nd:

A bill to incorporate the City of Adairsville in the County of Bartow and to provide a charter therefor.

The House amendment was as follows:

Amend SB 265 by striking from line 12 of Page 7 the following:

“charge”,

and inserting in its place the following:

“change”

Senator Hine of the 52nd moved that the Senate agree to the House amendment to SB 265.

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

Those voting in the affirmative were Senators:

Barnes	Foster	Peevy
Broun of 46th	Garner	Perry
Brown of 47th	Harris	Phillips
Bryant	Hine	Scott of 36th
Burton	Howard	Scott of 43rd
Cobb	Hudgins	Stumbaugh
Coggin	Huggins	Tate
Coleman	Kennedy	Thompson
Coverdell	Kidd	Trulock
Deal	Land	Turner
Dean	Littlefield	Tysinger
Fincher	McKenzie	Walker

Those not voting were Senators:

Allgood	Engram	Horton
Barker	Gillis	Lester
Bond	Greene	McGill
Bowen	Harrison	Scott of 2nd
Brannon	Hill	Starr (excused
Brantley	Holloway (excused	conferee)
Dawkins	conferee)	Timmons
English		

On the motion, the yeas were 36, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 265.

The following bill of the Senate was taken up for the purpose of considering the House amendments thereto:

SB 206. By Senator Kidd of the 25th:

A bill to amend Article 4 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to participation of probationers in community service programs, so as to provide that services as a live-in attendant for a disabled person shall constitute community service under certain conditions.

The House amendments were as follows:

Amendment No. 1:

Amend SB 206 by striking from line 19 of Page 3 the following:

“shall”,

and inserting in lieu thereof the following:

“may”

Amendment No. 2:

Amend SB 206 as follows:

On line 20, Page 3, change the word “earned” to “good”,

and

On line 19, Page 3, change the word “shall” to “may”

Amendment No. 3:

Amend SB 206 by adding after the first semicolon on line 12 of Page 1 the following:

“to provide an effective date;”

By renumbering Section 4 as Section 5 and adding a new Section 4 to read as follows:

“Section 4. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.”

Senator Kidd of the 25th moved that the Senate agree to the House amendments to SB 206.

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

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Those voting in the affirmative were Senators:

Barnes	Fincher	Littlefield
Bond	Foster	McKenzie
Brantley	Garner	Peavy
Broun of 46th	Harris	Perry
Brown of 47th	Hine	Scott of 36th
Burton	Howard	Scott of 43rd
Cobb	Hudgins	Stumbaugh
Coggin	Huggins	Tate
Coleman	Kennedy	Thompson
Coverdell	Kidd	Trulock
Deal	Land	Tysinger
Dean	Lester	Walker
Engram		

Those not voting were Senators:

Allgood	Gillis	McGill
Barker	Greene	Phillips
Bowen	Harrison	Scott of 2nd
Brannon	Hill	Starr (excused
Bryant	Holloway (excused	conferee)
Dawkins	conferee)	Timmons
English	Horton	Turner

On the motion, the yeas were 37, nays 0; the motion prevailed, and the Senate agreed to the House amendments to SB 206.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 241. By Senator Stumbaugh of the 55th:

A bill to amend Code Section 33-6-5 of the Official Code of Georgia Annotated, relating to unfair methods of competition and unfair and deceptive acts or practices, so as to provide that no insurance company, when selling salvage motor vehicles, major component parts, or parts, shall sell to a used motor vehicle parts dealer, motor vehicle dismantler, motor vehicle rebuilder, salvage pool dealer, or salvage dealer who is not licensed under Chapter 48 of Title 43.

The House amendment was as follows:

Amend SB 241 as follows:

Delete Section 2 in its entirety and insert in lieu thereof:

“Section 2. This Act shall become effective on January 1, 1984.”

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Senator Stumbaugh of the 55th moved that the Senate agree to the House amendment to SB 241.

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

Those voting in the affirmative were Senators:

Barnes	Foster	Peevy
Bond	Harris	Perry
Bowen	Harrison	Phillips
Broun of 46th	Hine	Scott of 36th
Brown of 47th	Howard	Scott of 43rd
Burton	Hudgins	Stumbaugh
Coggin	Huggins	Tate
Coverdell	Kennedy	Thompson
Dawkins	Kidd	Trulock
Deal	Land	Turner
Dean	Lester	Tysinger
Engram	Littlefield	Walker
Fincher	McKenzie	

Voting in the negative was Senator Brantley.

Those not voting were Senators:

Allgood	Garner	Horton
Barker	Gillis	McGill
Brannon	Greene	Scott of 2nd
Bryant	Hill	Starr (excused
Cobb	Holloway (excused	conferee)
Coleman	conferee)	Timmons
English		

On the motion, the yeas were 38, nays 1; the motion prevailed, and the Senate agreed to the House amendment to SB 241.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 130. By Senator Kidd of the 25th:

A bill to amend Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds of insurance, limits of risks, and reinsurance, so as to change the provisions relating to property insurance.

The House substitute to SB 130 was as follows:

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**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds of insurance, limits of risks, and reinsurance, so as to change the provisions relating to property insurance; to provide that property insurance shall also include any contract, agreement, or instrument whereby a person assumes the risk of and the expense or portion thereof for the cost of repair or replacement of a product if such contract, agreement, or instrument is made by a person other than the manufacturer in exchange for a separately stated charge or the cost of the contract or contracts is included on a nonidentifiable basis in the cost of the product sold in conjunction therewith; to provide an exception; to require certain provisions in contracts of property insurance; to provide for the cancellation of contracts, agreements, or instruments for failure of the holder to pay the consideration due therefor; to provide for refunds upon cancellation of a contract, agreement, or instrument by the holder; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds of insurance, limits of risks, and reinsurance, is amended by striking in its entirety Code Section 33-7-6, relating to property insurance, and inserting in lieu thereof a new Code Section 33-7-6 to read as follows:

“33-7-6. (a) Property insurance is insurance on real or personal property of every kind and interest therein against loss or damage from any or all hazard or cause and against loss consequential upon such loss or damage other than noncontractual legal liability for any such loss or damage. Property insurance shall also include miscellaneous insurance as defined in paragraph (11) of Code Section 33-7-3, except as to any noncontractual liability coverage includable therein.

(b) Property insurance also includes:

(1) Any contract, agreement, or instrument whereby a person assumes the risk of and the expense or portion thereof for the mechanical breakdown or mechanical failure of a motor vehicle and shall include those agreements commonly known as vehicle service agreements or extended warranty agreements, if made by a person other than the motor vehicle manufacturer in exchange for a separately stated charge or the cost of the contract or contracts is included on a nonidentifiable basis in the cost of a motor vehicle sold in conjunction therewith, except that this provision shall not apply to an agreement underwritten by an insurer licensed to transact insurance in this state, either directly or through a reinsurance contract;

(2) Any contract, agreement, or instrument whereby a person assumes the risk of and the expense or portion of such expense for the structural or mechanical breakdown, loss of, or damage to a one- or two-

family residential building structure or any part thereof from any cause, including loss of or damage to or loss of use of the building structure or major components thereof which are attached to and become a part of said structure by reason of depreciation, deterioration, wear and tear, use, obsolescence or breakage, if made by a person other than the constructing contractor or manufacturer of the building structure or part thereof in exchange for a separately stated charge or the cost of the contract or contracts is included on a nonidentifiable basis in the cost of such building structure sold in conjunction therewith, except that this provision shall not apply to an agreement underwritten by an insurer licensed to transact insurance in this state, either directly or through a reinsurance contract; or

(3) Any contract, agreement, or instrument, other than an agreement, contract, or instrument covered by paragraphs (1) and (2) of this subsection whereby a person assumes the risk of and the expense or portion thereof for the cost of repair or replacement of a product if such contract, agreement, or instrument is made by a person other than the manufacturer in exchange for a separately stated charge or the cost of the contract or contracts is included on a nonidentifiable basis in the cost of the product sold in conjunction therewith, except that this provision shall not apply to an agreement underwritten by an insurer licensed to transact insurance in this state, either directly or through a reinsurance contract or to any contract, agreement, or instrument relating to similar services furnished by any air carrier that provides interstate air transportation.

(c) (1) Any contract, agreement, or instrument, as defined in paragraphs (1), (2), and (3) of subsection (b) of this Code section, shall state the name and address of the licensed insurer which has underwritten the contract, agreement, or instrument, either directly or through a reinsurance contract.

(2) In the event a contract, agreement, or instrument is issued by a party other than an insurer so that the holder thereof, in the first instance, must make a claim or request for refund pursuant to paragraph (3) of this subsection against a party other than the insurer, the contract, agreement, or instrument shall provide that the holder shall be entitled to make a direct claim against the insurer upon the failure of the issuer to pay any claim or to refund the consideration paid by the holder for the contract, agreement, or instrument within 60 days after proof of loss has been filed with the issuer.

(3) The contract, agreement, or instrument shall be noncancelable by the issuer except for fraud, material misrepresentation, or failure to pay the consideration due therefor. The cancellation shall be in writing and shall conform to the requirements of Code Section 33-24-44. The holder may cancel at any time upon demand and surrender of the contract, agreement, or instrument whereupon the issuer shall refund the excess of the consideration paid for the contract, agreement, or instrument above the customary short rate for the expired term of the contract, agreement, or instrument."

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Kidd of the 25th moved that the Senate agree to the House substitute to SB 130.

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

Those voting in the affirmative were Senators:

Barnes	Engram	McKenzie
Bond	Fincher	Peevy
Bowen	Foster	Perry
Brantley	Garner	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Stumbaugh
Cobb	Hudgins	Tate
Coggin	Huggins	Thompson
Coleman	Kennedy	Trulock
Coverdell	Kidd	Turner
Dawkins	Land	Tysinger
Deal	Lester	Walker
Dean	Littlefield	

Those not voting were Senators:

Allgood	Greene	McGill
Barker	Hill	Starr (excused)
Brannon	Horton	conferee)
English	Howard	Timmons
Gillis		

On the motion, the yeas were 44, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 130.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 249. By Senators Harris of the 27th, Greene of the 26th, Cobb of the 28th and others:

A bill to amend Code Section 15-9-13 of the Official Code of Georgia Annotated, relating to proceedings when a probate judge is disqualified or unable to act, so as to provide that any probate judge may appoint an attorney to act in place of the judge; to provide an effective date.

The House amendment was as follows:

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Amend SB 249 by adding after the first semicolon on line 5 of Page 1 the following:

“to amend Code Section 15-9-2, relating to eligibility and disabilities of probate judges, so as to change the eligibility requirements of probate judges in certain counties under certain conditions;”

By striking Sections 2 and 3 and inserting new Sections 2, 3, and 4 to read as follows:

“Section 2. Code Section 15-9-2, relating to eligibility and disability of probate judges, is amended by adding a new subsection (c) to read as follows:

‘(c) In all counties of this state which have a population of 550,000 or more according to the United States decennial census of 1980 or any future such census a chief deputy clerk of the probate court having served as chief deputy clerk for more than two years shall be eligible to fill a vacancy in the office of probate judge for the remainder of the unexpired term without regard to whether such chief deputy clerk meets any residency requirements otherwise imposed by law if the chief deputy clerk becomes a resident of the county before taking office as probate judge. Any probate judge taking office as authorized by the preceding sentence shall thereafter be eligible to succeed himself or herself so long as he or she remains a resident of the county.’

Section 3. Section 2 of this Act shall become effective July 1, 1983, and all other provisions of this Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.”

Senator Harris of the 27th moved that the Senate agree to the House amendment to SB 249.

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

Those voting in the affirmative were Senators:

Barnes	Dawkins	Holloway
Bond	Deal	Howard
Bowen	Dean	Huggins
Brantley	Engram	Kennedy
Broun of 46th	Fincher	Kidd
Bryant	Foster	Land
Burton	Garner	Lester
Coggin	Harris	McKenzie
Coleman	Harrison	Peevy
Coverdell	Hine	Perry

Phillips
 Scott of 36th
 Scott of 43rd
 Stumbaugh

Tate
 Thompson
 Trulock

Turner
 Tysinger
 Walker

Those not voting were Senators:

Allgood
 Barker
 Brannon
 Brown of 47th
 Cobb
 English

Gillis
 Greene
 Hill
 Horton
 Hudgins
 Littlefield

McGill
 Scott of 2nd
 Starr (excused
 conferee)
 Timmons

On the motion, the yeas were 40, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 249.

The following bill of the Senate was taken up for the purpose of considering the Conference Committee report thereon:

SB 32. By Senator Kidd of the 25th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to minimum salaries for judges of the probate courts.

The Conference Committee report on SB 32 was as follows:

The Conference Committee on SB 32 recommends that the Senate recede from its position on the House Committee on Judiciary amendment, the House recede from its position on the Moore amendment, and the House and Senate both recede from their positions on the Brown amendment and that the attached Conference Committee substitute to SB 32 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Glenn E. Bryant
 Senator, 3rd District

/s/ Render Hill
 Senator, 29th District

/s/ Culver Kidd
 Senator, 25th District

FOR THE HOUSE
 OF REPRESENTATIVES:

/s/ Henry Bostick
 Representative, 138th District

/s/ Denmark Groover, Jr.
 Representative, 99th District

/s/ James C. Moore
 Representative, 139th District

Conference Committee substitute to SB 32:

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**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to change the provisions relating to minimum salaries for judges of the probate courts; to provide that in certain counties military personnel shall not be counted in determining the population of the county; to change the provisions relating to supplements to the minimum salaries of the judges of the probate courts; 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 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, is amended by striking in its entirety Code Section 15-9-63, relating to minimum salaries for judges of the probate courts, and inserting in lieu thereof a new Code Section 15-9-63 to read as follows:

“15-9-63. (a) Any other laws to the contrary notwithstanding, the minimum annual salary of each judge of the probate court in this state shall be fixed according to the population of the county in which he serves, as determined by the United States decennial census of 1970 or any future such census; provided, however, that, in the event the population of a county according to the United States decennial census of 1980 or any future such census is less than its population according to the United States decennial census of 1970, the population bracket under which any such county falls for the purposes of this Code section shall be determined according to the United States decennial census of 1970. Each such judge of the probate court shall receive an annual salary, payable in equal monthly installments from the funds of his county, of not less than the amount fixed in the following schedule:

Population	Minimum Salary
0— 5,999	\$ 9,085.00
6,000— 11,999	13,535.00
12,000— 19,999	15,567.00
20,000— 29,999	17,700.00
30,000— 39,999	20,493.00
40,000— 49,999	22,356.00
50,000— 99,999	24,355.00
100,000— 199,999	30,992.00
200,000— 294,999	38,745.00
295,000 or more	42,500.00

(b) In any county in which more than 70 percent of the population of the county according to the United States decennial census of 1980 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for purposes of subsection (a) of this Code section shall be

deemed to be the total population of the county minus the population of the county which resides on property of the United States government.”

Section 2. Said chapter is further amended by striking in its entirety Code Section 15-9-64, relating to supplements to the minimum salaries of judges of the probate courts, and inserting in lieu thereof a new Code Section 15-9-64 to read as follows:

“15-9-64. The amount of minimum salary provided in Code Section 15-9-63 for the judges of the probate courts of any county presently on a salary who also hold and conduct elections or are responsible for conducting elections for members of the General Assembly under any applicable general or local law of this state shall be increased by \$150.00 per month. The amount of the minimum salary provided in Code Section 15-9-63 for the judges of the probate courts on a salary who are responsible for traffic cases under any general or local law of this state shall also be increased by \$200.00 per month.”

Section 3. This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Kidd of the 25th moved that the Senate adopt the Conference Committee report on SB 32.

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

Those voting in the affirmative were Senators:

Barnes	Engram	Peevy
Bond	Foster	Perry
Bowen	Garner	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Bryant	Holloway	Stumbaugh
Burton	Horton	Tate
Cobb	Howard	Timmons
Coggin	Kennedy	Trulock
Coverdell	Kidd	Turner
Dawkins	Land	Tysinger
Deal	Lester	Walker
Dean	McKenzie	

Voting in the negative was Senator Thompson.

Those not voting were Senators:

Allgood	Brannon	English
Barker	Coleman	Fincher

Gillis
Greene
Hill

Hudgins
Huggins
Littlefield

McGill
Starr (excused
conferee)

On the motion, the yeas were 41, nays 1; the motion prevailed, and the Senate adopted the Conference Committee report on SB 32.

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

HB 129. By Representative Birdsong of the 104th:

A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis.

Senator Howard of the 42nd moved that the Senate adhere to the Senate amendment to HB 129, and that a Conference Committee be appointed.

On the motion, the yeas were 32, nays 1; the motion prevailed, and the Senate adhered to the Senate amendment to HB 129.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Howard of the 42nd, Kennedy of the 4th and Trulock of the 10th.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 199. By Senators Coggin of the 35th, Scott of the 43rd, Engram of the 34th and others:

A bill to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide for the "Georgia Motor Vehicle Franchise Practices Act"; to provide for general provisions.

The House substitute to SB 199 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide for the

“Georgia Motor Vehicle Franchise Practices Act”; to provide for general provisions; to provide for legislative findings; to provide definitions; to provide for civil actions for violations; to provide for application of the article; to provide for a statute of limitations; to provide that the remedies contained in the article are not exclusive remedies; to provide for the “Georgia Motor Vehicle Dealer’s Day in Court Act”; to provide that franchisors must act in good faith in their dealings with dealers; to provide for the “Motor Vehicle Warranty Practices Act”; to provide for warranty and predelivery obligations; to provide for liability for transportation damages; to provide for payment of certain attorney’s fees; to provide for the “Motor Vehicle Franchise Continuation and Succession Act”; to provide for termination, cancellation, and nonrenewal rights in a motor vehicle franchise; to provide for survivorship and succession rights in a motor vehicle franchise; to provide for ownership and management protections for motor vehicle dealers; to provide for the “Motor Vehicle Fair Practices Act”; to provide for restrictions against unfair trade practices; to provide for burdens of proof; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by adding at the end thereof a new Article 22 to read as follows:

“ARTICLE 22

Part 1

10-1-620. This article shall be known and may cited as the ‘Georgia Motor Vehicle Franchise Practices Act.’

10-1-621. The General Assembly finds and declares that:

(1) The distribution and sale of motor vehicles within this state are vital to the general economy of this state and to the public interest and public welfare;

(2) The provision for warranty service and the repair of predelivery transportation damages to motor vehicles is of substantial concern to the people of this state;

(3) The maintenance of full and fair competition among dealers and others is in the public interest; and

(4) The maintenance of strong and sound dealerships is essential to provide continuing and necessary reliable services to the consuming public in this state and to provide stable employment to the citizens of this state.

10-1-622. As used in this article, the term:

(1) ‘Dealer’ means any person engaged in the business of selling, offering to sell, soliciting, or advertising the sale of new motor vehicles and who is licensed or otherwise authorized to utilize trademarks or ser-

vice marks associated with one or more makes of motor vehicles in connection with such sales. The term 'dealer' shall not mean any person engaged solely in the business of selling used motor vehicles.

(2) 'Dealership' means:

(A) The dealer, if the dealer is a corporation, partnership, or other business organization; or

(B) All business assets used in connection with the dealer's business pursuant to the franchise including, but not limited to, the dealership facilities, the franchise, inventory, accounts receivable, and good will if the dealer is an individual.

(3) 'Dealership facilities' means the location at which a dealer, pursuant to a franchise, maintains a permanent showroom for new motor vehicles.

(4) 'Designated successor' means any person or child who, in the case of the owner's death, is entitled to inherit the ownership interest in the dealership under the owner's will or who, in the case of an incapacitated owner, has been appointed by a court as the legal representative of the owner's property or has been otherwise lawfully nominated or constituted to manage the dealership on behalf of the owner. A 'designated successor' may also mean a person specifically named in the franchise agreement or any addendum to the franchise agreement.

(5) 'Distributor' means any person, resident or nonresident, who directly or indirectly in the ordinary course of business and on a recurring basis sells such new motor vehicles to a dealer for resale if such person is the principal supplier of any make of motor vehicle for two or more dealers.

(6) 'Franchise' means the written agreement or contract between any franchisor and any dealer which purports to fix the legal rights and liabilities of the parties to such agreement or contract and pursuant to which the dealer purchases and resells motor vehicles or leases or rents the dealership facilities.

(7) 'Franchisor' means:

(A) Any person, resident or nonresident, who directly or indirectly licenses or otherwise authorizes one or more dealers to use a trademark or service mark associated with a make of motor vehicle in connection with the retail sale of new motor vehicles bearing such trademark or service mark; and

(B) Any person who in the ordinary course of business and on a recurring basis sells such new motor vehicles to a dealer for resale.

(8) 'Good faith' means honesty in fact and the observation of reasonable commercial standards of fair dealing in the trade as defined and interpreted in Code Section 11-1-203.

(9) 'Manufacturer' means any person who performs the major portion of the assembly of a new motor vehicle.

(10) 'Motor vehicle' means every self-propelled vehicle intended primarily for use and operation on the public highways, except farm tractors and other machines and tools used in the production, harvesting, and care of farm products and except construction equipment.

(11) 'New motor vehicle' means a motor vehicle which has been sold to a dealer and on which the original motor vehicle title has not been issued.

(12) 'Owner' means any person holding an ownership interest in a dealership.

(13) 'Person' means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(14) 'Warrantor' means any person who gives a warranty in connection with a new motor vehicle.

(15) 'Warranty' means a written document signed or authorized by the party on whose behalf it is given which is made or given incident to the sale or lease of a new motor vehicle which contains either statements or promises that said new motor vehicle meets or will meet certain standards or promises to perform certain repairs or other services in connection with said new motor vehicle if necessary. Such term does not include service contracts, mechanical or other insurance, or 'extended warranties' sold for separate consideration by a dealer or other person not controlled by a manufacturer or distributor.

10-1-623. (a) Notwithstanding the terms, provisions, or conditions of any agreement or franchise or other terms or provisions of any novation, waiver, or other written instrument, any person who is or may be injured by a violation of a provision of this article or any party to a franchise who is so injured in his business or property by a violation of a provision of this article relating to that franchise or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this article may bring an action for damages and equitable relief including injunctive relief.

(b) If the franchisor engages in aggravated or continued multiple intentional violations of a provision or provisions of this article, the court may award punitive damages in addition to any other damages authorized under this part.

(c) A dealer, owner, or other party, if he has not suffered any loss of money, property, employment rights, or business opportunity, may obtain final equitable relief if it can be shown that the violation of a provision of this article by a franchisor may have the effect of causing such loss of money, property, employment rights, or business opportunity.

(d) This Code section shall not prevent a dealer from voluntarily entering into a valid release agreement.

10-1-624. (a) Any person who engages directly or indirectly in purposeful contacts within this state in connection with the offering of advertising for sale or has business dealings with respect to a new motor vehicle sale within this state shall be subject to the provisions of this article and shall be subject to the jurisdiction of the courts of this state.

(b) The applicability of this article shall not be affected by a choice of law clause in any franchise, agreement, waiver, novation, or any other written instrument.

(c) Any provision of any franchise, agreement, waiver, novation, or any other written instrument executed, modified, extended, or renewed after July 1, 1983, which is in violation of any Code section of this article shall be deemed null and void and without force and effect.

(d) No franchisor shall use any subsidiary corporation, affiliated corporation, or any other controlled corporation, partnership, association, or person to accomplish what would otherwise be illegal conduct under this article on the part of the franchisor.

10-1-625. Actions arising out of any provision of this article shall be commenced within a four-year period of the accrual of the cause of action; however, if a person liable under this article conceals the cause of action from the knowledge of the person entitled to bring the action, the period prior to the discovery of his cause of action by the person entitled to bring such action shall be excluded in determining the time limited for the commencement of the action.

10-1-626. The rights, remedies, and duties contained in this article are not exclusive but are cumulative with the rights, remedies, and duties otherwise provided by law. The rights and duties contained in the various parts of this article are not exclusive but are cumulative with the rights and duties provided in other parts of this article.

10-1-627. No franchisor, nor any agent nor employee of a franchisor, shall use a written instrument, agreement, or waiver to attempt to nullify any of the provisions of this article and any such agreement, written instrument, or waiver shall be null and void. This Code section shall not prevent a dealer from voluntarily entering into a valid release agreement.

Part 2

10-1-630. This part shall be known and may be cited as the 'Georgia Motor Vehicle Dealer's Day in Court Act.'

10-1-631. (a) It is declared to be violative of the existing law of the State of Georgia for any franchisor:

(1) To fail to act in good faith with any dealer in connection with the sale, transfer, termination, or succession of a franchise or in connection with the operation of a dealer's business pursuant to a franchise or to fail to act in good faith in any of its business transactions with a dealer; or

(2) To utilize a boycott, refusal to deal, threat of refusal to deal, coercion, threat of punitive action, withholding of benefits, or other unconscionable business practices in any of its business transactions with a dealer.

(b) Without limitation as to other actions which may violate this Code section, it shall be evidence of a violation of this Code section if a franchisor commits any action which would be a violation of any part of the 'Georgia Motor Vehicle Franchise Practices Act.'

Part 3

10-1-640. This part shall be known and may be cited as the 'Motor Vehicle Warranty Practices Act.'

10-1-641. (a) (1) Each distributor, manufacturer, or warrantor:

(A) Shall specify in writing to each of its dealers in this state the dealer's obligations for predelivery preparation including the repair of damages incurred in the transportation of vehicles as set forth in Code Section 10-1-642, recall work, and warranty service on its products;

(B) Shall compensate the dealer for such work and service required of the dealer by the distributor, manufacturer, or warrantor;

(C) Shall provide the dealer with a schedule of compensation to be paid such dealer for parts, work, and service in connection therewith; and

(D) Shall provide the dealer with a schedule of the time allowance for the performance of such work and service. Any such schedule of compensation shall include reasonable compensation for diagnostic work, repair service, and labor. Time allowances for the diagnosis and performance of such work and service shall be reasonable and adequate for the work to be performed.

(2) In the determination of what constitutes reasonable compensation under this Code section, the principal factors to be considered shall be the prevailing wage rates being paid by dealers in the community in which the dealer is doing business. In no event shall the hourly labor rate paid to a dealer for such work and service be less than the rate charged by such dealer for like work and service to nonwarranty customers for nonwarranty service and repairs provided such rate is reasonable.

(b) Manufacturers and distributors shall include in written notices of factor recalls to new motor vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of such defects. Manufacturers and distributors shall compensate any dealers in this state for repairs effected by all recalls.

(c) All such claims shall be either approved or disapproved within 30 days after their receipt on forms and in the manner specified by the manufacturer, distributor, or warrantor, and any claim not specifically disapproved in writing within 30 days after the receipt shall be construed to be approved and payment must follow within 30 days; however, the manufacturer, distributor, or warrantor may retain the right to audit

such claims and to charge the dealer for false, incorrect, or unsubstantiated, or fraudulent claims for a period of not more than two years following payment.

10-1-642. Notwithstanding the terms, provisions, or conditions of any agreement of franchise, a manufacturer or distributor selling motor vehicles to dealers is liable for all damages to such motor vehicles before delivery to a carrier or transporter. If a dealer selects the carrier, the risk of loss passes to the dealer upon delivery of the vehicle to the carrier. In every other instance, the risk of loss remains with the franchisor until such time as the dealer or his designee accepts the vehicle from the carrier.

10-1-643. All manufacturers, distributors, and warrantors shall reimburse their dealers for reasonable attorney's fees incurred by the dealer in defending any action in which the dealer is named as a defendant and in which the allegations set forth in the action are based solely upon claims of alleged defective or negligent manufacture, assembly, design of new motor vehicles, parts, or accessories, or other functions by the distributor, manufacturer, or warrantor which are beyond the control of the dealer. For this Code section to be applicable, the dealer must give notice to the manufacturer, distributor, and warrantor within 30 days of the receipt of the action if the manufacturer, distributor, or warrantor is not a named defendant in the action. In addition, this Code section only applies to actions in which a judgment or finding of fault is returned only against the manufacturer, distributor, or warrantor or in which the manufacturer, distributor, or warrantor enters into an agreement which settles or makes final disposition of the action.

10-1-644. This part shall not be applicable with respect to vehicles shipped or contracted to be shipped prior to July 1, 1983, pursuant to contracts which contain provisions which are contrary to matters contained in this part.

Part 4

10-1-650. This part shall be known and may be cited as the 'Motor Vehicle Franchise Continuation and Succession Act.'

10-1-651. (a) Notwithstanding the terms, provisions, or conditions of any franchise and notwithstanding the terms or provisions of any waiver, no franchisor shall cancel, terminate, or fail to renew any franchise with a dealer unless the franchisor:

(1) Has satisfied the notice requirement of subsection (e) of this Code section; and

(2) Has good cause for cancellation, termination, or nonrenewal.

(b) Notwithstanding the terms, provisions, or conditions of any franchise or the terms or provisions of any waiver, good cause shall exist for the purposes of a termination, cancellation, or nonrenewal when there is a failure by the dealer to comply with a provision of the franchise which is both reasonable and of material significance to the franchise relationship, provided the dealer has been notified in writing of the fail-

ure within 180 days after the franchisor first acquired knowledge of such failure, or after the dealer is given a reasonable opportunity to correct such failure for a period of not less than 180 days.

(c) If the failure by the dealer, as defined in subsection (b) of this Code section, relates to the performance of the dealer in sales or service, then good cause shall be defined as the failure of the dealer to comply with reasonable performance criteria established by the franchisor if:

(1) The dealer was notified by the franchisor in writing of such failure;

(2) Said notification stated that notice was provided of failure of performance pursuant to this Code section; and

(3) The dealer was afforded a reasonable opportunity, for a period of not less than six months, to comply with such criteria.

(d) The franchisor shall have the burden of proof under this Code section.

(e) (1) Notwithstanding franchise terms to the contrary, prior to the termination, cancellation, or nonrenewal of any franchise, the franchisor shall furnish notification, as provided in paragraph (2) of this subsection, of such termination, cancellation, or nonrenewal to the dealer as follows:

(A) Not less than 90 days prior to the effective date of such termination, cancellation, or nonrenewal;

(B) Not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal with respect to any of the following:

(i) Insolvency of the dealer, or filing of any petition by or against the dealer under any bankruptcy or receivership law;

(ii) Failure of the dealer to conduct its customary sales and services operations during its customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the dealer;

(iii) Conviction of the dealer, general manager, or managing executive or any owner with a substantial interest therein of any crime which materially relates to the operation of the dealership or any felony which is punishable by imprisonment;

(iv) Suspension for a period of more than 14 days or revocation of any license which the dealer is required to have to operate a dealership; or

(v) Fraud or intentional misrepresentation by the dealer which materially affects the franchise, provided the franchisor gives notice within one year of the time when the fraud or misrepresentation occurred or was discovered, whichever is later; or

(C) Not less than 180 days prior to the effective date of such termi-

nation or cancellation where the franchisor is discontinuing the sale of the product line.

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(2) Notification under this Code section shall be in writing and shall be by certified mail or personally delivered to the dealer and shall contain:

(A) A statement of intention to terminate, cancel, or not to renew the franchise;

(B) A statement of the reasons for the termination, cancellation, or nonrenewal; and

(C) The date on which such termination, cancellation, or nonrenewal is to take effect.

(f) (1) Upon the termination, cancellation, or nonrenewal of any franchise by the franchisor pursuant to this Code section, the dealer shall be paid fair and reasonable compensation by the franchisor for the following:

(A) Any new and unused current model year motor vehicle inventory which has been acquired from the franchisor so long as the motor vehicle has not been altered, damaged, or materially changed while in the dealer's possession;

(B) Any unused, undamaged, and unsold supplies and parts which have been acquired from the franchisor, provided such supplies and parts are currently offered for sale by the franchisor in its current parts catalog and are in salable condition;

(C) Any equipment and furnishings purchased from the franchisor or its approved sources within three years of the date of termination, cancellation, or nonrenewal; and

(D) Any special tools purchased from the franchisor within three years of the date of termination, cancellation, or nonrenewal or any special tools which the franchisor required the dealer to purchase.

(2) Fair and reasonable compensation for the above shall in no instance be less than the net acquisition price if the items were acquired in the 12 months preceding the effective date of termination, cancellation, or nonrenewal, or the fair market value if the items were acquired more than 12 months preceding the effective date of termination, cancellation, or nonrenewal and shall be paid by the franchisor within 90 days of the effective date of termination, cancellation, or nonrenewal, provided the dealer has clear title to the inventory and other items or is able to convey such title to the franchisor and does convey or transfer title and possession of the inventory and other items to the franchisor.

(g) In the event of a termination, cancellation, or nonrenewal by the franchisor pursuant to subsection (c) of this Code section, relating to the performance of the dealer in sales or service, then the franchisor shall pay the dealer a sum equivalent to the rent for the unexpired term of the lease or for one year, whichever is less. If the dealer owns the dealership

facilities, the franchisor shall pay the dealer a sum equivalent to the reasonable rental value of the dealership facilities for one year. Each time limit set forth in this subsection may be for a longer term if so provided in the franchise agreement.

(h) If, in an action for damages under this section, the franchisor fails to prove that there was good cause for the franchise termination, cancellation, or nonrenewal, then the franchisor may pay the dealer an amount equal to the value of the dealership as an ongoing business, at which time the franchisor shall receive any title to the dealership facilities which the dealer may have and the franchisee shall surrender his franchise agreement to the franchisor. If the dealer receives an amount equal to the value as an ongoing business, the dealer shall have no other recovery from the franchisor absent a showing such as would warrant punitive damages under Code Section 10-1-623.

(i) Without limitation as to factors which may constitute or indicate a lack of good cause, no termination shall be considered to be for good cause:

(1) If such termination relates to the death or disability of an owner and the franchisor has not complied with Code Section 10-1-652; or

(2) If such termination relates to a change in ownership or management and the franchisor has not complied with Code Section 10-1-653.

10-1-652. (a) Unless there exists good cause for refusal to honor succession on the part of the franchisor, any designated successor of a deceased or incapacitated owner may succeed to the ownership interest of the owner under the existing franchise if:

(1) The designated successor gives the franchisor written notice of his or her intention to succeed to the ownership interest within 60 days of the owner's death or incapacity or within a longer period if so provided in the franchise agreement; and

(2) The designated successor agrees to be bound by all the terms and conditions of the franchise.

(b) The franchisor may request, and the designated successor shall provide promptly upon said request, personal and financial data that is customarily required by the franchisor to determine whether the succession should be honored.

(c) If a franchisor believes that good cause exists for refusing to honor the succession to the ownership interest of an owner by a designated successor of a deceased or incapacitated owner, the franchisor may, within 60 days following receipt of notice of the designated successor's intent to succeed to the ownership interest of the owner or any personal or financial data which the franchisor has requested, serve upon the designated successor notice of its refusal to honor the succession and its intent to discontinue the existing franchise with the dealer; however, if the franchisor shall enter into one or more interim or trial agreements with the designated successor, which interim or trial agreements may not extend more than three years from the owner's death or disability, then

and in such event such notice shall be deemed timely if sent within 60 days of the termination of such interim or trial agreement. The notice must state the specific grounds for the refusal to honor the succession and of its intent to discontinue the existing franchise with the dealer.

(d) If a franchisor refuses to honor the succession to the ownership interest of a deceased or incapacitated owner, then and in such event:

(1) The franchisor shall allow the designated successor a reasonable period of time which shall not be less than six months in which to negotiate a sale of the dealership. Any such sale shall be subject to Code Section 10-1-653; and

(2) Upon termination of the franchise pursuant to such refusal, the provisions of Code Section 10-1-651 shall apply.

(e) If notice of refusal and discontinuance is not timely served upon the designated successor, the franchise shall continue in effect subject to termination only as otherwise permitted by this part.

(f) In determining whether good cause for the refusal to honor the succession exists, the franchisor has the burden of proving that the designated successor is a person who is not of good moral character or does not meet the franchisor's existing and reasonable standards.

(g) No franchisor shall terminate, cancel, or fail to renew any franchise solely because of the death or incapacity of an owner who is not listed in the franchise as one on whose expertise and abilities the franchisor relied in the granting of the franchise.

(h) This Code section does not preclude a new motor vehicle dealer from time to time designating any person as his or her successor by written instrument filed with the manufacturer or distributor and, if such instrument is currently on file with such manufacturer or distributor, it alone shall determine the succession rights to the management and operation of the dealership.

10-1-653. (a) If a new motor vehicle dealer desires to make a change in its executive management or ownership or to sell its principal assets, the new motor vehicle dealer will give the franchisor prior written notice of the proposed change or sale. The franchisor shall not arbitrarily refuse to agree to such proposed change or sale. Where the franchisor rejects a proposed change or sale, the franchisor shall give written notice of his reasons to the new motor vehicle dealer within 60 days. If no such notice is given to the new motor vehicle dealer, the change or sale shall be deemed approved. The franchisor shall have the burden of proof to show that its disapproval is not arbitrary.

(b) In the alternative, the franchisor may offer to purchase an ownership interest in a new motor vehicle dealership on such terms and conditions, including entering into any ancillary or auxiliary contracts, as were disclosed by the owner to the franchisor.

10-1-654. This part shall be applicable only to franchise agreements made, entered into, renewed, continued, or extended after June 30, 1983.

Part 5

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10-1-660. This part shall be known and may be cited as the 'Motor Vehicle Fair Practices Act.'

10-1-661. (a) No franchisor shall require, attempt to require, coerce, or attempt to coerce any dealer in this state:

(1) To order or accept delivery of any new motor vehicle, part, or accessory thereof, equipment, or any other commodity not required by law which shall not have been voluntarily ordered by the dealer; except that this paragraph does not affect any terms or provisions of a franchise requiring dealers to market a representative line of those motor vehicles which the franchisor is publicly advertising;

(2) To order or accept delivery of any new motor vehicle with special features, accessories, or equipment not included in the list price of such new motor vehicle as publicly advertised by the franchisor;

(3) To refrain from participation in the management of, investment in, or the acquisition of any other line of new motor vehicle or related products. However, this paragraph does not apply unless the dealer maintains a reasonable line of credit for each make or line of new motor vehicle, the dealer remains in compliance with any reasonable facilities requirements of the franchisor, the dealer provides acceptable sales performance, and no change is made in the principal management of the dealer;

(4) To expand, construct, or significantly modify facilities without assurances that the franchisor will provide a reasonable supply of new motor vehicles within a reasonable time so as to justify such an expansion in light of the market and economic conditions;

(5) To sell, assign, or transfer any retail installment sales contract obtained by such dealer in connection with the sale by him in this state of new motor vehicles to a specified finance company or class of such companies or to any other specified persons; or

(6) To provide warranty or other services for the account of franchisor, except as provided in the 'Georgia Motor Vehicle Warranty Practices Act.'

(b) No action shall in any way be based on this Code section with respect to acts occurring prior to July 1, 1983.

10-1-662. (a) It shall be unlawful for any franchisor:

(1) To delay, refuse, or fail to deliver new motor vehicles or new motor vehicle parts or accessories in a reasonable time and in reasonable quantity if such vehicles, parts, or accessories are publicly advertised as being available for immediate delivery. This paragraph is not violated, however, if such failure is caused by acts or causes beyond the control of the franchisor;

(2) To obtain money, goods, services, or any other benefit from any

other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and such other person, other than as compensation for services rendered, unless such benefit is promptly accounted for and transmitted to the dealer;

(3) To release to any outside party, except under subpoena or as otherwise required by law or in an administrative, judicial, or arbitration proceeding involving the franchisor or dealer, any business, financial, or personal information which may be from time to time provided by the dealer to the franchisor, without the express written consent of the dealer;

(4) To resort to or to use any false or intentionally deceptive advertisement in the conduct of his business as a franchisor in this state;

(5) To make any false or intentionally deceptive statement, either directly or through any agent or employee, in order to induce any dealer to enter into any agreement or franchise or to take any action which is prejudicial to that dealer or his business;

(6) To require any dealer to assent prospectively to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability to be imposed by law or to require any controversy between a dealer and a franchisor to be referred to any person other than the duly constituted courts of the state or the United States if such referral would be binding upon the dealer, provided that this Code section shall not prevent any dealer from entering into a valid release agreement with the franchisor;

(7) To fail to observe good faith in any aspect of dealings between the franchisor and the dealer;

(8) To deny any dealer the right of free association with any other dealer for any lawful purposes; or

(9) To engage in any predatory practice or discrimination against any dealer.

(b) No action shall in any way be based on this Code section with respect to acts occurring prior to July 1, 1983.

10-1-663. (a) No franchisor shall require, attempt to require, coerce, or attempt to coerce any dealer in this state:

(1) To participate monetarily in an advertising campaign or contest or to purchase any promotional materials, training materials, showroom or other display decorations, or materials at the expense of the dealer; or

(2) To change or refrain from changing the capital structure or ownership of the dealer or the means by or through which the dealer finances the operation of the dealership, provided the dealer at all times meets any reasonable capital standards determined by the franchisor in accordance with uniformly applied criteria and provided no change in the capital structure shall cause a change in the principal management or

have the effect of a sale of the franchise without the consent of the franchisor, which consent shall not unreasonably be withheld.

(b) No franchisor shall:

(1) Refuse to disclose to any dealer the manner and mode of distribution of the same line make as handled by the dealer within the dealer's market area;

(2) Increase prices of new motor vehicles which the dealer had ordered for consumers prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a consumer shall constitute evidence of each such order, provided the vehicle is in fact delivered to that customer. Price differences applicable to new models or series shall not be considered a price increase. Price changes caused by the addition to a motor vehicle of required or optional equipment, revaluation of the United States dollar in the case of foreign-make vehicles or components, or an increase in transportation charges due to increased rates imposed by carriers shall not be subject to the provisions of this paragraph;

(3) Discriminate unfairly among its dealers with respect to any aspect of operating a motor vehicle dealership;

(4) Impose unreasonable restrictions on the dealer relative to non-competition covenants, site-control, whether by sublease, collateral pledge of lease, or otherwise, right of first refusal to purchase, option to purchase, compliance with subjective standards, or other matters incident to the operation of the dealership; or

(5) Unreasonably change the market area of a dealer as set forth in the dealer's franchise agreement.

(c) This Code section shall not be effective with respect to franchise agreements entered into before July 1, 1983, unless such franchise agreements are modified, extended, or renewed on or after that date."

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 3. This Act shall become effective on July 1, 1983.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Coggin of the 35th moved that the Senate agree to the House substitute to SB 199.

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

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Those voting in the affirmative were Senators:

Barnes	Fincher	Peevy
Bond	Foster	Perry
Bowen	Garner	Phillips
Brantley	Greene	Scott of 2nd
Broun of 46th	Harris	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Bryant	Holloway	Starr
Burton	Horton	Stumbaugh
Cobb	Howard	Tate
Coggin	Huggins	Thompson
Coleman	Kennedy	Timmons
Coverdell	Kidd	Trulock
Dawkins	Land	Turner
Dean	Lester	Tysinger
Engram	McKenzie	

Those not voting were Senators:

Allgood	English	Hudgins
Barker	Gillis	Littlefield
Brannon	Harrison	McGill
Deal	Hill	Walker

On the motion, the yeas were 44, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 199.

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

HB 400. By Representative Phillips of the 125th:

A bill to amend Code Section 43-34-27 of the Official Code of Georgia Annotated, relating to the licensing requirements for persons engaged in the practice of medicine, so as to delete the provision authorizing a graduate to stand a regular examination to practice medicine before completing a year's training as an intern.

Senator Howard of the 42nd moved that the Senate recede from the Senate substitute to HB 400.

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

Those voting in the affirmative were Senators:

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Barnes	Fincher	Peevy
Bond	Foster	Perry
Bowen	Harris	Phillips
Brantley	Harrison	Scott of 36th
Broun of 46th	Holloway	Scott of 43rd
Brown of 47th	Horton	Starr
Bryant	Howard	Stumbaugh
Burton	Huggins	Thompson
Cobb	Kennedy	Timmons
Coggin	Kidd	Trulock
Coleman	Lester	Turner
Coverdell	Littlefield	Tysinger
Dawkins	McKenzie	Walker
Engram		

Those voting in the negative were Senators:

Garner	Hine	Tate
Greene	Land	

Those not voting were Senators:

Allgood	Dean	Hudgins
Barker	English	McGill
Brannon	Gillis	Scott of 2nd
Deal	Hill	

On the motion, the yeas were 40, nays 5; the motion prevailed, and the Senate receded from the Senate substitute to HB 400.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

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

SB 190. By Senator Howard of the 42nd:

A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals and related institutions, so as to provide for emergency orders to relocate institutional patients or residents, to place monitors in institutions, and to prohibit admissions to institutions; to repeal conflicting laws.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 581. By Representatives Chambless of the 133rd, Snow of the 1st, Karrh of the 109th and others:

A bill to amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for courts, so as to provide the circumstances and procedures for the exercise of judicial powers by judges outside their own court upon the disqualification, disability, illness, or absence of a resident judge of a court or upon a request for temporary assistance.

Senate Sponsor: Senator Deal of the 49th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Fincher	McKenzie
Bond	Foster	Peevy
Bowen	Garner	Perry
Broun of 46th	Gillis	Phillips
Brown of 47th	Greene	Scott of 2nd
Bryant	Harris	Scott of 36th
Burton	Harrison	Scott of 43rd
Cobb	Hine	Starr
Coggin	Holloway	Stumbaugh
Coleman	Horton	Tate
Coverdell	Howard	Thompson
Dawkins	Huggins	Timmons
Deal	Kennedy	Trulock
Dean	Kidd	Turner
English	Lester	Tysinger
Engram	McGill	Walker

Those not voting were Senators:

Allgood	Brantley	Land
Barker	Hill	Littlefield
Brannon	Hudgins	

On the passage of the bill, the yeas were 48, nays 0.

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

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

HB 33. By Representatives Snow of the 1st, Lawson of the 9th, Bray of the 91st and others:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to the General Assembly of Georgia, so as to provide for the oath of office of members of the General Assembly.

Senator Deal of the 49th moved that the Senate adhere to the Senate substitute to HB 33, and that a Conference Committee be appointed.

On the motion, the yeas were 35, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to HB 33.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Deal of the 49th, Hine of the 52nd and Dawkins of the 45th.

The following general bill and resolution of the House and Senate, favorably reported by the committees, were read the third time and put upon their passage:

HB 647. By Representatives Burruss of the 20th, Murphy of the 18th, Russell of the 64th and others:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to provide for the method for determining the permanent disability of the Speaker of the House of Representatives.

Senate Sponsors: Senators Barnes of the 33rd and Dean of the 31st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barnes
Bond
Bowen

Brantley
Broun of 46th
Brown of 47th
Bryant

Burton
Coggin
Coleman
Dawkins

Deal	Holloway	Phillips
Dean	Horton	Scott of 2nd
English	Howard	Scott of 36th
Engram	Huggins	Scott of 43rd
Foster	Kennedy	Starr
Garner	Kidd	Stumbaugh
Gillis	Land	Tate
Greene	Lester	Trulock
Harris	McGill	Turner
Harrison	Peevy	Tysinger
Hine	Perry	Walker

Those not voting were Senators:

Barker	Fincher	McKenzie
Brannon	Hill	Thompson
Cobb	Hudgins	Timmons
Coverdell	Littlefield	

On the passage of the bill, the yeas were 45, nays 0.

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

SR 143. By Senator Trulock of the 10th:

A resolution electing Mrs. Shirley Altman of Thomas County as a member of the State Election Board.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Coleman	Greene
Barnes	Coverdell	Harris
Bond	Dawkins	Hine
Bowen	Deal	Horton
Brantley	Dean	Howard
Broun of 46th	English	Hudgins
Brown of 47th	Engram	Huggins
Bryant	Fincher	Kennedy
Burton	Foster	Kidd
Cobb	Garner	Land
Coggin	Gillis	Lester

Littlefield	Scott of 2nd	Tate
McGill	Scott of 36th	Trulock
McKenzie	Scott of 43rd	Turner
Peevy	Starr	Tysinger
Perry	Stumbaugh	Walker
Phillips		

Those not voting were Senators:

Barker	Hill	Thompson
Brannon	Holloway (excused	Timmons
Harrison	conferee)	

On the adoption of the resolution, the yeas were 49, nays 0.

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

The following general bill of the House, having been read the third time and lost on March 1, and reconsidered on March 1 and placed at the foot of the General Calendar, was put upon its passage:

HB 707. By Representative Groover of the 99th:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to laws applicable to the General Assembly, so as to recognize certain constitutional principles.

Senate Sponsor: Senator Kidd of the 25th.

Senators Deal of the 49th and Barnes of the 33rd offered the following amendment:

Amend HB 707 by adding between lines 23 and 24 a new section as follows:

“(3) This Act shall not affect nor repeal any statute prohibiting representation of a client before the Pardons and Parole Board for a fee.”

On the adoption of the amendment, the yeas were 44, nays 0, and the amendment was adopted.

Senator Kidd of the 25th offered the following amendment:

Amend HB 707 by striking on Page 3, lines 6 and 7, the following:

“qualified to practice law in this state”,

and

By adding on Page 3, line 19, before "representing", the following:

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"or agent"

On the adoption of the amendment, the yeas were 39, nays 4, and the amendment was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Dean	Lester
Barnes	English	Littlefield
Bond	Gillis	McGill
Bowen	Greene	Peavy
Brown of 47th	Harris	Perry
Bryant	Hine	Scott of 2nd
Cobb	Horton	Scott of 36th
Coggin	Hudgins	Tate
Coleman	Kennedy	Timmons
Dawkins	Kidd	Walker
Deal		

Those voting in the negative were Senators:

Brantley	Holloway	Starr
Burton	Howard	Stumbaugh
Coverdell	Huggins	Thompson
Engram	Land	Trulock
Foster	McKenzie	Turner
Garner	Phillips	Tysinger
Harrison	Scott of 43rd	

Those not voting were Senators:

Barker	Broun of 46th	Hill
Brannon	Fincher	

On the passage of the bill, the yeas were 31, nays 20.

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

Senator Tate of the 38th introduced Mr. Daniel W. Wright, Jr., President of the Georgia Association of Educators, to the Senate.

The following resolutions of the Senate were read and adopted:

SR 248. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending Gregg Allman.

SR 249. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending Bertie Higgins.

SR 250. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending Tommy Roe.

SR 251. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending Freddie Weller.

SR 252. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending Tim McCabe.

SR 253. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending Ben Jones.

SR 254. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending Mac Frampton.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 458. By Representatives Coleman of the 118th, Hays and Snow of the 1st and others:

A bill to amend Code Section 42-5-58 of the Official Code of Georgia Annotated, relating to the punishment of inmates generally in correctional institutions and to transfers of inmates, so as to change the provisions relating to the use of certain restraints.

Senate Sponsor: Senator Garner of the 30th.

The Senate Committee on Offender Rehabilitation offered the following substitute to HB 458:

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**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 42-5-58 of the Official Code of Georgia Annotated, relating to the punishment of inmates generally in correctional institutions and to transfers of inmates, so as to change the provisions relating to the use of certain restraints; to amend Article 4 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to granting of special leaves, emergency leaves, and limited leave privileges to inmates of penal institutions, so as to provide that such leaves and leave privileges shall be granted to inmates serving murder sentences only under certain limited circumstances; to provide for other matters relative thereto; 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 42-5-58 of the Official Code of Georgia Annotated, relating to the punishment of inmates generally in correctional institutions and to transfers of inmates, is amended by striking said Code section in its entirety and inserting in lieu thereof a new Code Section 42-5-58 to read as follows:

“42-5-58. (a) Whipping of inmates and all forms of corporal punishment shall be prohibited. All shackles, manacles, picks, leg irons, and chains shall be barred from use as punishment by any penal institutional operated under authority of the board. In transferring violent or potentially dangerous inmates within an institution or between facilities, handcuffs, leg chains, waist chains, and waist belts may be utilized. Handcuffs, leg chains, waist chains, and waist belts may also be used in securing violent or potentially dangerous inmates within an institution and in public and private areas such as hospitals, clinics, and courtrooms; but in no event may handcuffs, leg chains, waist chains, and waist belts be used as punishment.

(b) The department shall restrict punishment for an infraction of correctional rules and regulations to isolation and restricted diet or to uniform standard humane punishment which the department may deem necessary for the control of inmates.”

Section 2. Article 4 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to granting of special leaves, emergency leaves, and limited leave privileges to inmates of penal institutions, is amended by adding a new Code Section 42-5-85 to read as follows:

“42-5-85. (a) No special leave, emergency leave, or limited leave privileges shall be granted to any inmate who is serving a murder sentence unless the commissioner has approved in writing a written finding by the department that the murder did not involve any aggravating circumstance.

(b) As used in this Code section only, the term 'aggravating circumstance' means that:

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(1) The murder was committed by a person with a prior record of conviction for a capital felony;

(2) The murder was committed while the offender was engaged in the commission of another capital felony, aggravated battery, burglary, or arson in the first degree;

(3) The offender, by his act of murder, knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the murder for himself or another, for the purpose of receiving money or any other thing of monetary value;

(5) The murder of a judicial officer, former judicial officer, district attorney or solicitor, or former district attorney or solicitor was committed during or because of the exercise of his official duties;

(6) The offender caused or directed another to commit murder or committed murder as an agent or employee of another person;

(7) The murder was outrageously or wantonly vile, horrible, or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim;

(8) The murder was committed against any peace officer, corrections employee, or fireman while engaged in the performance of his official duties;

(9) The murder was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement; or

(10) The murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement of himself or another.

(c) The department shall make a finding that a murder did not involve an aggravating circumstance only after an independent review of the record of the trial resulting in the conviction or of the facts upon which the conviction was based."

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senators Gillis of the 20th and Kennedy of the 4th offered the following amendment: www.libtool.com.cn

Amend the substitute to HB 458 offered by the Senate Committee on Offender Rehabilitation by adding on Page 2, line 13 after "punishment." a new sentence to read as follows:

"Provided, however, if the accused becomes violent in the courtroom, restraints may be used."

On the adoption of the amendment, the yeas were 49, nays 0, and the amendment was adopted.

Senator Allgood of the 22nd offered the following amendment:

Amend the substitute to HB 458 offered by the Senate Committee on Offender Rehabilitation by striking the following words on line 11, Page 2,

"and courtrooms",

and the remainder of said paragraph is to remain unchanged.

On the adoption of the amendment, Senator Garner of the 30th called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Dean	McGill
Barker	English	McKenzie
Barnes	Fincher	Peevy
Bond	Foster	Perry
Bowen	Gillis	Scott of 2nd
Brantley	Harris	Scott of 36th
Broun of 46th	Hine	Scott of 43rd
Brown of 47th	Holloway	Starr
Burton	Horton	Stumbaugh
Cobb	Howard	Tate
Coggin	Hudgins	Timmons
Coleman	Kidd	Trulock
Coverdell	Land	Turner
Dawkins	Lester	Tysinger
Deal	Littlefield	

Those voting in the negative were Senators:

Engram	Kennedy	Thompson
Garner	Phillips	Walker

Those not voting were Senators:

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Brannon
Bryant

Greene
Harrison

Hill
Huggins

On the adoption of the amendment, the yeas were 44, nays 6, and the amendment was adopted.

On the adoption of the substitute, the yeas were 39, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bowen
Brantley
Broun of 46th
Brown of 47th
Burton
Cobb
Coggin
Coleman
Coverdell
Dawkins
Deal
Dean
English

Engram
Fincher
Foster
Garner
Gillis
Harris
Hine
Holloway
Horton
Howard
Hudgins
Huggins
Kennedy
Kidd
Land
Lester

Littlefield
McGill
McKenzie
Peevy
Perry
Phillips
Scott of 36th
Scott of 43rd
Stumbaugh
Tate
Thompson
Timmons
Trulock
Turner
Tysinger
Walker

Voting in the negative were Senators Bond and Scott of the 2nd.

Those not voting were Senators:

Brannon
Bryant
Greene

Harrison
Hill

Starr (excused
conferee)

On the passage of the bill, the yeas were 48, nays 2.

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

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 123. By Senator Coverdell of the 40th:

A bill to amend an Act authorizing the commissioners of Fulton County to establish rules and regulations governing the payment of pensions to county employees, as amended, so as to provide that individuals employed by the Fulton County Probation System prior to July 1, 1984, may continue membership in this pension system.

The House substitute to SB 123 was as follows:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 42-8-43.1 of the Official Code of Georgia Annotated, relating to participation of the Department of Offender Rehabilitation in the cost of certain county probation systems and the transfer of such county probation systems to the state-wide probation system, so as to provide that when an employee of a county probation system of any county of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census becomes an employee of the Department of Offender Rehabilitation at the same or a greater salary, the change in employment shall not constitute involuntary separation or termination from employment within the meaning of any local retirement or pension system of which the employee was a member at the time of such change in employment, and that the change in employment shall not entitle the employee to begin receiving any retirement or pension benefit whatsoever under any such local retirement or pension system; 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 42-8-43.1 of the Official Code of Georgia Annotated, relating to participation of the Department of Offender Rehabilitation in the cost of certain county probation systems and the transfer of such county probation systems to the state-wide probation system, is amended by adding at the end of said Code section a new subsection (d) to read as follows:

“(d) When an employee of a county probation system of any county of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census becomes an employee of the department pursuant to subsection (c) of this Code section at the same or a greater salary, the change in employment shall not constitute involuntary separation from service or termination of employment within the meaning of any local retirement or pension system of which the employee was a member at the time of such change in employment, and the change in employment shall not entitle the employee to begin receiving any retirement or pension benefit whatsoever under any such local retirement or pension system.”

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

The following fiscal note, as required by the Rules of the Senate, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Thomas R. Scott, Chairman
Senate Federal, State, and Community Affairs Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: March 3, 1983

SUBJECT: Fiscal Note Substitute to Senate Bill 123 (LC 7 5385S)
Local Retirement Systems

The substitute version of this Bill specifies that when an employee of a county probation system of a county having a population of at least 550,000 becomes an employee of the statewide probation system, the changes in employment do not constitute involuntary separation or termination from the local retirement system. The Bill also specifies that such changes in employment would not entitle employees to begin receiving any retirement or pension benefit under the local retirement system.

Fulton County is the only county becoming part of the statewide system which fits the population requirement. The county's 1982 pension plan law allows individuals who are retired by operation of law and who have ten or more years of actual service to immediately begin receiving the normal monthly pension benefit. County officials have indicated that the employees who change from county to state employment would be eligible for the immediate benefit.

The actuary for Fulton County has determined that this Bill would result in an annual savings to the Fulton County Pension System of approximately \$305,000 for each of the next 40 years by not allowing employees with ten or more years' service to immediately be eligible to receive benefits if they transferred to the State Probation System.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

Senator Coverdell of the 40th moved that the Senate agree to the House substitute to SB 123. www.libtool.com.cn

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

Those voting in the affirmative were Senators:

Allgood	Fincher	McKenzie
Barnes	Foster	Peevy
Bond	Garner	Perry
Bowen	Gillis	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Hine	Scott of 36th
Brown of 47th	Horton	Starr
Burton	Hudgins	Stumbaugh
Cobb	Huggins	Tate
Coggin	Kennedy	Thompson
Coleman	Kidd	Timmons
Coverdell	Land	Trulock
Dawkins	Lester	Turner
English	McGill	Walker
Ingram		

Voting in the negative was Senator Scott of the 43rd.

Those not voting were Senators:

Barker	Greene	Howard
Brannon	Harrison	Littlefield
Bryant	Hill	Tysinger
Deal	Holloway (excused	
Dean	conferee)	

On the motion, the yeas were 43, nays 1; the motion prevailed, and the Senate agreed to the House substitute to SB 123.

Senator Barnes of the 33rd moved that Senate Rule 218 be suspended in order to allow the Senate to consider the appointments by His Excellency, Governor Joe Frank Harris, on Friday, March 4.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate suspended Senate Rule 218 to allow the Senate to consider the appointments by His Excellency, Governor Joe Frank Harris, on Friday, March 4.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 545. By Representatives Clark of the 55th and Steinberg of the 46th:

A bill to amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," so as to prohibit the failure to comply with certain provisions concerning billing for hospital and long-term care services.

Senate Sponsor: Senator Howard of the 42nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	Littlefield
Barnes	Foster	McGill
Bond	Garner	McKenzie
Bowen	Gillis	Peevy
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hine	Scott of 36th
Burton	Horton	Scott of 43rd
Cobb	Howard	Stumbaugh
Coggin	Hudgins	Tate
Coverdell	Huggins	Thompson
Deal	Kennedy	Trulock
Dean	Kidd	Turner
English	Land	Tysinger
Engram	Lester	Walker

Those not voting were Senators:

Barker	Greene	Perry
Brannon	Hill	Starr (excused)
Bryant	Holloway (excused)	conferee)
Coleman	conferee)	Timmons
Dawkins		

On the passage of the bill, the yeas were 45, nays 0.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof: www.libtool.com.cn

Mr. President:

The House insists on its position in disagreeing to the Senate amendments and appoints Committees of Conference to confer with like committees on the part of the Senate on the following bills of the House:

HB 460. By Representatives Adams of the 36th, Murphy of the 18th, Connell of the 87th and others:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to delete Chapter 14 thereof, relating to electrical contractors, plumbers, and conditioned air contractors, and reenact a new Chapter 14, relating to electrical contractors, plumbers, and conditioned air contractors.

The Speaker has appointed on the part of the House:

Representatives Lee of the 72nd, Isakson of the 21st and Adams of the 36th.

HB 325. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to clarify the procedure for acknowledging paternity.

The Speaker has appointed on the part of the House:

Representatives Snow of the 1st, Karrh of the 109th and Walker of the 115th.

The House adheres to its insistence in substituting and appoints Committees of Conference to confer with like committees on the part of the Senate on the following bills of the Senate:

SB 40. By Senators Hudgins of the 15th and Littlefield of the 6th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to define the crime of sexual assault; to define other terms; to provide penalties; to repeal conflicting laws.

The Speaker has appointed on the part of the House:

Representatives Karrh of the 109th, Adams of the 16th and Byrd of the 153rd.

SB 154. By Senator Lester of the 23rd:

A bill to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants and registered public accountants.

The Speaker has appointed on the part of the House:

Representatives Robinson of the 58th, Lambert of the 66th and Millsaps of the 61st.

The House adheres to its insistence in amending and appoints a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the Senate:

SB 273. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Jones County; to provide for terms of office; to repeal conflicting laws.

The Speaker has appointed on the part of the House:

Representatives Birdsong of the 104th, Waldrep of the 80th and Lord of the 107th.

The following local bill of the Senate was taken up for the purpose of considering the Conference Committee report thereon:

SB 273. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Jones County; to provide for terms of office.

The Conference Committee report on SB 273 was as follows:

The Conference Committee on SB 273 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to SB 273 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Culver Kidd
Senator, 25th District

/s/ James R. Walker
Senator, 19th District

/s/ W. F. Harris
Senator, 27th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Kenneth W. Birdsong
Representative, 104th District

/s/ Kenneth Waldrep
Representative, 80th District

Jimmy Lord
Representative, 107th District

Conference Committee substitute to SB 273:

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**A BILL TO BE ENTITLED
AN ACT**

To provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Jones County; to provide for terms of office; to provide for the appointment of other court personnel; to provide for filling vacancies; to provide for the compensation of the chief magistrate and other magistrates and of other court personnel; to excuse the chief magistrate from certain jury duty; to provide for reimbursing the chief magistrate and other magistrates for their costs and expenses of training; to provide for severability; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. It is the intent of this Act to implement certain changes required by Article VI of the Constitution of the State of Georgia and authorized by general law.

Section 2. (a) The Governor, with the advice and consent of the Senators and Representatives of the districts in which Jones County is located, shall appoint a duly qualified person to be the chief magistrate of the Magistrate Court of Jones County to serve for a term of office commencing July 1, 1983, and expiring February 1, 1987. Successors to such chief magistrate shall be appointed in a like manner for terms of four years.

(b) Any other magistrate taking office in Jones County on July 1, 1983, shall continue in office for a term which shall expire on the date of expiration of the term which he was serving in such other capacity. Such other magistrates shall thereafter be appointed by the chief magistrate of the Magistrate Court of Jones County for terms which expire on the date that the term of office of the chief magistrate expires. The chief magistrate shall not appoint more than four magistrates for said magistrate court.

(c) The clerk of the magistrate court, constables, and other court personnel of the magistrate court shall be appointed by the chief magistrate; provided, however, that the number of such court personnel shall be approved by the governing authority of Jones County.

(d) The chief magistrate appointed to the Magistrate Court of Jones County shall be exempt from jury duty in the superior court or any other court existing or which may be created or established in Jones County.

Section 3. (a) A vacancy in the office of chief magistrate of the Magistrate Court of Jones County shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(b) A vacancy in the office of any other magistrate shall be filled by

appointment by the chief magistrate for the remainder of the unexpired term.
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Section 4. (a) The chief magistrate shall receive an annual salary of \$15,000.00 which shall be paid in equal monthly installments or equal semi-monthly installments, as determined by the governing authority of Jones County, from the funds of such county. On and after January 1, 1984, when the governing authority of Jones County grants a cost-of-living increase in the compensation of county employees, the average percentage by which the compensation of county employees is increased shall be applied to the then current salary of the chief magistrate, and the salary of the chief magistrate shall be increased by such average percentage.

(b) The governing authority of Jones County shall fix the salaries of the other magistrates and the compensation of the clerk of the court, the constables, and other court personnel. Such salaries or other compensation shall not be less than the minimum wage, and such court officers and personnel shall be entitled to other benefits provided for county employees.

Section 5. The costs and expenses of training required by Chapter 10 of Title 15 of the O.C.G.A. shall be paid by the chief magistrate and other magistrates of Jones County, but such officers shall be reimbursed by the governing authority of Jones County to such costs and expenses.

Section 6. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 7. (a) Except as otherwise provided in subsection (b) of this section, this Act shall become effective July 1, 1983.

(b) For the purpose of appointing the chief magistrate, subsection (a) of Section 2 of this Act shall become effective April 1, 1983; provided, however, that such officer shall not take office until July 1, 1983.

Section 8. All laws and parts of laws in conflict with this Act are repealed.

Senator Kidd of the 25th moved that the Senate adopt the Conference Committee report on SB 273.

On the motion, the yeas were 30, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on SB 273.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 625. By Representatives Dixon of the 151st, Bishop of the 94th and Crosby of the 150th:

A bill to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change the provisions relating to the special elections held for the purpose of determining whether the manufacture, sale, and distribution of distilled spirits shall be authorized.

Senate Sponsor: Senator Bond of the 39th.

Senators Littlefield of the 6th and Bryant of the 3rd offered the following amendment:

Amend HB 625 by adding on line 18 of Page 1 after the following:

“foregoing;”,

the following:

“to provide that the governing authority of certain counties and the governing authority of all municipalities located in such counties may authorize the sale of alcoholic beverages for consumption on the premises on Sunday; to provide referendums to approve or reject such authorizations;”

And by adding after line 32 of Page 16 the following:

“Section 5. Said title is further amended by adding at the end of Code Section 3-3-7, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, a new subsection (k) to read as follows:

‘(k) (1) In all counties having a population of not less than 54,600 and not more than 56,000 according to the United States decennial census of 1980 or any future such census in which the sale of alcoholic beverages is lawful, and in all municipalities within such counties in which the sale of alcoholic beverages is lawful, the governing authority of the county or municipality, as appropriate, may authorize the sale of alcoholic beverages for consumption on the premises if Sunday sales are approved in a referendum as provided in this subsection.

(2) Eating establishments located in the unincorporated area of the county, in the case of the county, or eating establishments located in the corporate limits of the municipality, in the case of a municipality, shall be authorized to sell alcoholic beverages for consumption on the premises on Sundays between the hours of 12:30 P.M. and 12:00 Midnight. As used in this paragraph, 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.

(3) Any governing authority desiring to permit and regulate Sunday sales shall so provide by proper resolution or ordinance.

(4) Not less than ten nor more than 20 days after the date of approval of such resolution or ordinance, it shall be the duty of the election superintendent of the county to issue the call for an election for the purpose of submitting the question of Sunday sales to the electors of the county for approval or rejection. The superintendent shall set the date of the election for a day not less than 30 nor more than 45 days after the date of the issuance of the call. The superintendent shall cause the date and purpose of the election to be published in the official organ of the county once a week for two weeks immediately preceding the date thereof. The ballot shall have written or printed thereon the words:

“[] YES Shall the governing authority of (name of county) be authorized to permit and regulate Sunday sales of distilled
[] NO spirits or alcoholic beverages for beverage purposes by the drink?”

(5) All persons desiring to vote for approval of Sunday sales shall vote “Yes,” and those persons desiring to vote for rejection of Sunday sales shall vote “No.” If more than one-half of the votes cast on the question are for approval of Sunday sales, the governing authority in such counties and the governing authority of all municipalities within such counties may by appropriate resolution or ordinance permit and regulate Sunday sales by licensees.

(6) The expense of the election shall be borne by the county in which the election is held. It shall be the duty of the superintendent to hold and conduct the election. It shall be his further duty to certify the result thereof to the Secretary of State.’”

And by striking on line 1 of Page 17 the following:

“Section 5”,

and inserting in lieu thereof the following:

“Section 6”

And by striking from line 4 of Page 17 the following:

“Section 6”,

and inserting in lieu thereof the following:

“Section 7”

On the adoption of the amendment, the yeas were 30, nays 3, and the amendment was adopted.

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, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Fincher	McGill
Barnes	Foster	McKenzie
Bond	Garner	Peevy
Brantley	Gillis	Perry
Bryant	Harris	Scott of 2nd
Cobb	Harrison	Scott of 36th
Coggin	Hine	Scott of 43rd
Coleman	Howard	Stumbaugh
Coverdell	Hudgins	Tate
Dawkins	Kidd	Trulock
Deal	Land	Turner
Dean	Lester	Tysinger
English	Littlefield	Walker
Engram		

Those voting in the negative were Senators:

Brown of 47th	Horton	Kennedy
Burton	Huggins	Thompson

Those not voting were Senators:

Barker	Greene	Phillips
Bowen	Hill	Starr (excused
Brannon	Holloway (excused	conferee)
Broun of 46th	conferee)	Timmons

On the passage of the bill, the yeas were 40, nays 6.

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

HB 639. By Representatives Chambless of the 133rd, Phillips of the 125th, Hooks of the 116th and Crawford of the 5th:

A bill to amend Code Section 31-7-8 of the Official Code of Georgia Annotated, relating to reports of certain disciplinary actions against persons authorized to practice medicine, so as to change the conditions under which those reports are required.

Senate Sponsor: Senator Howard of the 42nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to www.libtool.com.cn

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Kidd
Barker	Engram	Land
Barnes	Fincher	Lester
Bond	Foster	McGill
Bowen	Garner	Peevy
Brantley	Gillis	Perry
Brown of 47th	Harris	Scott of 2nd
Bryant	Harrison	Scott of 36th
Burton	Hill	Scott of 43rd
Cobb	Hine	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Trulock
Coverdell	Hudgins	Tysinger
Deal	Huggins	Walker
Dean	Kennedy	

Those not voting were Senators:

Brannon	Littlefield	Thompson
Broun of 46th	McKenzie	Timmons
Dawkins	Phillips	Turner
Greene	Starr (excused	
Holloway (excused	conferee)	
conferee)		

On the passage of the bill, the yeas were 44, nays 0.

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

HB 440. By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations and federal savings and loan associations.

Senate Sponsor: Senator Lester of the 23rd.

The Senate Committee on Banking and Finance offered the following substitute to HB 440: www.libtool.com.cn

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations, and federal savings and loan associations; to repeal the tax on bank shares; to repeal the existing tax on the net worth of state building and loan associations, and federal savings and loan associations; to remove the exemptions of banks, state building and loan associations, and federal savings and loan associations from the state corporate income tax, the state corporate net worth tax, the tax on intangible property, and the tax on tangible personal property; to permit municipalities and counties to levy local business license taxes upon banks, state building and loan associations, and federal savings and loan associations; to provide for additional exemptions from the tax on intangible property; to provide for a credit against state corporate income tax; to provide for legislative intent; to provide for other matters relative to the foregoing; 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 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by striking Code Section 48-6-20, relating to definitions pertaining to intangible personal property tax, in its entirety and inserting in lieu thereof a new Code Section 48-6-20 to read as follows:

“48-6-20. As used in this chapter, the term:

(1) ‘Bank’ means any financial institution chartered under the laws of this state or under the laws of the United States and domiciled in this state which is authorized to receive deposits in this state and which has a corporate structure authorizing the issuance of capital stock.

(2) ‘Collateral security loan’ means a loan held by any broker which represents credit extended in connection with the purchase or sale of stocks, bonds, or other securities of a like character held as collateral security for the loan.

(3) ‘Depository financial institution’ means a ‘bank’ and a ‘savings and loan association.’

(4) ‘Money’ means specie, currency, and credits resulting from the deposit of money, currency, checks, bills, and other evidences of the credits.

(5) ‘Savings and loan association’ means any financial institution, other than a credit union, chartered under the laws of this state or under the laws of the United States and domiciled in this state which is author-

ized to receive deposits in this state and which has a mutual corporate form.”
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Section 2. Said title is further amended by striking Code Section 48-6-22, relating to exemptions from intangible tax, in its entirety and inserting in lieu thereof a new Code Section 48-6-22 to read as follows:

“48-6-22. The tax imposed by this article shall not apply to:

(1) Obligations or evidences of debt of the United States or of this state or its political subdivisions or public institutions. Such obligations and evidences of debt shall include obligations of the United States government agencies and corporations established by acts of the Congress of the United States as well as industrial development revenue bonds issued pursuant to the laws of this state;

(2) Intangible personal property owned by a trust forming part of a pension, profit-sharing, or stock bonus plan exempt from federal income taxes under Section 401 of the Internal Revenue Code of 1954;

(3) Intangible personal property owned by or irrevocably held in trust for the exclusive benefit of a religious, educational, or charitable institution, no part of the net profit from the operation of which inures to the benefit of any private person;

(4) Intangible personal property owned by a person domiciled in this state which has acquired a taxable situs and is subjected to tax in another state incident to the conduct of business located in the other state;

(5) Common voting stock of a subsidiary corporation not doing business in this state if at least 90 percent of the common voting stock is owned by a domestic corporation with its principal place of business in this state and was acquired or is held for the purpose of enabling the parent company to carry on some part of its established line of business through the subsidiary;

(6) Stock of a corporation organized under the laws of this state if the corporation pays all taxes in this state as provided by law. For purposes of this paragraph, the term ‘corporation’ also means any depository financial institution;

(7) Stock of a domesticated foreign corporation if the corporation pays to this state or its political subdivisions all taxes as provided by law;

(8) Assets representing mandatory reserve requirements imposed, by statute or otherwise, on depository financial institutions subject to the tax on intangible property;

(9) Stock of the Federal Reserve Bank, the Government National Mortgage Association, the Federal National Mortgage Association, and other corporations and associations established by acts of the Congress of the United States;

(10) Mandatory deposits with the Federal Reserve Bank or others required by statute or regulations;

(11) Federal or correspondent funds sold and securities and other intangible assets purchased under agreements to resell to the extent they are offset by federal or correspondent funds purchased and securities and other intangible assets sold under agreements to repurchase;

(12) Customer's liabilities to depository financial institutions on acceptances outstanding to the extent they are offset by liabilities of depository financial institutions on acceptances executed and outstanding;

(13) Receivables arising from the lease of tangible personal property, provided that tangible property tax is due upon such property;

(14) Intercompany loans or advances from a parent corporation to a subsidiary, or vice versa, or from one subsidiary to another subsidiary, provided that the parent corporation owns, either directly or through other subsidiaries, more than 90 percent of the common voting stock of any subsidiary which is a party to any such transaction; and

(15) Intangible personal property owned by an international banking agency or domestic international banking facility licensed to do business in this state."

Section 3. Said title is further amended by striking Code Section 48-6-23, relating to intangible tax rates, in its entirety and inserting in lieu thereof a new Code Section 48-6-23 to read as follows:

"48-6-23. (a) A property tax is levied annually as of January 1 of each year at the following rates:

(1) Ten cents upon each \$1,000.00 of the fair market value of all personal property classified for taxation as intangible personal property in Code Section 48-6-21. The tax is not levied by this paragraph on intangible personal property classified as collateral security loans, long-term notes secured by real estate, or stocks, bonds, and debentures;

(2) Twenty-five cents upon each \$1,000.00 of the fair market value of all collateral security loans;

(3) One dollar upon each \$1,000.00 of the fair market value of all stocks in all corporations except those specifically exempted by law; and

(4) One dollar upon each \$1,000.00 of the fair market value of all bonds and debentures of all corporations. The tax rate upon notes of corporations, other than long-term notes secured by real estate, shall be the rate specified in paragraph (1) of subsection (a) of this Code section, regardless of the maturity date of any such note or notes.

(b) Long-term notes secured by real estate, as defined in Article 3 of this chapter, shall be recorded and taxed as provided in Article 3 of this chapter.

Section 4. Said title is further amended by striking subsection (b) of Code Section 48-6-63, relating to taxation of short-term notes, in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Nothing contained in this Code section shall be construed to

require the payment of ad valorem taxes on short-term notes by any institutions exempted by Article 2 of this chapter.”

Section 5. Said title is further amended by striking Code Section 48-6-90, relating to bank taxation, in its entirety and inserting in lieu thereof a new Code Section 48-6-90 to read as follows:

“48-6-90. Except as is otherwise provided in this title, depository financial institutions shall be subject to all forms of state and local taxation in the same manner and to the same extent as other business corporations in Georgia.”

Section 6. Said title is further amended by striking Code Section 48-6-91, relating to building and loan and savings and loan association taxation, in its entirety and inserting in lieu thereof a new Code Section 48-6-91 to read as follows:

“48-6-91. (a) Except as is otherwise provided in this title, depository financial institutions organized under the laws of any state other than the State of Georgia, of the United States and domiciled outside of Georgia, or of any foreign government, and which maintains a place of business within this state shall be subject to state and local taxation in the same manner and to the same extent as foreign corporations authorized to do business in this state.

(b) Domestic international banking facilities operating in this state pursuant to Article 5A of Chapter 1 of Title 7, the ‘Domestic International Banking Facility Act’ and engaging only in those activities authorized pursuant to that Act shall not be deemed to maintain a place of business in this state and shall not be subject to any state or local tax, license, or fee solely because of such activities.

Section 7. Said title is further amended by striking Code Section 48-6-92, which reads as follows:

“48-6-92. (a) Banks chartered under the laws of this state and building and loan associations organized under the laws of this state which accept funds for deposit and submit to examination by the commissioner of banking and finance, and banks and savings and loan associations chartered under the laws of the United States shall be taxed as provided in this article. Neither such banks nor such building and loan associations nor international banking corporations and international bank agencies authorized to conduct business in this state under Georgia law nor their assets shall be subject to Article 2 of this chapter.

(b) Nothing contained in this Code section shall be construed to exempt from Article 2 of this chapter any person licensed to conduct a small loan business pursuant to Chapter 3 of Title 7.”

in its entirety and inserting in its place the following:

“48-6-92. Reserved.”

Section 8. Said title is further amended by striking Code Section 48-

6-93, relating to taxation of certain intangibles, in its entirety and inserting in lieu thereof a new Code Section 48-6-93 to read as follows:

“48-6-93. (a) Municipalities and counties may each levy and collect a business license tax from depository financial institutions located within their respective jurisdiction at a rate not to exceed 0.25 percent of the gross receipts, as defined and allocated in this Code section, of said depository financial institutions. Municipalities and counties may provide that the minimum annual amount of such levy upon any depository financial institution shall be not more than \$1,000.00.

(b) (1) For purposes of this Code section, ‘gross receipts’ means the total amount of revenue generated from the sources itemized below during the calendar year immediately preceding the date on which the tax authorized by this Code section shall be due. Before determining gross receipts there shall be deducted:

(A) An amount equal to the amount of interest paid on all liabilities for the period;

(B) An amount equal to income derived from the authorized activities of any domestic international banking facility operating pursuant to Article 5A of Chapter 1 of Title 7, the ‘Domestic International Banking Facility Act’;

(C) An amount equal to any income arising from the conduct of a banking business with persons or entities located outside of the United States, its territories, or possessions;

(D) An amount equal to a depository financial institution’s gross income which is taxed under the tax laws of a state other than Georgia; and

(E) To the extent that any deductions are made pursuant to subparagraphs (B), (C), and (D) of this subsection, any deductions taken under subparagraph (A) of this subsection shall be reduced by the same proportion that the deductions in subparagraphs (B) through (D) of this subsection bear to the gross receipts of the depository financial institution as calculated before making any deductions pursuant to subparagraphs (A) through (D) above.

(2) The items to be included in the calculation of gross receipts with respect to banks are as follows:

(A) Interest and fees on loans;

(B) Interest on balances with other depository financial institutions;

(C) Interest on federal or correspondent funds sold and securities purchased under agreement to resell;

(D) Interest on other bonds, notes, and debentures, excluding interest on obligations of the State of Georgia or its political subdivisions and obligations of the United States;

(E) Dividends on stock;

- (F) Income from direct lease financing;
 - (G) Income from fiduciary activities;
 - (H) Service charges on deposit accounts;
 - (I) Other service charges, commissions, and fees; and
 - (J) Other income.
- (3) The items to be included in the calculation of gross receipts with respect to savings and loan associations are as follows:
- (A) Interest on mortgage loans;
 - (B) Interest on mortgages, participations, or mortgage-backed securities;
 - (C) Interest on real estate sold on contract;
 - (D) Discounts on mortgage loans purchased;
 - (E) Interest on other loans, excluding interest on obligations of the State of Georgia or its political subdivisions and obligations of the United States;
 - (F) Interest and dividends on investments and deposits;
 - (G) Loan fees;
 - (H) Loan servicing fees;
 - (I) Other fees and charges;
 - (J) Gross income from real estate owned operations;
 - (K) Net income from office building operations;
 - (L) Gross income from real estate held for investment;
 - (M) Net income from service corporations and subsidiaries;
 - (N) Miscellaneous operating income;
 - (O) Profit on sale of real estate owned, investment securities, loans, and other assets; and
 - (P) Miscellaneous nonoperating income.

(c) Every depository financial institution subject to the tax authorized by this Code section shall file a return of its gross receipts with each applicable jurisdiction levying such tax by March 1 of the year following the year in which such gross receipts are measured. Said return shall be in the manner and in the form prescribed by the commissioner based on the allocation method set forth in subsection (d) of this Code section. The return shall provide the information necessary to determine the portion of the taxpayer's total gross receipts to be allocated to each taxing

jurisdiction in which such institution has a place of business. Each taxing jurisdiction which has enacted a business license tax pursuant to subsection (a) of this Code section shall assess and collect said tax based upon the information provided in the returns.

(d) The total gross receipts generated in this state by a depository financial institution subject to any tax authorized by this Code section shall be allocated among separate taxing jurisdictions as follows:

(1) If a depository financial institution shall have an office or a place of business in more than one municipality, the amount of gross receipts taxable by each municipality shall be the amount of gross receipts attributable to such offices or places of business as of December 31 of the year in which gross receipts are measured; and

(2) If a depository financial institution shall have an office or a place of business in more than one county, the amount of gross receipts taxable by each county shall be the amount of gross receipts attributable to such offices or places of business as of December 31 of the year in which gross receipts are measured; and

(3) In determining the amount of 'gross receipts' attributable to each location, 20 percent of the gross receipts shall be attributable to the parent bank. The remaining 80 percent of gross receipts shall be attributable to branch banks and bank offices, pro rata according to the number of such branch banks and bank offices, with none of the gross receipts attributable to bank facilities or other outlets not considered to be a parent bank, branch bank, or bank office. The terms 'parent bank,' 'branch bank,' and 'bank office' as used in this Code section mean those same terms as defined in Chapter 1 of Title 7, the 'Financial Institutions Code of Georgia.' If there are fewer than five branch banks or bank offices in addition to the parent bank, the amount of gross receipts attributable to each such parent bank, branch bank, or bank office shall be determined by dividing the total gross receipts by the aggregate number of such outlets. For purposes of this distribution formula only, the term 'bank' also means a savings and loan association.

(e) Any tax paid by a depository financial institution pursuant to this Code section and Code Section 48-6-95 shall be credited dollar for dollar against any state corporate income tax liability of such institution for the tax year during which any business and occupation tax authorized by this Code section is paid. Such credit shall be subject to the provisions contained in paragraph (11) of subsection (b) of Code Section 48-7-21.

(f) Except as authorized by this Code section, no municipality or county shall levy any form of business license tax, fee, franchise, or occupation tax on any depository financial institution."

Section 9. Said title is further amended by striking Code Section 48-6-95, which reads as follows:

"48-6-95. The commissioner may promulgate rules and regulations to require state and national banking associations, federal savings and loan associations, and state building and loan associations to file informa-

tion returns with respect to state income taxes and other forms of taxation.”

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in its entirety and inserting in its place a new Code section 48-6-95 to read as follows:

“48-6-95. (a) There is imposed a special state occupation tax on each depository financial institution located in this state. The rate of this tax shall be 0.25 percent of the gross receipts, as defined in subsection (b) of Code Section 48-6-93, of the depository financial institution. This tax shall be in addition to any and all other taxes to which such depository financial institution is subject.

(b) Each depository financial institution shall file with the commissioner a return of its gross receipts by March 1 of the year following the year in which such gross receipts are measured. Said return shall be in the manner and in the form prescribed by the commissioner. The tax imposed by this Code section shall be paid to the commissioner at the time of filing the return.

(c) The commissioner shall make an annual report to the Governor and to the chairmen of the House and Senate Appropriations Committees of the amount of special state occupation tax on depository financial institutions collected.”

Section 10. Said title is further amended by adding new Code Sections 48-6-96 through 48-6-98 to read as follows:

“48-6-96. No depository financial institution shall be deprived of the benefit of any exemption, deduction, or credit authorized by law as a consequence of its election to file otherwise lawful consolidated returns with its parent organization or any corporate subsidiaries with respect to any state or local tax levied against such depository financial institution.

48-6-97. Except as otherwise provided by law, credit unions organized under the provisions of Chapter 1 of Title 7, of ‘Financial Institutions Code of Georgia’ shall be subject to all forms of state and local government taxation authorized by the Congress of the United States for the taxation of federally chartered credit unions on January 1, 1984. It is the intent of the General Assembly of the State of Georgia that credit unions organized under the laws of this state and credit unions organized under the laws of the United States and domiciled within this state be subject to the same degree of taxation whether by the state or any of its political subdivisions in which such credit union maintains a place of business. It is further the intent of the General Assembly that in the event the Congress of the United States should change the manner in which federally chartered credit unions may be taxed by state and local governments, then to the extent that state legislative authority is not preempted by the Congress, state-chartered credit unions and federally chartered credit unions operating in this state shall be taxed to the same extent and in the same manner as state-chartered savings and loan associations operating in this state.

48-6-98. It is the intent of the General Assembly of the State of Georgia that depository financial institutions shall be taxed in the same

manner and to the same extent for purposes of state taxation. It is the further intent of the General Assembly of Georgia that depository financial institutions shall be taxed in the same manner and to the same extent by the individual political subdivisions in which they have an office or place of business; provided, however, that the following distinctions shall be made to recognize differences between banks and savings and loan associations:

(1) Any appropriate distinctions made elsewhere in this chapter, and specifically the following:

(2) For a period of three years from January 1, 1984, the aggregate gross receipts taxes payable by any savings and loan association under the provisions of this chapter shall not be in excess of an amount that would be raised by a current ad valorem tax imposed upon the net worth of said association. As used in this chapter, the term 'net worth' means all surplus, undivided profits, and reserves exclusive of any reserve required by any federal or state statute or regulation in force as of January 1, 1980, which statute or regulation is applicable to such federal or state-chartered association, and minus the fair market value of all real estate or equity therein owned by the association.

(3) Savings and loan associations which have been in existence for ten years or more and which hold a first mortgage loan portfolio equal to 75 percent or more of the total assets of the association shall not be liable to pay the gross receipts taxes provided by this chapter, but in lieu thereof shall pay an amount that would be raised by an ad valorem tax imposed upon the net worth of said association. As used in this chapter, the term 'net worth' means all surplus, undivided profits, and reserves exclusive of any reserve required by any federal or state statute or regulation in force as of January 1, 1980, which statute or regulation is applicable to such federal or state-chartered association, and minus the fair market value of all real estate or equity therein owned by the association."

Section 11. Said title is further amended by striking Code Section 48-7-21, relating to corporate income tax, in its entirety and inserting in lieu thereof a new Code Section 48-7-21 to read as follows:

"48-7-21. (a) Every domestic corporation and every foreign corporation shall pay annually an income tax equivalent to 6 percent of its Georgia taxable net income. Georgia taxable net income of a corporation shall be the corporation's taxable income from property owned or from business done in this state. A corporation's taxable income from property owned or from business done in this state shall consist of the corporation's taxable income as defined in the Internal Revenue Code of 1954, with the adjustments provided for in subsection (b) of this Code section and allocated and apportioned as provided in Code Section 48-7-31.

(b) (1) (A) When interest income is derived from obligations of any state or political subdivision except this state and political subdivisions of this state, the interest income shall be added to taxable income to the extent that the interest income is not included in gross income for federal income tax purposes. Interest or dividends on obligations of any author-

ity, commission, instrumentality, territory, or possession of the United States which by the laws of the United States are exempt from federal income tax but not from state income tax shall also be added to taxable income.

(B) There shall be subtracted from taxable income interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent such interest or dividends are includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. There shall also be subtracted from taxable income any income derived from the authorized activities of a domestic international banking facility operating pursuant to the provisions of Article 5A of Chapter 1 of Title 7, the 'Domestic International Banking Facility Act' and any income arising from the conduct of a banking business with persons or entities located outside the United States, its territories, or possessions. Any amount subtracted pursuant to this subparagraph shall be reduced by any expenses directly attributable to the production of the interest or dividend income.

(2) There shall be added to taxable income any taxes on, or measured by, net income or net profits paid or accrued within the taxable year imposed by the authority of the United States or any foreign country, or by any state, territory, county, school district, municipality, or other tax subdivision of any state, territory, or foreign country to the extent such taxes are deducted in determining federal taxable income.

(3) No portion of any deductions or losses which occurred in a year in which the taxpayer was not subject to taxation in this state including, but not limited to, net operating losses may be deducted in any tax year. When the federal adjusted gross income or net income of a corporation includes such deductions or losses, an adjustment deleting them shall be made under rules established by the commissioner. The provisions of this subsection shall not prohibit the carry-over of any deductions or losses including, but not limited to, net operating losses of any taxpayer which were incurred in a year or years in which the taxpayer was subject to methods of taxation in this state other than the corporate income tax.

(4) Income, losses, and deductions previously used in computing Georgia taxable income shall not again be used in computing Georgia taxable income. The commissioner shall provide for needed adjustments by regulation.

(5) (A) Any gain not recognized pursuant to Section 337 of the Internal Revenue Code of 1954 shall be recognized. To the extent that a corporation incurs a Georgia income tax liability by reason of the recognition of the gains, the Georgia income tax liability attributable to the gains shall be allowed as a credit against the Georgia income tax liability of each common stockholder of the corporation in an amount which bears the same ratio to the Georgia income tax liability as the liquidation distribution received or receivable by the common stockholder bears to the liquidation distribution received or receivable by all common stockholders. The credit shall be allowable only in the taxable year or years of each stockholder in which the liquidation distribution is received and

shall be limited to the amount of Georgia income tax liability, if any, of the stockholders for such year or years as computed before application of the credit provided by this Code section and before the application of any credits for withholding or estimated tax payments.

(B) A corporation having a net gain which is not recognized for federal income taxation under Section 337 of the Internal Revenue Code of 1954 but which is added to Georgia taxable income under this chapter shall be allowed a deduction of one-half of the net gain but not more than one-half of the amount which would be treated under the Internal Revenue Code of 1954 as the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for the year if it were not for Section 337 of the Internal Revenue Code of 1954.

(6) When on the sale or exchange of real or tangible personal property located in this state gain or loss is not recognized because the taxpayer receives or purchases similar property, the nonrecognition shall be allowed only when the property is replaced with property located in this state.

(7) This article shall not be construed to repeal any tax exemptions contained in other laws of this state not referred to in this article. Those exemptions and the exemptions provided for by federal law and treaty shall be deducted on forms provided by the commissioner.

(8) All elections made by corporate taxpayers under the Internal Revenue Code of 1954 shall also apply under this article except elections involving consolidated corporate returns and subchapter 'S' elections which shall be treated as follows:

(A) (i) If two or more corporations file federal income tax returns on a consolidated basis and all of the corporations derive all of their income from sources within this state, the corporations must file consolidated returns for Georgia income tax purposes. Affiliated corporations which file a consolidated federal income tax return but which derive income from sources outside this state must file separate income tax returns with this state unless they have prior approval or have been requested to file a consolidated return by the department; and

(ii) No depository financial institutions, as defined in Code section 48-6-20, shall be deprived of the benefit of any exemption, deduction, or credit authorized by this title as a consequence of its election to file otherwise lawful consolidated returns with its parent organization or any corporate subsidiaries with respect to any state or local tax levied against such depository financial institution as a result of this title.

(B) Subchapter 'S' elections apply only if all stockholders are subject to tax in this state on their portion of the corporate income. If all nonresident stockholders pay the Georgia income tax on their portion of the corporate income, the election shall be allowed.

(9) There shall be subtracted from taxable income dividends received by:

(A) A corporation from sources outside the United States as defined

in the Internal Revenue Code of 1954. The amount subtracted under this subparagraph shall be reduced by any expenses directly attributable to the dividend income;

(B) Corporations from affiliated corporations within the United States, when the corporation receiving the dividends is engaged in business in this state and is subject to the payment of taxes under the income tax laws of this state, to the extent that the dividends have been included in net income under this Code section. Dividends from affiliates shall be reduced by any expenses directly attributable to the dividend income.

(10) Where a corporation's salary and wage deductions are reduced in computing federal taxable income because the corporation has taken a federal jobs tax credit which required, as a condition to using the federal jobs tax credit, the elimination of salary and wage deductions, the eliminated salary and wage deductions shall be subtracted from taxable income.

(11) There shall be a dollar-for-dollar credit against the state income tax liability of depository financial institutions which shall be equal to the amount of taxes, if any, paid by such taxpayers pursuant to Code Section 48-6-93 and Code Section 48-6-95. If the liability of any such institutions under the taxes authorized by Code Section 48-6-93 and Code Section 48-6-95 exceeds the corporate income tax liability of such institution for any year, the amount of any unused credit under this Code section may be credited over a period of five years from the tax year in which the unused credit arose."

Section 12. Said title is further amended by striking subsection (a) of Code Section 48-7-25, relating to organizations exempted from corporate income tax, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The following organizations shall be exempt from taxation imposed by Code Section 48-7-21 unless the exemption is denied under subsection (b) or (c) of this Code section:

(1) Those organizations described by Section 501(c), 501(d), 501(e), 664, or 401 of the Internal Revenue Code of 1954. Organizations described in this paragraph shall be exempt from taxation for state purposes in the same manner and to the same extent as for federal purposes; and

(2) Insurance companies which pay to the state a tax upon premium income.

Section 13. Said title is further amended by striking Code Section 48-13-71, relating to exemptions from corporate net worth tax, in its entirety and inserting in lieu thereof a new Code Section 48-13-71 to read as follows:

"48-13-71. The following are exempt from the payment of the tax imposed by this article:

(1) Those organizations not organized for pecuniary gain or profit; and

(2) Insurance companies which are separately taxed.

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Section 14. This Act shall become effective on January 1, 1984, and it shall be repealed on December 31, 1986. The commissioner of the Department of Banking and Finance shall prepare a report during 1985 for submission to the Governor and the General Assembly analyzing the fiscal impact of this Act.

Section 15. In the event that subsection (e) of Code Section 48-6-93 or paragraph (11) of subsection (b) of Code Section 48-7-21 is declared or adjudged invalid or unconstitutional, it is the intent of the General Assembly that this entire Act also be held invalid and that the methods of taxation of subjects affected by this Act revert to those methods in force immediately prior to the effective date of this Act. In the event that any section, subsection, sentence, clause, or phrase of this Act other than those described above shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. Except as otherwise provided in this section, the General Assembly declares that it would have passed the remaining parts of this Act if it had known that any part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 16. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 40, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Dawkins	Horton
Barnes	Deal	Howard
Bond	Dean	Hudgins
Bowen	English	Huggins
Brantley	Ingram	Kennedy
Broun of 46th	Fincher	Kidd
Brown of 47th	Foster	Land
Bryant	Garner	Lester
Burton	Gillis	McGill
Cobb	Harris	McKenzie
Coggin	Hill	Peevy
Coleman	Hine	Perry
Coverdell	Holloway	Phillips

Scott of 2nd	Tate	Trulock
Scott of 36th	Thompson	Turner
Scott of 43rd	Timmons	Tysinger
Stumbaugh		

Those not voting were Senators:

Allgood	Harrison	Walker
Brannon	Littlefield	
Greene	Starr (excused conferee)	

On the passage of the bill, the yeas were 49, nays 0.

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

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

HB 530. By Representative Couch of the 40th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to application for homestead exemption, so as to change the date for filing application for homestead exemption in all counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census.

Senator Coggin of the 35th moved that the Senate insist upon the Senate substitute to HB 530.

On the motion, the yeas were 31, nays 0; the motion prevailed, and the Senate insisted upon the Senate substitute to HB 530.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 385. By Representatives Chambless of the 133rd, Ginsberg of the 122nd, Rainey of the 135th and others:

A bill to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to licenses to carry certain firearms so as to change the requirements as to the search of certain records.

Senate Sponsor: Senator Coggin of the 35th.

The report of the committee, which was favorable to the passage of the bill, was agreed to www.libtool.com.cn

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Engram	Lester
Barnes	Fincher	McGill
Bond	Foster	McKenzie
Bowen	Garner	Peevy
Brantley	Gillis	Perry
Broun of 46th	Harris	Phillips
Brown of 47th	Harrison	Scott of 2nd
Bryant	Hill	Scott of 36th
Burton	Hine	Starr
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Trulock
Deal	Kennedy	Turner
Dean	Kidd	Tysinger
English	Land	Walker

Those not voting were Senators:

Allgood	Greene	Littlefield
Brannon	Holloway (excused	Scott of 43rd
Dawkins	conferee)	Timmons

On the passage of the bill, the yeas were 48, nays 0.

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

HB 375. By Representatives Snow of the 1st, Darden of the 20th, Lawson of the 9th and others:

A bill to amend Article 16 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to trademarks, service marks, and trade names, so as to increase the renewal fee for the registration of a trademark or service mark.

Senate Sponsor: Senator Allgood of the 22nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Barker	Greene	McKenzie
Barnes	Harris	Peevy
Brantley	Harrison	Perry
Brown of 47th	Hill	Phillips
Bryant	Hine	Scott of 2nd
Burton	Holloway	Scott of 36th
Cobb	Horton	Scott of 43rd
Coggin	Howard	Starr
Coleman	Hudgins	Stumbaugh
Dawkins	Huggins	Tate
Deal	Kennedy	Thompson
Dean	Kidd	Timmons
English	Land	Trulock
Fincher	Lester	Turner
Foster	Littlefield	Tysinger
Garner	McGill	Walker
Gillis		

Those not voting were Senators:

Allgood	Brannon	Coverdell
Bond	Broun of 46th	Engram
Bowen		

On the passage of the bill, the yeas were 49, nays 0.

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

HB 348. By Representatives Bishop of the 94th, Daugherty of the 33rd, Steinberg of the 46th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978"

Senate Sponsor: Senator Bond of the 39th.

The Senate Committee on Governmental Operations offered the following amendment:

Amend HB 348 by striking from Page 9, line 14, the word "Advisory" and inserting in lieu thereof the following:

"Advisory".

On the adoption of the amendment, the yeas were 1, nays 37. and the amendment was lost. www.libtool.com.cn

Senators Bond of the 39th, Barnes of the 33rd, Dean of the 31st and Kidd of the 25th offered the following substitute to HB 348:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978;" to change the definition of public employer and employer; to change the name of the Fair Employment Practices Advisory Board; to change the provisions relating to the membership and officers of the board; to change the provisions relating to the administrator and the administrator's powers and duties; to change certain time periods; to change the provisions relating to practices and procedures; to provide for records; to provide for jurisdiction; to prohibit certain actions; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, is amended by striking Article 2, known as the "Fair Employment Practices Act of 1978," in its entirety and substituting in lieu thereof a new Article 2 to read as follows:

"ARTICLE 2

45-19-20. This article shall be known and may be cited as the 'Fair Employment Practices Act of 1978.'

45-19-21. (a) The general purposes of this article are:

(1) To provide for execution within public employment in the state of the policies embodied in Title VII of the federal Civil Rights Act of 1964 (78 Stat. 241), as amended by the Equal Employment Opportunity Act of 1972 (86 Stat. 103), as from time to time amended, the federal Age Discrimination in Employment Act of 1967 (81 Stat. 602), as from time to time amended, and the federal Rehabilitation Act of 1973 (87 Stat. 355), as from time to time amended;

(2) To safeguard all individuals in public employment from discrimination in employment;

(3) To promote the elimination of discrimination against all individuals in public employment because of such individuals' race, color, religion, national origin, sex, handicap, or age thereby to promote the protection of their interest in personal dignity and freedom from humiliation; to make available to the state their full productive capacities; to secure the state against domestic strife and unrest which would

menace its democratic institutions; to preserve the public safety, health, and general welfare; and to further the interests, rights, and privileges of individuals within the state.

(b) This article shall be broadly construed to further the general purposes stated in this Code section and the special purposes of the particular provision involved.

(c) Nothing in this article shall be construed as indicating an intent to exclude local or federal laws on the same subject matter, which laws are not inconsistent with this article.

(d) Nothing contained in this article shall be deemed to repeal any other nonconflicting law of this state relating to discrimination because of race, color, religion, national origin, sex, handicap, or age.

45-19-22. As used in this article, the term:

(1) 'Administrator' means the administrator of the Office of Fair Employment Practices provided for by Code Section 45-19-24.

(2) 'Board' means the Fair Employment Practices Board created by Code Section 45-19-23.

(3) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting, coercing, or compelling of such an act or practice. This term shall not include any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of religion if an employer demonstrates that the employer is unable to accommodate reasonably an employee's or prospective employee's religious observation or practice without undue hardship on the conduct of the employer's operation.

(4) 'Handicap' means a physical or mental impairment which substantially limits one or more of a person's major life activities, unless an employer demonstrates that the employer is unable to accommodate reasonably to an employee's or prospective employee's handicap without undue hardship on the conduct of the employer's operation.

(5) 'Public employer' or 'employer' means any department, board, bureau, commission, authority, or other agency of the state which employs 15 or more employees within the state for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. A person elected to public office in this state is a public employer with respect to persons holding positions or individuals applying for positions which are subject to the State Merit System of Personnel Administration or any personnel merit system of any agency or authority of this state. A person elected to public office in this state is not a public employer with respect to persons holding positions or individuals applying for positions

on such officer's personal staff or on the policy-making level or as immediate advisors with respect to the exercise of the constitutional or legal powers of the office held by such officer. The term 'public employer' shall include the State Merit System of Personnel Administration whether or not such agency is the immediate employer of the party or parties claiming to be aggrieved.

(6) 'Public employment' means employment by any department, board, bureau, commission, authority, or other agency of the State of Georgia.

(7) 'Religion' means all aspects of religious observance and practice as well as belief.

(8) 'Unlawful practice' means an act or practice declared to be an unlawful practice in Code Sections 45-19-29 through 45-19-31, 45-19-32, or 45-19-45.

45-19-23. (a) A Fair Employment Practices Board is created. The board shall consist of nine persons. Subject to confirmation by the Senate, the members of the board shall be appointed by the Governor for three-year terms, except as hereafter provided. Of the Governor's initial appointments, there shall be for one-year terms, three shall be for two-year terms, and three shall be for three-year terms. In the event of a vacancy during the term of any member appointed by the Governor whether by reason of death, resignation, or otherwise, the appointment of a successor by the Governor shall be only for the remainder of the unexpired term. The membership of the board shall be representative of a fair and reasonable cross section of the population of the state and one-third of the members shall have experience in labor or Title VII law enforcement, or other legal human rights experience.

(b) The board shall annually elect a chair and such other officers as it deems appropriate and shall meet at least three times a year at a time and place specified in writing by the administrator. The board may also meet from time to time upon its own motion, as deemed necessary by a majority of the members thereof, for the purposes of conducting routine or special business. Each member of the board shall serve without pay; but the members who are not otherwise state officials or employees shall receive a per diem of \$44.00 for each day said members are engaged in their official duties plus the legal mileage allowance authorized for state employees for the use of their personal automobiles while engaged in the official duties of the board.

(c) The board shall make a written report to the Governor and to the General Assembly by December 31 of each year. Such report shall advise the Governor and the members of the General Assembly of the board's activities and the administration of this article and shall make such recommendation for change, if any, as the board deems proper.

(d) The board shall assist the administrator of the Office of Fair Employment Practices in an advisory capacity in carrying out the duties and functions of the office including but not limited to matters relating to fair employment practices and the effectiveness of the state programs and operations.

(e) The board shall establish and certify to the Governor at the beginning of each fiscal year a list of not less than 12 persons, including females and minorities, licensed to practice law in Georgia, who have experience in labor law, in employment law, or administrative law, for which list the Governor may select, on the basis of rotation in sequential order, special masters as provided for in Code Section 45-19-37. The board may from time to time certify to the Governor additional persons to be added to the aforementioned list.

45-19-24. There is created the Office of Fair Employment Practices. The Governor shall appoint an administrator of the Office of Fair Employment Practices who shall serve at the pleasure of the Governor. The Office of Fair Employment Practices shall be attached to the office of the Governor for administrative purposes only.

45-19-25. The function of the administrator shall be to encourage fair treatment for public employees and to discourage unlawful discrimination in public employment.

45-19-26. The Attorney General shall be the legal adviser for the administrator.

45-19-27. In the enforcement of this article the administrator shall have the following powers and duties:

(1) To maintain an office in the City of Atlanta and such other offices within the state as the administrator may deem necessary;

(2) To meet and exercise the administrator's powers at any place within the state;

(3) Within the limitations provided by law, to appoint clerks and other employees and agents as the administrator may deem necessary, to include employees and agents to represent complainants at special master hearings as provided in Code Section 45-19-37;

(4) To cooperate with individuals and with state, local, and other agencies, both public and private, and to obtain upon request and utilize the services of all governmental departments and agencies;

(5) To cooperate with the United States Equal Employment Opportunity Commission created by Section 705 of the Civil Rights Act of 1964 (78 Stat. 241), as amended, and with other federal and local agencies in order to achieve the purposes of that act; and to cooperate with other federal and local agencies in order to achieve the purposes of this article;

(6) To accept gifts, bequests, grants, or other public or private payments on behalf of the state and to pay such moneys into the state treasury;

(7) To accept on behalf of the state reimbursement pursuant to Section 709(b) of the Civil Rights Act of 1964 (78 Stat. 241), as amended, for services rendered to assist the United States Equal Employment Opportunity Commission;

(8) To receive, initiate, investigate, seek to conciliate, and make determinations regarding complaints alleging violations of this article and to approve or disapprove plans required by the Governor to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age;

(9) To furnish technical assistance requested by persons subject to this article to further their compliance with this article or an order issued thereunder;

(10) To investigate and make studies, subject to approval by the Governor, of unlawful practices in public employment and, in connection therewith, to hold hearings, to request the attendance of persons to give testimony, to receive for the record at any such hearings written statements, documents, exhibits, and other items pertinent to the subject matter of any such hearing, and, following any such investigation or hearing, to issue such report and recommendations as will in its opinion assist in carrying out the purposes of this article;

(11) To require answers to interrogatories, examine witnesses, and require the production of documents so long as it is relevant to the investigation of a complaint;

(12) To render written reports to the Governor and the General Assembly. The reports may contain recommendations of the administrator for legislative or other action to effectuate the purposes and policies of this article;

(13) To make provision for technical and clerical assistance to the Fair Employment Practices Board;

(14) To adopt, promulgate, amend, and rescind, subject to approval of the board and the Governor and after giving proper notice and hearing to all public employers pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and regulations as may be necessary to carry out the provisions of this article, including regulations requiring the posting or inclusion in advertising material of notices prepared or approved by the administrator and regulations regarding the filing, approval, or disapproval of plans to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age;

(15) To cooperate with other organizations, public and private, to discourage unlawful practices and discrimination in employment;

(16) To maintain with the United States Equal Employment Opportunity Commission status as a 'deferral agency' under Section 706 of the Civil Rights Act of 1964 (78 Stat. 241), as amended, as provided by the rules and regulations of said commission or as a 'referral agency' under Section 709 of the Civil Rights Act of 1964 (78 Stat. 241), as amended; and

(17) To require, pursuant to rules and regulations promulgated by the administrator under the authority of paragraph (14) of this Code section, from any state agency or department such reports and informa-

tion at such times as it may deem reasonably necessary to carry out the purposes of this article.

45-19-28. The provisions of this article relating to discrimination in employment on the basis of age shall apply only to individuals who are at least 40 years of age but less than 70 years of age.

45-19-29. It is an unlawful practice for any employer:

(1) To fail or refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, national origin, sex, handicap, or age;

(2) To limit, segregate, or classify their employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect an individual's status as an employee because of such individual's race, color, religion, national origin, sex, handicap, or age; or

(3) To hire, promote, advance, segregate, or affirmatively hire an individual solely because of race, color, religion, national origin, sex, handicap, or age, but this paragraph shall not prohibit an employer from voluntarily adopting and carrying out a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age if the plan has first been filed with the administrator for review and comment for a period of not less than 30 days.

45-19-30. It is an unlawful practice for an employer controlling apprenticeship or other training or retraining including on-the-job training programs to discriminate against an individual because of such individual's race, color, religion, national origin, sex, handicap, or age in admission to or employment in any program established to provide apprenticeship or other training or to discriminate by allowing admission or promotion to an apprenticeship or training program solely because of race, color, religion, national origin, sex, handicap, or age.

45-19-31. It is an unlawful practice for an employer to print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer indicating any preference, limitation, specification, or discrimination based on race, color, religion, national origin, sex, handicap, or age, except that such a notice or advertisement may indicate a preference, limitation, or specification based on race, color, religion, national origin, sex, handicap, or age when religion, national origin, sex, handicap, or age is a bona fide occupational qualification for employment.

45-19-32. It is an unlawful practice for a party to a conciliation agreement made pursuant to subsection (d) of Code Section 45-19-36 to violate the terms of the agreement.

45-19-33. It is not an unlawful practice for an employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit sys-

tem, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, national origin, sex, handicap, or age; nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof is not designated, intended, or used to discriminate because of race, color, religion, national origin, sex, handicap, or age.

45-19-34. It is not an unlawful practice for an employer to hire and employ employees or to select an individual in any training program on the basis of religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal functions of that particular employer's responsibilities.

45-19-35. (a) Quotas because of imbalances in employee ratios shall not be permitted.

(b) Nothing contained in this article requires an employer to grant preferential treatment to an individual or to a group because of the race, color, religion, national origin, sex, handicap, or age of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, national origin, sex, handicap, or age in the state or a community, section, or other area or in the available work force in the state or a community, section, or other area.

(c) It is specifically provided that neither subsection (a) nor (b) of this Code section nor any other provision of this article shall prohibit an employer from adopting or carrying out a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age if such plan is required by the Governor and filed with and approved by the administrator prior to its final adoption and implementation.

(d) Nothing contained in this article prohibits:

(1) Minimum hiring ages otherwise provided by law;

(2) State compliance with federal regulations;

(3) Termination of the employment of any person who is unable or incompetent or refuses to perform the person's duties;

(4) Any physical or medical examinations of applicants or employees which an employer requires to determine fitness for the job or position sought or held; or

(5) An employer from observing the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan which is not a subterfuge to evade the purposes of this article.

45-19-36. (a) An individual claiming to be aggrieved by an unlawful practice or another person on behalf of an individual claiming to be aggrieved by an unlawful practice may file with the administrator a written, sworn complaint stating that an unlawful practice has been committed setting forth the facts upon which the complaint is based and setting forth facts sufficient to enable the administrator to identify the employer, hereinafter called the respondent, charged. The administrator's staff shall promptly investigate the allegations of unlawful practice set forth in the complaint and within 15 days of filing, shall serve the respondent with a copy of the complaint. The complaint shall be barred unless filed within 180 days after the alleged unlawful practice occurs.

(b) Within 90 days after the complaint has been filed, the administrator shall determine whether there is reasonable cause to believe the respondent has engaged in an unlawful practice. If it is determined that there is no reasonable cause to believe that the respondent has engaged in an unlawful practice, the administrator shall issue an order dismissing the complaint.

(c) Within ten days after receiving a copy of the order dismissing the complaint, the complainant may file with the administrator an application for reconsideration of the order. Upon such application, the administrator shall determine within 15 days whether there is reasonable cause to believe that the respondent has engaged in an unlawful practice. If it is again determined that there is no reasonable cause to believe that the respondent has engaged in an unlawful practice, the administrator shall issue an order dismissing the complaint and notifying the complainant that such complainant has the right to request a right to sue letter from the appropriate federal agency or petition for review in the appropriate superior court as provided for in Code Section 45-19-39.

(d) After investigation or after the review provided for in subsection (c) of this Code section, if the administrator determines that there is reasonable cause to believe that the respondent has engaged in an unlawful practice, then the administrator's staff shall first endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion. The terms of a conciliation agreement reached with a respondent may require the respondent to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the administrator and the respondent. If a conciliation agreement is entered into, the administrator shall issue and serve on the complainant a final order stating its terms. Except for the terms of the conciliation agreement, neither the administrator nor any agent thereof shall make public without the written consent of the complainant and the respondent information concerning efforts in the particular case to eliminate an unlawful practice by conference, conciliation, or persuasion, whether or not there is a determination of reasonable cause or a conciliation agreement.

(e) In the event the administrator determines that there is reasonable cause to believe that an agency or authority has engaged in an unlawful practice as defined in this article and the administrator's staff is unable to eliminate the alleged unlawful practice by conference, conciliation,

and persuasion, the administrator shall refer the complaint to a special master as provided for in Code Section 45-19-37.

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(f) At the expiration of one year from the date of a conciliation agreement and at other times in its reasonable discretion, the administrator's staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. The administrator shall report the findings to the complainant and respondent. If the administrator finds reasonable cause to believe that the agreement has been breached, the complainant may seek enforcement of the agreement in the superior court of the county in which the alleged violation took place or in the county of the respondent's residence.

45-19-37. (a) Unless the administrator has issued an order dismissing the complaint or stating the terms of a conciliation agreement, within 90 days after a complaint is filed, the administrator shall request that the Governor appoint, from the list provided for by subsection (e) of Code Section 45-19-23, a special master to conduct a hearing in accordance with this article. Not more than 15 working days after such request, the Governor shall select and appoint a special master who must be an attorney licensed to practice law in this state. The special master shall have all of the power and authority granted to agencies in conducting hearings and rendering final orders under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' including but not limited to subpoena power.

(b) Not more than seven days after the appointment of the special master, the administrator shall serve on the respondent and on the complainant or the complainant's attorney by registered or certified mail a written notice together with a copy of the complaint requiring the respondent to answer the charges contained therein at a hearing before the special master at a time and place specified in the notice. Such notice must contain all general and specific charges against the respondent.

(c) The respondent shall serve an answer with the special master by registered or certified mail not more than 20 working days after receipt of the notice of hearing, which 20 working days may be extended by the special master's discretion for an additional time not to exceed ten working days. The respondent's answer must show by a certificate of service that the respondent has served a copy of the answer on the complainant or the complainant's attorney at the last known address of the complainant or the complainant's attorney where complainant is represented by an attorney. Upon leave of the special master, the complainant may amend the charges contained in the notice of hearing. The respondent may amend an answer at any time prior to the hearing or, upon leave of the special master, may amend thereafter. No final order shall be issued unless the respondent has had the opportunity of a hearing on the charges contained in the notice of hearing or amendment on which the final order is based. If the respondent fails to answer the complaint, the special master may enter the respondent's default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.

(d) At any time after a notice of hearing is served upon a respon-

dent, discovery shall be authorized in the same manner and fashion as discovery is permitted under Code Sections 9-11-26 through 9-11-37. Any order contemplated in Code Sections 9-11-26 through 9-11-37 may be issued by the special master. Judicial enforcement of any such order may be obtained by the complainant or respondent in the same manner as is provided for the enforcement of final orders in Code Section 45-19-40.

(e) A respondent who has filed an answer or whose default in answering has been set aside for good cause shown may appear at the hearing, may examine and cross-examine witnesses and the complainant, and may offer evidence. The complainant and, at the discretion of the special master, any other person may intervene, examine and cross-examine witnesses, and present evidence.

(f) Efforts at conference, conciliation, and persuasion shall not be received in evidence.

(g) Testimony taken at the hearing shall be under oath and shall be stenographically or otherwise recorded by a certified court reporter. After the hearing, the special master at the special master's discretion may take further evidence or hear arguments upon notice to all parties with an opportunity to be present.

(h) Except as otherwise specifically provided for in this article, all proceedings of the special master shall be conducted as provided for with respect to contested cases in Chapter 13 of Title 50.

(i) A complainant may retain at the complainant's own expense private counsel to represent the complainant in any proceeding provided for under this article; however, the complainant may utilize the services of an individual employed by the administrator pursuant to paragraph (3) of Code Section 45-19-27 in presenting the complainant's case before the special master.

45-19-38. (a) If the special master determines that the respondent has not engaged in an unlawful practice, the special master shall state the special master's findings of fact and conclusions of law and shall issue a final order, within 30 days after the hearing unless, for good cause shown, such time is extended by the Governor, dismissing the complaint.

(b) If the special master determines that the respondent has engaged in an unlawful practice, the special master shall state the special master's findings of fact and conclusions of law and shall issue a final order, within 30 days after the hearing unless, for good cause shown, such time is extended by the Governor, requiring the respondent to cease and desist from the unlawful practice and to take such remedial action as in the judgment of the special master will carry out the purposes of this article.

(c) Remedial action under this Code section may include but is not limited to:

(1) Hiring, reinstatement, or upgrading of employees with or without back pay. No award of back pay shall be ordered pursuant to this article with respect to any period more than two years prior to the date

of the filing with the administrator of the complaint with respect to which such award of back pay is ordered. Interim earnings, unemployment benefits, workers' compensation benefits, or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;

(2) Admission or restoration of individuals to participation in a guidance program, apprenticeship training program, on-the-job training program, or other occupational training or retraining program and the utilization of objective criteria in the admission of individuals to such programs;

(3) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;

(4) Reporting as to the manner of compliance;

(5) Posting notices in conspicuous places in the respondent's place of operation in the form prescribed by the administrator or special master;

(6) Restoration of employment benefits not otherwise specified in this Code section; or

(7) Recommending to the Governor that the respondent be required to adopt and file with the administrator, within a specified time limitation, for the administrator's approval a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age.

(d) Any monetary award ordered pursuant to this article shall be for actual damages only.

(e) The respondent shall comply without delay with the terms and conditions of such a final order.

45-19-39. (a) Any party to a hearing before a special master or a complainant whose complaint has been dismissed by the administrator may appeal any adverse final order of a special master by filing a petition for review in the superior court in the county in which the alleged unlawful practice occurred or in the superior court of the residence of the respondent within 30 days of the issuance of the final order. Neither the administrator nor the special master shall be a named party; however, the administrator must be served with a copy of the petition for review. Within 30 days after the petition is served on the administrator, the administrator shall forward to the court a certified copy of the record of the hearing before the special master, including the transcript of the hearing before the special master and all evidence, administrative pleadings, and orders, or the entire record if no hearing has been held. For good cause shown, the court may require or permit subsequent corrections or additions to the record. All appeals for judicial review shall be in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; provided, however, that if any provisions of Chapter 13 of Title 50 conflict with any provision of this article, this article controls. An individual employed by the administrator pursuant to paragraph (3) of Code Sec-

tion 45-19-27 shall not have the authority to represent the complainant in any appeal to superior court of a final order of the special master or in any proceeding in any court, except to secure judicial enforcement of orders of a special master.

(b) The court shall not substitute its judgment for that of the special master as to the weight of the evidence on questions of fact. The court may affirm a final order of the special master or remand the case for further proceedings. The court may reverse or modify the final order if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the agency;
- (3) Made upon unlawful procedures;
- (4) Affected by other error of law;

(5) Not supported by substantial evidence, which shall mean that the record does not contain such relevant evidence as a reasonable mind might accept as adequate to support said findings, inferences, conclusions, or decisions; or

(6) Arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(c) If, upon judicial review of any order of a special master or in a proceeding in which a complainant seeks enforcement of a conciliation agreement, the court rules in favor of the complainant, then the court may in its discretion render an award of reasonable attorney's fees and costs of litigation in the superior court to the complainant.

45-19-40. Any person affected by a final order of the administrator or a special master may file in the superior court of the county of the residence of the respondent a certified copy of a final order of the administrator or of a special master unappealed from or of a final order of a special master affirmed upon appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though the judgment had been rendered in an action duly heard and determined by the court.

45-19-41. The administrator shall have exclusive jurisdiction over any claim of any unlawful practice under this article. A final determination of a claim alleging an unlawful practice under this article shall exclude any other action or proceeding brought by the same person based on the same complaint, except for any remedies which may be available under the United States Constitution and federal laws.

45-19-42. It shall not be a defense to a violation of this article by any person subject to this article that the violation was requested, sought, or otherwise procured by a person not subject to this article.

45-19-43. (a) In connection with an investigation of a complaint of an unlawful practice filed under this article, the administrator or the administrator's designee shall have access at any reasonable time to premises, records, and documents relevant to the complaint and shall have the right to examine, photograph, and copy evidence.

(b) Any person subject to this article shall:

(1) Make and keep such records as may be prescribed by rules and regulations of the administrator which are necessary and relevant to the determination of whether an unlawful practice has been or is being committed; and

(2) Make such reports therefrom as the administrator shall prescribe by rules and regulations which are reasonable, necessary, or appropriate for the enforcement of this article or orders or regulations under this article.

(c) If a person fails to permit access, examination, photographing, or copying or fails to make or keep records or reports as required by this Code section, the administrator may issue an order requiring compliance. Upon a failure to comply with the order of the administrator, the administrator may apply to the superior courts for an order directing compliance.

(d) The administrator, by regulation, shall require each person subject to this article who controls an apprenticeship or other training program to keep all records reasonably necessary to carry out the purposes of this article, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received. Such records shall be furnished to the administrator upon the administrator's request. The administrator may also request and receive a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

(e) Records and reports required by the administrator under this Code section shall conform as closely as practicable to similar records and reports required by federal law and to customary record-keeping practices.

(f) An employer or other person who believes that the application to them of an order issued under this article would result in undue hardship may apply to the administrator for relief from the application of the order. If the administrator finds that the application of the regulation or order to the employer or person in question would impose an undue hardship, the administrator may grant appropriate relief.

(g) With respect to a particular employer or person, it is unlawful without the employer's or the person's consent for the administrator or an employee of the administrator to make public information obtained by the administrator or the administrator's employees pursuant to the administrator's authority under this Code section, except such information as shall reasonably be necessary to the conduct of a proceeding under this article.

45-19-44. (a) It shall be an unlawful practice for a person willfully to: www.libtool.com.cn

(1) Make public with respect to a particular employer or person without the employer's or person's consent information obtained by the administrator or the administrator's employees pursuant to its authority under Code Section 45-19-41, except as shall reasonably be necessary to carry out the provisions of this article;

(2) Retaliate or discriminate in any manner against a person because the person has opposed a practice declared unlawful by this article or because the person has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing concerning an unlawful practice under this article;

(3) Aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this article;

(4) Obstruct or prevent a person from complying with this article or with any order issued under this article;

(5) Resist, prevent, impede, or interfere with the administrator or any of its representatives, employees, or with a special master in the lawful performance of duty under this article; provided, however, that it shall not be a violation of this article for anyone to challenge or resist any action by the administrator or any of its employees or by a special master when there is a good faith belief that the administrator is, or its employees are, or the special master is acting unlawfully or acting in excess of statutory authority; or

(6) Initiate frivolous and unwarranted charges of discrimination against a public employer.

(b) A violation of this Code section shall not be deemed a crime; but any person who willfully violates this Code section may be punished by a civil fine not to exceed \$1,000.00.

45-19-45. It shall be an unlawful practice for a person or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because the person has opposed a practice declared unlawful by this article or because the person has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing concerning an unlawful practice under this article;

(2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this article;

(3) To obstruct or prevent a person from complying with this article or any order issued under this article;

(4) To resist, prevent, impede, or interfere with the administrator or any of its employees or a special master in the lawful performance of duty under this article; provided, however, that it shall not be a violation

of this article for anyone to challenge or resist any action by the administrator or any of its employees or a special master when there is a good faith belief that the administrator or its employees or a special master is acting unlawfully or acting in excess of their statutory authority; or

(5) To willfully initiate frivolous and unwarranted charges of discrimination against a public employer.

Section 2. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 43, nays 0, and the substitute was adopted.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Foster	Littlefield
Barnes	Garner	McGill
Bond	Gillis	McKenzie
Bowen	Greene	Peevy
Brantley	Harris	Perry
Broun of 46th	Harrison	Phillips
Brown of 47th	Hill	Scott of 2nd
Bryant	Hine	Scott of 36th
Burton	Holloway	Scott of 43rd
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Dawkins	Hudgins	Thompson
Deal	Huggins	Timmons
Dean	Kennedy	Trulock
English	Kidd	Turner
Ingram	Land	Tysinger
Fincher	Lester	Walker

Those not voting were Senators:

Allgood	Coleman	Starr (excused
Brannon	Coverdell	conferree)

On the passage of the bill, the yeas were 51, nays 0.

The bill, having received the requisite constitutional majority, was passed by substitute. www.libtool.com.cn

Senator Kennedy of the 4th, President Pro Tempore, resumed the Chair.

HB 448. By Representatives Colwell of the 4th, Dobbs of the 74th, Cox of the 141st and others:

A bill to amend Article 1 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the Department of Administrative Services, so as to authorize the Department of Administrative Services to provide for administrative services to local political subdivisions under certain circumstances.

Senate Sponsor: Senator Cobb of the 28th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Engram	McGill
Bond	Fincher	McKenzie
Bowen	Foster	Peevy
Brantley	Harris	Perry
Broun of 46th	Harrison	Phillips
Brown of 47th	Hill	Scott of 2nd
Bryant	Hine	Scott of 36th
Burton	Horton	Scott of 43rd
Cobb	Howard	Stumbaugh
Coggin	Huggins	Tate
Coleman	Land	Thompson
Coverdell	Lester	Turner
Dean	Littlefield	Walker
English		

Voting in the negative were Senators Deal and Tysinger.

Those not voting were Senators:

Allgood	Gillis	Kidd
Barker	Greene	Starr (excused)
Brannon	Holloway (excused)	conferee)
Dawkins	conferee)	Timmons
Garner	Kennedy (presiding)	Trulock

On the passage of the bill, the yeas were 41, nays 2.

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

The following bills of the House were taken up for the purpose of considering the House action thereon:

HB 325. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to clarify the procedure for acknowledging paternity.

Senator Bond of the 39th moved that the Senate adhere to the Senate amendment to HB 325, and that a Conference Committee be appointed.

On the motion, the yeas were 29, nays 0; the motion prevailed, and the Senate adhered to the Senate amendment to HB 325.

Senator Kennedy of the 4th, President Pro Tempore, who was presiding, appointed as a Conference Committee on the part of the Senate the following:

Senators Barnes of the 33rd, Bond of the 39th and Greene of the 26th.

HB 460. By Representatives Adams of the 36th, Murphy of the 18th, Connell of the 87th and others:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to delete Chapter 14 thereof, relating to electrical contractors, plumbers, and conditioned air contractors, and reenact a new Chapter 14, relating to electrical contractors, plumbers, and conditioned air contractors.

Senator Tysinger of the 41st moved that the Senate adhere to the Senate substitute to HB 460, and that a Conference Committee be appointed.

On the motion, the yeas were 33, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to HB 460.

Senator Kennedy of the 4th, President Pro Tempore, who was presiding, appointed as a Conference Committee on the part of the Senate the following:

Senators Tysinger of the 41st, Walker of the 19th, and Cobb of the 28th.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 79. By Representative Robinson of the 58th:

A bill to amend Chapter 4 of Title 29 of the Official Code of Georgia Annotated, relating to guardians of minors, so as to provide for the appointment, in certain cases, of a temporary guardian for a minor when the actual whereabouts of one or both of the minor's natural guardians are unknown or when the minor is alleged by the person having actual custody of such minor to be in need of a guardian.

Senate Sponsor: Senator Hudgins of the 15th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Bond	Foster	McGill
Bowen	Garner	McKenzie
Brantley	Gillis	Peevy
Broun of 46th	Greene	Perry
Brown of 47th	Harris	Phillips
Bryant	Harrison	Scott of 2nd
Burton	Hill	Scott of 36th
Cobb	Hine	Scott of 43rd
Coggin	Horton	Starr
Coleman	Howard	Stumbaugh
Coverdell	Hudgins	Tate
Dawkins	Huggins	Thompson
Deal	Kidd	Trulock
English	Land	Turner
Ingram	Lester	Walker
Fincher	Littlefield	

Those not voting were Senators:

Allgood	Dean	Kennedy (presiding)
Barker	Holloway (excused	Timmons
Barnes	conferee)	Tysinger
Brannon		

On the passage of the bill, the yeas were 47, nays 0.

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

HB 605. By Representatives Thomas of the 69th, Jackson of the 83rd, Lawson of the 9th and others:

A bill to amend Subpart 1 of Part 4 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to writs of possession for and foreclosure upon personal property, so as to provide that a writ of possession may be granted to an owner of rented or leased personal property as authorized by the terms of a consumer rental transaction.

Senate Sponsor: Senator Gillis of the 20th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Foster	McGill
Bond	Garner	McKenzie
Brantley	Gillis	Peevy
Broun of 46th	Greene	Perry
Brown of 47th	Harris	Phillips
Bryant	Harrison	Scott of 2nd
Burton	Hine	Scott of 43rd
Cobb	Horton	Starr
Coggin	Howard	Stumbaugh
Coleman	Hudgins	Tate
Coverdell	Huggins	Thompson
Deal	Kidd	Trulock
Dean	Land	Turner
English	Lester	Tysinger
Ingram	Littlefield	Walker
Fincher		

Those not voting were Senators:

Allgood	Dawkins	Kennedy (presiding)
Barker	Hill	Scott of 36th
Bowen	Holloway (excused	Timmons
Brannon	conferee)	

On the passage of the bill, the yeas were 46, nays 0.

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

HB 421. By Representatives Collins of the 144th, Burruss of the 20th, Crosby of the 150th and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to provide procedures for appeals of assessments to the State Board of Equalization.

Senate Sponsor: Senator Lester of the 23rd.

The Senate Committee on Banking and Finance offered the following amendment:

Amend HB 421 by adding at the end of line 2 on Page 1 the following:

"change the name of a committee; to"

By striking from line 25 of Page 1 the following:

"(c) and (d)",

and inserting in lieu thereof the following:

"(a), (c), and (d)"

By adding immediately after line 27 on Page 1 the following:

"(a) There is established a board composed of the Attorney General, the commissioner, the state auditor, the chairman of the Ways and Means Committee of the House of Representatives, and the chairman of the Banking and Finance Committee of the Senate, which is authorized to settle and compromise any proposed tax assessment, any final tax assessment, or any tax fi. fa., the collection of which, because of the insolvency of the taxpayer or the questionable legal position of the state, is doubtful and the settlement or compromise of which is in the best interest of the state. A majority of the board shall be empowered to settle and compromise. The commissioner shall keep a record of all settlements and compromises made and the reasons for each settlement and compromise.

By striking Section 14 in its entirety and inserting in lieu thereof a new Section 14 to read as follows:

"Section 14. This Act shall become effective July 1, 1983, except that the provisions of subsection (a) of Code Section 48-2-18 contained in Section 1 shall become effective upon its approval by the Governor."

On the adoption of the amendment, the yeas were 31, nays 0, and the amendment was adopted.

The Senate Committee on Banking and Finance offered the following amendment:

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Amend HB 421 by striking on Page 3, line 34, the word "made" and substituting in lieu thereof the word "make"

On the adoption of the amendment, the yeas were 31, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Barker	Fincher	Littlefield
Barnes	Foster	McGill
Bond	Garner	McKenzie
Bowen	Gillis	Peevy
Brantley	Greene	Perry
Broun of 46th	Harris	Phillips
Brown of 47th	Harrison	Scott of 2nd
Bryant	Hill	Scott of 43rd
Burton	Hine	Starr
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coverdell	Hudgins	Thompson
Dawkins	Huggins	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English		

Those not voting were Senators:

Brannon	Kennedy (presiding)	Walker
Coleman	Scott of 36th	
Holloway (excused conferee)	Timmons	

On the passage of the bill, the yeas were 49, nays 0.

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

The following bill of the House was taken up for the purpose of considering the House amendment to the Senate substitute thereto:

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

The House amendment was as follows:

Amend the Senate Substitute to HB 532 as follows:

By striking all language appearing after the words "educational facilities" in lines 3 through 12 on Page 1 and inserting in lieu thereof the following:

"under the Adequate Program for Education in Georgia Act, so as to revise the provisions relative to educational facilities and capital outlay funds therefor; to provide for other matters relative thereto; to repeal conflicting laws; and for other purposes."

By redesignating Section 4 as Section 3 and by striking Sections 1, 2, and 3 in their entirety and substituting in lieu thereof Section 1 to read as follows:

"Section 1. Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to educational facilities under the Adequate Program for Education, is amended by striking said Code Section 20-2-250 in its entirety and substituting in lieu thereof a new Code Section 20-2-250 to read as follows:

'20-2-250. (a) It is declared to be the policy of the State of Georgia, in partnership with local units of administration, to assure that every student in Georgia's public schools shall be housed in a facility which is structurally sound and well maintained and which has adequate space and equipment to meet each student's instructional needs as those needs are defined and required by the Adequate Program for Education in Georgia.

(b) As used in this Code section, the following words or terms shall have the following meanings:

(1) "Addition" refers to square footage of room floor space for instructional or other purposes added to an existing educational facility, whether physically connected thereto or a separate structure located on the same site.

(2) "Annual debt service" means expenditures for the annual retirement of debt for capital outlay construction projects for educational facilities and shall include the interest on the principal as well as the principal of the debt.

(3) "Capital outlay" includes, but is not necessarily limited to, expenditures which result in the acquisition of fixed assets, existing buildings, improvements to sites, construction of buildings, construction of additions to buildings, retrofitting of existing buildings for energy conservation, and initial and additional equipment and furnishings for educational facilities.

(4) "Construction project" shall refer to the construction of new buildings, additions or expansion of existing buildings, relocation of existing buildings or portions thereof, renovation or modernization of existing buildings or structures, and procedures and processes connected thereto, related to educational facilities.

(5) "Educational facilities" shall include buildings, fixtures, and equipment necessary for the effective and efficient operation of the program of public education required by this article, which, without limiting the generality of the foregoing, shall include space for classrooms, libraries, restrooms, laboratories, cafeteriums, physical educational facilities, subject to the limitations hereinafter provided in this paragraph and in paragraph (9) of this subsection, and related space, building equipment, building fixtures, fixed furnishings, related exterior facilities, landscaping and paving, and similar items necessary to house the instructional program required by this article. The following items are specifically excluded from eligibility to receive state funds: purchase and acquisition of real property and utilities connections thereto; swimming pools, tracks, stadiums, tennis courts and similar facilities; portable instructional units, postsecondary educational facilities, and the central and area administrative offices of local units of administration.

(6) "Educational facilities plan" means a systematic study of present educational facilities and a five-year forecast of future needs based on the instructional program and service requirements of this article.

(7) "Local funds" or "local unit funds" refers to funds available to local units of administration from sources other than state and federal funds.

(8) "Local unit" or "local unit of administration" means any county or independent board of education which administers public elementary and secondary schools.

(9) "Physical education facility" means any facility which is designed for an instructional program in physical education and shall exclude any facilities designed for or containing space for items excluded from state funds in paragraph (5) of this subsection, and facilities designed for or containing space for spectator stands, lobbies, public restrooms, concession areas, or similar space extraneous to a program for physical education.

(10) "Renovation" or "modernization" or both refers to construction projects which consist of the initial installation or replacement of major building components such as lighting, heating, air conditioning, plumbing, roofing, electrical, electronic, or flooring systems; millwork; cabinet work and fixed equipment, energy retrofit packages; or room-size modifi-

cations within an existing facility, but excluding routine maintenance and repair items or operations.

(11) "Required local participation" means the amount of funds which must be contributed by local units of administration from local funds for each construction project. Local funds used for construction projects and other items which are not eligible for state funds cannot be considered as part of or in lieu of required local participation for educational facilities which are eligible for state funds.

(12) "Year" or "fiscal year," unless otherwise clearly intended, refers to the fiscal year of the State of Georgia.

(c) The State Board of Education shall implement the provisions of this Code section, and the State School Superintendent and designated staff in the Department of Education who have training or experience in educational facilities as determined by the State Personnel Board and the State Board of Education shall administer the requirements and implement the duties of this Code section. The State Board of Education's responsibilities shall include the following:

(1) To adopt policies, guidelines, and standards for the annual physical facility and real property inventory required of each local unit. This inventory shall include, but not be limited to: parcels of land; number of educational facilities; year of construction and design; size, number, and type of construction space; amount of instructional space in permanent and temporary buildings; local property assessment for bond purposes; outstanding school bonds and annual debt service; and buildings and facilities not in use or rented or leased to individuals or other agencies of government, or used for other than instructional programs required by this article, each identified by its current use. Department of Education staff shall review, certify the accuracy of, and approve each local unit's inventory;

(2) To adopt policies, guidelines, and standards for educational facilities plans required of local units. Local unit educational facilities plans shall include, but not be limited to, a list of construction projects currently eligible for state capital outlay funds, if any; educational facilities projected for abandonment, if any; educational facilities projected as needed five years hence; proposed construction projects for modernization, renovation, and energy retrofitting; proposed construction projects for the purpose of merging small, inefficient educational facilities, if any; and other construction projects needed to house the instructional program required by provisions of this article;

(3) To adopt uniform rules, regulations, policies, standards, and criteria respecting all location, construction, equipping, operating, maintenance, and use of educational facilities; matters pertaining or relating to consolidation of schools and educational facilities as may be reasonably necessary to assure effective, efficient, and economical operation of the schools and all phases of the public education program and which do not conflict with the provisions of this article. Such matters shall include, but not be limited to, the method, manner, type, and minimum specifications for construction and installation of fixtures and equipment in educational

facilities; space requirements per pupil; number and size of classrooms; allowable construction costs based on current annual construction cost data maintained by the Department of Education; and other requirements necessary to ensure adequate, efficient, and economical educational facilities. Educational facilities having at least 200 pupils in grades K through 7 or any combination thereof, facilities having at least 400 pupils in grades 5 through 9 or any combination thereof, facilities having at least 500 pupils in grades 8 through 12 or any combination thereof, any existing educational facility having a pupil population less than these minimums but housing K through 12, isolated schools, and local units with pupil populations which total less than the above minimums shall be eligible for educational facilities. The state board may approve construction projects for school facilities housing fewer students than the above minimum numbers. Existing educational facilities shall be deemed as meeting existing standards except for applicable life safety codes. Except for satisfying the most recent life safety codes, educational facilities undergoing renovations or modernizations shall be considered as meeting existing standards, but additions or expansions to such facilities may be required by the State Board of Education to meet most recent standards in all respects. To encourage an economical facilities policy and continued use of existing buildings wherever feasible, local units may renovate, expand, or modernize existing educational facilities rather than abandon or replace them, provided the cost does not exceed the cost of a replacement facility and provided the facility houses at least the minimum pupil population for the grades housed required by this subsection;

(4) To develop a state-wide needs assessment for purposes of planning and developing policies, anticipating state-wide needs for educational facilities, and providing assistance to local units in developing educational facilities plans. The state-wide needs assessment shall be developed from, among other sources, vital statistics published by the Department of Human Resources, census data published by the Bureau of the Census, local unit educational facilities and real property inventories, average daily attendance projection research, and educational facilities plans, and shall reflect the demand areas for capital outlay. In addition, the State Board of Education shall develop a consistent, systematic research approach to average daily attendance projections which will be used in the development of needs within each local unit, but such projections shall not be confined to resident pupils in average daily attendance but shall be based on average daily attendance which includes nonresident pupils attend school pursuant to a contract between local units of administration. The nonresident projection shall be based on average daily attendance over the most recent five-year period. Educational facilities plans will use such projections in determining the improvements needed for the five-year planning period. The state board shall also develop schedules for allowable square footage and cost per square foot. The cost estimate for each recommended improvement included in the plan shall be based on these schedules. Any increase in cost or square footage for a project beyond that allowed by state board schedules for such projects shall be the responsibility of the local unit and shall not count toward present or future required local participation;

(5) To adopt policies, standards, and guidelines to ensure that the provisions of subsections (f), (g), (h), (i) and (j) of this Code section

relating to uses of state capital outlay funds, state and local share of costs, entitlements, allocation of capital outlay funds, advance funding for certain construction projects, and consolidation of high schools across local unit lines are carried out;

(6) To review and approve proposed sites and all architectural and engineering drawings and specifications on construction projects for educational facilities to ensure compliance with state standards and requirements, and inspect and approve completed construction projects financed in whole or in part with state funds, except construction projects constructed under supervision of the Georgia State Financing and Investment Commission. The State Board of Education may designate selected local units which have staff qualified for such purposes to act on behalf of the Department of Education in such inspections, when the project is not under the direction of Georgia State Financing and Investment Commission;

(7) To coordinate construction project reviews with the state fire marshal's office and the Department of Human Resources; and

(8) To provide procedures to ensure local units the right to revise their educational facilities plans or the priority order of construction projects requested in order to reflect changes in law, state policy, or local conditions which have occurred after completion and approval of the educational facilities plan by the state board. Each local unit which has completed or has an approved educational facilities plan on July 1, 1983, may, in its discretion, change that plan or any priorities within it and submit the same to the state board without developing a new educational facilities plan and the state board shall approve such plan provided it meets the requirements of this Code section and the estimated costs do not exceed those in the original plan.

(d) In the event any local unit of administration enters into a lease contract with the Georgia State Financing and Investment Commission for the use of facilities of the authority or commission pursuant to a commitment by the State Board of Education for future allotments of state capital outlay funds, the State Board of Education, upon receipt of an executed copy of said lease contract, is authorized and directed to pay monthly, quarterly, or annually to the commission such part of such funds to be made available to the local unit of administration under this Code section as may be required to meet the terms of such lease contract. The State Board of Education is empowered and directed to withhold any fund allocations to any local unit of administration for failure to comply with any provision of this Code section or policies, guidelines, or standards adopted by said board for the purpose of implementing the requirements of this Code section.

(e) In order to qualify for and receive state capital outlay funds in accordance with provisions of subsections (h), (i), and (j) of this Code section, each local unit must meet the following conditions and requirements:

(1) Prepare and annually update an educational facilities and real

property inventory in accordance with provisions of subsection (c) of this Code section;
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(2) Complete a local educational facilities plan. The local educational facilities plan shall be prepared in accordance with provisions of subsection (c) of this Code section. Each proposed construction project shall be identified according to the purposes for capital outlay funds as provided in subsection (f) of this Code section. Each local unit shall specify the order of importance of all proposed construction projects. When two or more local units agree on the need for a consolidation project pursuant to subsection (f) of this Code section, the estimated construction cost shall be prorated to the participating local units and included with their identification of needs in accordance with the proportion of the number of students to be served from each local unit;

(3) Submit requests for capital outlay funds, and provide required local participation;

(4) Submit proposed educational facility sites and all architectural and engineering drawings and specifications for educational facilities to the Department of Education for review and approval in accordance with provisions of subsection (c) of this Code section; and

(5) Revise the local educational facilities plan and priority order of requested construction projects in accordance with provisions of subsection (c) of this Code section.

Until July 1, 1984, local units which have not either initiated or completed educational facilities plans shall be eligible for state capital outlay funds for construction projects as determined by the State Board of Education.

(f) State capital outlay funds for educational facilities appropriated in accordance with provisions of this Code section shall be used for the following purposes:

(1) To provide construction projects needed because of increased pupil attendance or to replace educational facilities which have been abandoned or destroyed by fire or natural disaster and which shall consist of new buildings and facilities on new sites or new additions to existing buildings and facilities, or relocation of existing educational facilities or portions thereof on different sites;

(2) To provide construction projects to renovate or modernize educational facilities in order to correct deficiencies which produce educationally obsolete, unsafe, inaccessible, energy deficient, or unsanitary physical environments;

(3) To provide construction projects for new additions to existing educational facilities or relocation of existing educational facilities or portions thereof on different sites in order to house changes in the instructional program required under provisions of this article or new educational facilities on new sites or new additions to existing ones as a result of internal population shifts or changes in attendance zones within the local unit;

(4) To provide construction projects to merge educational facilities which have fewer pupils than required for the minimum school population by the State Board of Education or which are too expensive to renovate or modernize due to obsolescence or location and which shall consist of new educational facilities on new sites, new additions to existing sites, or relocation of existing educational facilities or portions thereof on different sites;

(5) To pay the principal, less required local participation, on permanent type construction projects which have met criteria for eligibility and qualification as set forth in subsections (c), (e), (f), and (g) of this Code section and have been constructed wholly with local funds, provided such construction projects were initiated after July 1, 1977;

(6) To provide construction projects for consolidations across local unit lines as determined in subsection (j) of this Code Section; and

(7) To reimburse local units of administration for current principal payments on local indebtedness for state approved construction projects for educational facilities. No local unit may request funds for the purposes of this paragraph unless and until all construction projects identified in its construction plan for the purposes of paragraphs (1) through (5) of this subsection have been completed. Each local unit shall prioritize construction projects from the foregoing list, in its discretion. A construction project which embraces more than one purpose and includes additions together with renovations or modernizations shall be listed under the purpose having the greater share of cost.

(g) Effective January 1, 1984, capital outlay funds for educational facilities shall be provided in accordance with this subsection as follows:

(1) The required local participation shall be 25 percent of the eligible cost of each construction project as modified by the local ability index and annual debt service. The local ability index shall be determined by dividing the amount of the local unit's equalized adjusted school property tax digest per resident pupil in average daily attendance by the total amount of the state-wide equalized adjusted school property tax digest per total resident average daily attendance. The resulting index shall be multiplied by 25 percent of the cost of the eligible construction project to determine the required local participation. A local unit may reduce its required local participation by an amount equal to no more than 75 percent of one year's annual debt service payments of interest and principal on local bonds issued for eligible construction projects for educational facilities. If a local unit requests funds for more than one construction project in a given fiscal year, it may either apply the debt service payments toward required local participation to one project or prorate it equally over all those requested. In no event, however, shall a local unit's required local participation be less than 10 percent nor greater than 25 percent of the cost of an eligible construction project except as provided in paragraph (2) of this subsection; and

(2) Eligible construction projects for consolidations across local unit lines as determined in subsection (j) of this Code section shall require no local funds; provided, however, that the state shall participate in no more

than 25 percent of the cost of construction projects for educational facilities which have been damaged or destroyed by fire or natural disaster.

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(h) (1) Each year the state board shall compute the sum of all eligible educational facilities needs in the state. The state-wide eligible facilities needs shall include and be limited to the following: the totals of each local unit's planned construction projects in its most recent approved five-year educational facilities plan and any amendments thereto, excluding construction projects for which funds have already been appropriated, together with an amount equal to five times the current year's debt service payments for retiring bonds issued to finance construction projects for eligible educational facilities. The sum of each local unit's needs shall be referred to as the local unit's eligible facilities needs.

(2) Each year the state board shall adopt a proposed state-wide entitlement level, which may not exceed \$100,000,000.00, and which shall include at least three alternate lower proposed entitlement levels. Each local unit shall then be granted a proposed local unit entitlement equal to the percentage of each proposed state-wide entitlement level that the local unit's eligible facilities needs bear to the total state-wide facilities needs that year. The state department shall notify each local unit of its proposed entitlements for each proposed level, and those local units requesting construction projects shall then submit applications requesting state funds at each proposed entitlement level for projects which are eligible and qualified by having been included as a priority on the local unit's facilities plan, been approved by the state board, and for which required local participation and any additional local funds are available which are necessary for completion of such construction projects. Construction projects requested under provisions of subsections (i) and (j) of this Code section shall be identified and separated from others. Local units may request funds based on entitlements accrued from previous years for which appropriations have not been requested, as well as those available in the proposed entitlement level. Any change in the method of determining entitlements in subsequent years shall in no way affect the amount of previously accrued entitlements.

(3) The state board shall compile the applications for construction projects submitted for each proposed state-wide entitlement level and shall separate applications for construction projects requested under provisions of subsections (i) and (j) of this Code section each from the others. These requests shall then be submitted as part of the state board's budgetary request for appropriations, with construction projects requested under provisions of subsections (i) and (j) of this Code section each separated from the others. The total request shall not exceed \$100,000,000.00 in any fiscal year. The proposed state-wide entitlement level for which appropriations are enacted in the general appropriations Act shall be adopted as the state-wide entitlements level for that fiscal year by the State Board of Education, and the state board shall distribute funds appropriated to each local unit with a construction project for which funds were appropriated. Appropriations for construction projects requested under provisions of subsections (i) and (j) of this Code section shall each be separate line items in the general appropriations Act and shall be distributed to each local unit which has requested a

construction project in either category in accordance with language in the Act.
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(i) Local units may request funds for construction projects for educational facilities in the advance funding category, provided such projects are eligible and qualified by having been included in the local unit's educational facilities plan approved by the state board and for which required local participation in addition to other necessary local funds are available to complete the project. Such construction project must require for their completion the required local participation and more than three years of entitlements, assuming a state-wide entitlement level for each year of \$100,000,000.00 and a state-wide eligible facilities need equal to that for the year in which funds for the construction project are requested. No local unit may request more than one construction project under the advance funding category in a given fiscal year and may not request any additional project from the same category until sufficient entitlements have been credited it to repay those requested in advance.

(j) Prior to July 1, 1985, when two or more contiguous local units agree to combine the total high school pupil populations either in grades 7-12, 8-12, or 9-12 across local units lines, the State Board of Education shall adopt procedures to be followed by them in order to effect such consolidations, and resulting construction projects for educational facilities shall be financed in accordance with provisions of subsections (g) and (h) of this Code section.'"

By adding a new Section 2 to read as follows:

"Section 2. This Act shall become effective on July 1, 1983, but until January 1, 1984, required local participation for construction projects which are funded in the appropriations for fiscal year 1983-84, as enacted by the General Assembly during the 1983 regular session, shall be calculated on the basis of Code Section 20-2-250 as said Code section existed prior to July 1, 1983."

Senator Starr of the 44th moved that the Senate disagree to the House amendment to the Senate substitute to HB 532.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate disagreed to the House amendment to the Senate substitute to HB 532.

The following general bills and resolutions of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 10. By Representative Phillips of the 125th:

A bill to amend Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the care and protection of indigent and elderly patients, so as to provide for a program of care for terminally ill persons.

Senate Sponsor: Senator Howard of the 42nd.

Senators Broun of the 46th and Walker of the 19th offered the following amendment: www.libtool.com.cn

Amend HB 10 by striking from line 21 on Page 5 the following:

“, but not”

By striking the comma where it appears between the word “services” and the word “provided” in line 22 on Page 5 and inserting in lieu thereof the following:

“and for services”

On the adoption of the amendment, the yeas were 6, nays 26, and the amendment was lost.

Senator Littlefield of the 6th offered the following substitute to HB 10:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation and construction of hospitals and other health care agencies, so as to establish a conflict of interest policy for members of such authorities; to specify conditions under which such authorities may deal with one of their members or an organization or person with which a member is in any way interested or involved; to provide that no member who is present at any meeting or who participates in any decision of such authority shall be prohibited from providing legal services in connection with any of the undertakings of the authority or from being paid for such services; to provide for a program of care for terminally ill persons; to provide for a short title; to provide for legislative findings; to provide for definitions; to provide for administration; to provide certain requirements for a hospice program; to provide for other matters relative to the foregoing; 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 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation and construction of hospitals and other health care agencies, is amended by striking Code Section 31-7-74, relating to the residence and compensation of members of hospital authorities, in its entirety and substituting in lieu thereof a new Code Section 31-7-74 to read as follows:

“31-7-74. (a) The members of a hospital authority shall be residents of the participating units comprising the authority. The requirement of residence shall not apply to authorities activated under subsection (d) of Code Section 31-7-72, provided they are selected from within the area of service and within 12 miles of the hospital location or within 12 miles of the sponsoring county or municipality, whichever is farther. The members shall elect one of their number as chairman and another as vice-

chairman and shall also elect a secretary-treasurer, who need not be a member. The members shall receive no compensation for their services, either as members or as employees of the authority but may be reimbursed for their actual expenses incurred in the performance of their duties. The authority shall make rules and regulations for its governance and may delegate to one or more of its members, officers, agents, or employees such powers and duties as may be deemed necessary and proper.

(b) The provisions of Code Section 45-10-23 and any other Code section shall be deemed to have been complied with and an authority may purchase from, sell to, borrow from, loan to, contract with, or otherwise deal with any member or any organization or person with which any member of an authority is in any way interested or involved, provided that:

(1) Any interest or involvement by such member is disclosed in advance to the authority and is recorded in the minutes of the authority;

(2) No member having a substantial interest or involvement may be present at that portion of an authority meeting during which discussion of any matter is conducted involving any such organization or person; and

(3) No member having a substantial interest or involvement may participate in any decision of the authority relating to any matter involving such organization or person.

As used in this Code section, a 'substantial interest' shall mean any interest which reasonably may be expected to result in a direct financial benefit to such member as determined by the authority, which determination shall be final and not subject to review.

(c) Nothing contained in this article shall be deemed to prohibit any member who is present at any meeting or who participates in any decision of the authority from providing legal services in connection with any of the undertakings of the authority or from being paid for such services."

Section 2. Said chapter is further amended by adding at the end thereof a new Article 8 to read as follows:

"ARTICLE 8

31-7-170. This article shall be known and may be cited as the 'Georgia Hospice Law.'

31-7-171. (a) The General Assembly finds that there is an interest in and need for hospice care, an alternative form of health care, for terminally ill patients and their families. The General Assembly further finds that hospice care is an important innovation which should be recognized and encouraged.

(b) Recognizing that hospice programs respond to the need for responsible, compassionate, palliative care for terminally ill persons and for their families, extending into the bereavement period, this General As-

sembly establishes definitions, standards, and provisions for licensure and regulation for hospice programs in this state.

31-7-172. As used in this article, the term:

(1) '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) 'Department' means the Department of Human Resources.

(3) '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.

(4) '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) '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) 'Hospice patient family unit' means the terminally ill person and his or her family, which may include spouse, children, siblings, parents, and other relatives with significant personal ties to the patient.

(7) 'License' means a license issued by the department.

(8) 'Palliative care' means those interventions by the hospice care team which are intended to achieve relief from, reduction of, or elimination of pain and of other physical, emotional, social, or spiritual symptoms of distress.

(9) 'Patient' means a terminally ill individual receiving the hospice continuum of services, regardless of ability to pay.

(10) '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.

31-7-173. No person, private or public organization, political subdivision, or other governmental agency may operate a hospice as defined in

Code Section 31-7-172 without first obtaining a license from the department. A license issued under this article is not assignable or transferable and must be separate from any existing license and is subject to suspension or revocation at any time for failure to comply with the provisions of this article or with the appropriate regulations promulgated by the department.

31-7-174. Any person, organization, or agency desiring to operate a hospice shall file with the department an application on a form prescribed and furnished by the department. The application shall contain such reasonable information as the department may require related to the department's licensure purpose and function.

31-7-175. (a) The administration of this article is vested in the Department of Human Resources which shall:

(1) Prepare and furnish all forms necessary under the provisions of this article in relation to the application for licensure or renewals thereof;

(2) After consultation with appropriate public interest groups, adopt rules within the standards of this article necessary to effect the purposes of this article; and

(3) Establish rules and regulations for the licensure of hospices.

(b) Rules promulgated by the department shall include but not be limited to the following:

(1) The qualifications of professional and ancillary personnel in order to furnish adequate hospice care;

(2) Standards for the organization and quality of patient care;

(3) Procedures for maintaining records;

(4) Standards for inpatient facilities, to include specifications that the hospice retain primary responsibility for the coordination of inpatient hospice care;

(5) Provision for contractual arrangements for professional and ancillary hospice services; and

(6) Provisions for the imposition of administrative fines for any violations of any provisions of this article or of department rules or regulations.

(c) The department is directed to have in place regulations by March 1, 1984.

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.

31-7-177. Since hospice care is primarily provided at home, licensure shall not be determined solely on the number of inpatient beds needed for service. Inpatient beds under contract to a hospice program may be used by the hospice when needed but may remain otherwise available to the inpatient unit at other times without a change in licensing.

31-7-178. The department shall periodically inspect each hospice for which a license has been issued to ensure that the licensee is providing quality care to its patients; provided, however, that a hospice shall be exempt from additional on-site licensure inspection if certified in accordance with federal regulations governing hospice.

31-7-179. Where a hospice has obtained a license from the department, there shall be no requirement that the hospice obtain a certificate of need in order to provide any hospice care."

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senators Broun of the 46th and Walker of the 19th offered the following amendment:

Amend the substitutes to HB 10 offered by Senator Littlefield of the 6th as follows:

By striking from line 14 on Page 7 the following:

" , but not"

By striking the comma where it appears between the word "services" and the word "provided" in line 15 on Page 7 and inserting in lieu thereof the following:

"and for services"

Senator Broun of the 46th asked unanimous consent to withdraw the amendment offered by Senators Broun of the 46th and Walker of the 19th to the substitute to HB 10 offered by Senator Littlefield of the 6th.

The consent was granted, and the amendment offered by Senators Broun of the 46th and Walker of the 19th to the substitute to HB 10 offered by Senator Littlefield of the 6th was withdrawn.

On the adoption of the substitute, the yeas were 37, nays 0, and the substitute was adopted. www.libtool.com.cn

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Lester
Barker	Engram	McGill
Barnes	Fincher	McKenzie
Bond	Foster	Peevy
Bowen	Garner	Perry
Brantley	Gillis	Phillips
Broun of 46th	Greene	Scott of 2nd
Brown of 47th	Harris	Scott of 43rd
Bryant	Harrison	Starr
Burton	Hill	Stumbaugh
Cobb	Hine	Tate
Coggin	Horton	Thompson
Coleman	Howard	Timmons
Coverdell	Hudgins	Trulock
Dawkins	Huggins	Turner
Deal	Kidd	Tysinger
Dean	Land	Walker

Those not voting were Senators:

Brannon	Kennedy (presiding)	Scott of 36th
Holloway (excused conferee)	Littlefield	

On the passage of the bill, the yeas were 51, nays 0.

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

HR 243. By Representatives Connell of the 87th, Padgett of the 86th, Cox of the 141st and others:

A resolution designating the last Friday in May as "Foster Grandparents Day."

Senate Sponsor: Senator Lester of the 23rd.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	McGill
Barker	Foster	McKenzie
Barnes	Garner	Peevy
Bowen	Gillis	Perry
Brantley	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Bryant	Harrison	Scott of 43rd
Burton	Hill	Starr
Cobb	Hine	Stumbaugh
Coggin	Horton	Thompson
Coverdell	Howard	Timmons
Dawkins	Huggins	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	Walker
Ingram		

Those not voting were Senators:

Bond	Holloway (excused	Littlefield
Brannon	conferee)	Scott of 36th
Brown of 47th	Hudgins	Tate
Coleman	Kennedy (presiding)	

On the adoption of the resolution, the yeas were 46, nays 0.

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

HB 80. By Representatives Cox of the 141st, Parham of the 105th, Barger of the 108th and others:

A bill to amend Code Section 31-11-59 of the Official Code of Georgia Annotated, relating to services by emergency medical personnel in hospitals, so as to authorize emergency medical technicians to render certain services in hospitals under certain conditions.

Senate Sponsor: Senator Trulock of the 10th.

The Senate Committee on Human Resources offered the following amendment:

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Amend HB 80 by striking line 24 of Page 1 which reads as follows:

“governing authority on the order of a physician or, if a”,

and inserting in lieu thereof the following:

“governing authority of each such individual, either pursuant to the order of a physician or, if a”

On the adoption of the amendment, the yeas were 5, nays 25, and the amendment was lost.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Engram	McKenzie
Barnes	Fincher	Peevy
Bond	Foster	Perry
Bowen	Garner	Phillips
Brantley	Gillis	Scott of 2nd
Broun of 46th	Greene	Scott of 43rd
Brown of 47th	Harris	Stumbaugh
Bryant	Harrison	Tate
Burton	Hill	Thompson
Cobb	Hine	Timmons
Coggin	Horton	Trulock
Coverdell	Huggins	Turner
Dawkins	Kidd	Tysinger
Deal	Land	Walker
Dean	Lester	

Those not voting were Senators:

Brannon	Howard	Scott of 36th
Coleman	Hudgins	Starr (excused
Holloway (excused	Kennedy (presiding)	conferee)
conferee)	Littlefield	

On the passage of the bill, the yeas were 47, nays 0.

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

HR 15. By Representatives Childers and McKelvey of the 15th:

A resolution authorizing the conveyance of certain state owned real property located in Bartow County, Georgia, to the City of Adairsville.

Senate Sponsor: Senator Dean of the 31st.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Lester
Barker	Engram	McGill
Barnes	Fincher	McKenzie
Bond	Foster	Peevy
Brantley	Garner	Perry
Broun of 46th	Gillis	Phillips
Brown of 47th	Greene	Scott of 2nd
Bryant	Harris	Scott of 43rd
Burton	Harrison	Starr
Cobb	Hill	Tate
Coggin	Hine	Thompson
Coleman	Horton	Timmons
Coverdell	Huggins	Turner
Dawkins	Kidd	Tysinger
Deal	Land	Walker
Dean		

Those not voting were Senators:

Bowen	Howard	Scott of 36th
Brannon	Hudgins	Stumbaugh
Holloway (excused conferee)	Kennedy (presiding)	Trulock
	Littlefield	

On the adoption of the resolution, the yeas were 46, nays 0.

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

HB 282. By Representative Mangum of the 57th:

A bill to amend Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to tax sales, so as to change the amount payable for redemption.

Senate Sponsor: Senator Scott of the 43rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Land
Barker	Engram	Lester
Barnes	Fincher	McGill
Bond	Foster	McKenzie
Brantley	Garner	Perry
Broun of 46th	Gillis	Phillips
Brown of 47th	Greene	Scott of 2nd
Bryant	Harris	Scott of 43rd
Burton	Harrison	Tate
Cobb	Hill	Timmons
Coggin	Hine	Trulock
Coleman	Horton	Turner
Coverdell	Howard	Tysinger
Dawkins	Huggins	Walker
Dean	Kidd	

Those voting in the negative were Senators:

Deal	Peevy	Stumbaugh
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Those not voting were Senators:

Bowen	Hudgins	Starr (excused)
Brannon	Kennedy (presiding)	conferee)
Holloway (excused)	Littlefield	Thompson
conferee)	Scott of 36th	

On the passage of the bill, the yeas were 44, nays 3.

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

The following resolution of the Senate, favorably reported by the committee, was read the third time and put upon its adoption:

SR 122. By Senator Coverdell of the 40th:

A resolution creating the Joint County and Municipal Grant Study Committee.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to SR 122:

A RESOLUTION

Creating the Senate County and Municipal Grant Study Committee; and for other purposes.

WHEREAS, The State of Georgia has for many years been providing financial assistance, either from the motor fuel tax fund or from state general revenues, to counties and municipalities; and

WHEREAS, county governments, pursuant to Code Section 48-14-3 of the Official Code of Georgia Annotated, annually receive approximately \$4,817,013.00 in motor fuel funds allocated to each county in amounts fixed by that legislation; and

WHEREAS, a grant program utilizing motor fuel tax revenues was established in the annual appropriations Act in 1951 and has been continued yearly since that time, and such grants are allocated based solely on a factor which considers county and state road mileage; and

WHEREAS, a third grant program distributes general revenue funds to counties, pursuant to Code Section 36-17-2 of the Official Code of Georgia Annotated, such grants also being based on county and state road mileage; and

WHEREAS, incorporated municipalities in Georgia receive general funds under two grant programs comparable in amounts to those in the county grants cited above, pursuant to Chapter 40 of Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, in spite of the rising rate of inflation since the inception of these grant programs, counties continue to receive only approximately \$11,917,013.00 and incorporated municipalities receive approximately \$13,517,000.00, and these amounts have remained constant over the years; and

WHEREAS, these amounts, when divided among the counties and municipalities, provide little practical aid to local governments in the provision of local services; and

WHEREAS, the formulas used to distribute grants to counties take into account only one factor, which is road mileage, and that factor is related only to transportation expenditures by local government; and

WHEREAS, the formulas used to distribute funds to municipalities are based solely on population, a factor which does not alone comprehensively reflect the cost of the provision of services by local government; and

WHEREAS, the formulas by which grants to both counties and municipalities are distributed have borne little, if any, scrutiny since the inception of these programs; and

WHEREAS, the concept of state financial assistance to local government in Georgia requires further intensive analysis.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate County and Municipal Grant Study Committee to be composed of five Senators appointed by the President of the Senate.

BE IT FURTHER RESOLVED that the committee shall be authorized to study and review both the present nature of state financial assistance to local governments in Georgia and the need for increased financial assistance to local units of government. Such study shall include, but not be limited to, an analysis of the current legal criteria for distributing state funds under both the county and municipal grants programs in Georgia, recommendations of necessary changes in such criteria, and the necessity for any new programs for increased state funding to local units of government. The committee is further authorized to conduct meetings at such places and at such times as it considers expedient and to do all other things consistent with the purposes of this resolution to enable it to exercise its powers fully and adequately, to perform its duties, and to accomplish the objectives and purposes of this resolution. The executive branch of the government of the state is authorized to furnish such assistance to the committee within the capabilities of each department, and the committee is empowered to accept the assistance of interested parties outside of state government. Each committee member shall receive the expenses and allowances provided by law for members of legislative interim committees for attending meetings of the committee but shall receive the same for no more than nine days. The funds necessary to carry out the provisions of this resolution shall come from funds appropriated to or available to the legislative branch of government.

BE IT FURTHER RESOLVED that the committee shall make a report of its findings and recommendations to the Governor and to the General Assembly on or before the date the General Assembly convenes in regular session in January, 1984, and on that date the committee shall stand abolished.

On the adoption of the substitute, the yeas were 38, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows: www.libtool.com.cn

Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barker	Foster	McKenzie
Bond	Garner	Peevy
Bowen	Gillis	Perry
Brantley	Greene	Phillips
Brown of 47th	Harris	Scott of 2nd
Bryant	Harrison	Scott of 43rd
Burton	Hill	Starr
Cobb	Hine	Tate
Coggin	Holloway	Thompson
Coleman	Horton	Timmons
Coverdell	Howard	Trulock
Dawkins	Huggins	Turner
Deal	Kidd	Tysinger
Dean	Land	Walker
English	Lester	

Those not voting were Senators:

Barnes	Fincher	Littlefield
Brannon	Hudgins	Scott of 36th
Broun of 46th	Kennedy (presiding)	Stumbaugh

On the adoption of the resolution, the yeas were 47, nays 0.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House adheres to its insistence in substituting and appoints Committees of Conference to confer with like committees on the part of the Senate on the following bills of the Senate:

SB 278. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk.

The Speaker has appointed on the part of the House:

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Representatives Thompson and Aiken of the 20th and Atkins of the 21st.

SB 280. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act changing the boundaries of the seven education districts of the Cobb County School District, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, so as to change the provisions relating to the compensation of the chairman and other members of the board of education.

The Speaker has appointed on the part of the House:

Representatives Thompson and Aiken of the 20th and Atkins of the 21st.

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

HB 121. By Representatives Lawson of the 9th, Snow of the 1st, Williams of the 48th and others:

A bill to implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts.

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

SB 69. By Senators Barnes of the 33rd, Dean of the 31st and Trulock of the 10th:

A bill to amend Chapter 5 of Title 5 of the Official Code of Georgia Annotated, relating to new trials, so as to change the grounds for new trials in criminal cases; to repeal conflicting laws.

SB 21. By Senators Cobb of the 28th and Hill of the 29th:

A bill to amend Code Section 15-6-86, relating to the location of the office and storage of records of the clerk of the superior court.

The following general resolution of the House, favorably reported by the committee, was read the third time and put upon its adoption:

HR 30. By Representatives Ware of the 77th, Lee of the 72nd, Bray of the 91st and others:

Senate Sponsor: Senator Kidd of the 25th.

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the office of any state, county, or municipal elected official shall be declared vacant upon such elected official qualifying, in a general election or primary, or special election or special primary, for another state, county, or municipal office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins prior to the expiration of such official's present term of office; to provide for the filling of vacancies; 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 II, Section II of the Constitution is amended by adding at the end thereof a new Paragraph V to read as follows:

"Paragraph V Vacancies created by elected officials qualifying for other office. The office of any state, county, or municipal elected official shall be declared vacant upon such elected official qualifying, in a general primary or general election, or special primary or special election, for another state, county, or municipal elective office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins more than 30 days prior to the expiration of such official's present term of office. The vacancy created in any such office shall be filled as provided by this Constitution or any general or local law. This provision shall not apply to any elected official seeking or holding more than one elective office when the holding of such offices simultaneously is specifically authorized by law."

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 be amended so as to provide that the office of any state, county, or municipal elected official shall be declared vacant upon such elected official qualifying for another state, county, or municipal office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins more than 30 days prior to the expiration of such official's present term of office?"

[] NO

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.

Senators Coleman of the 1st, Barnes of the 33rd and Kidd of the 25th offered the following amendment:

Amend HR 30 by inserting on Page 1, line 19, after "elected official", the following:

"except judges"

On the adoption of the amendment, the yeas were 30, nays 5, and the amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to as amended.

On the resolution proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	McKenzie
Barnes	Foster	Peevy
Bond	Gillis	Perry
Broun of 46th	Greene	Phillips
Brown of 47th	Harris	Scott of 2nd
Bryant	Harrison	Scott of 43rd
Burton	Hine	Starr
Cobb	Holloway	Tate
Coggin	Horton	Thompson
Coleman	Howard	Timmons
Dawkins	Huggins	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	Walker
Engram	McGill	

Voting in the negative were Senators Coverdell and Stumbaugh.

Those not voting were Senators:

Barker	Brannon	Garner
Bowen	Brantley	Hill

Hudgins
Kennedy, (presiding)

Littlefield

Scott of 36th

On the adoption of the resolution, the yeas were 44, nays 2.

The resolution, having received the requisite two-thirds constitutional majority, was adopted as amended.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 81. By Senator Coverdell of the 40th:

A bill to amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system shall have the right to remain members of local retirement systems.

The House substitute to SB 81 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system of any county of this state having a population of less than 550,000 according to the United States decennial census of 1980 or any future such census becoming a part of the state-wide probation system shall have the right to remain members of local retirement systems under certain conditions; to define the term "local retirement system"; to provide that such employees may become members of the Employees' Retirement System of Georgia and may transfer certain service as an employee of a county probation system to the Employees' Retirement System of Georgia under certain conditions; to provide that such employees shall have the additional option of retiring under a local retirement system if qualified to retire under such system; to provide for control over conflicting laws or ordinances; to provide procedures, requirements, and other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, is amended by adding at the end of said Part 9 a new Code Section 47-2-296 to read as follows:

“47-2-296. (a) As used in this Code section:

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(1) ‘County probation system’ means the county probation system of any county of this state which has a population of less than 550,000 according to the United States decennial census of 1980 or any future such census.

(2) ‘Local retirement system’ means a retirement or pension system maintained by a county which includes as members thereof employees of the county probation system which becomes a part of the state-wide probation system, and the term includes any such retirement or pension created by law or created by ordinance or resolution of the county under the home rule provisions of the Constitution of Georgia.

(b) Any person becoming an employee of the state at any time on or after July 1, 1984, as a result of being employed by a county probation system which became a part of the state-wide probation system administered by the Department of Offender Rehabilitation shall have the options and rights provided for by this Code section. The options available to any such employee under this Code section must be exercised within six months after the date the applicable county probation system became a part of the state-wide probation system. The option provided by subsection (e) of this Code section must be exercised on or before the date the county probation system becomes a part of the state-wide probation system. Any such option shall be exercised by such employee notifying, in writing, the Board of Trustees of the Employees’ Retirement System of Georgia, the commissioner of offender rehabilitation, the governing authority of the applicable county, and, when applicable, the board of trustees or other managing body of any local retirement system of which the employee is a member. If the employee is a member of a local retirement system, such membership shall continue pending the exercise of an option provided by this Code section. The choice made by an employee in selecting an option provided by this Code section shall be irrevocable and may not at any time thereafter be rescinded or modified.

(c) If an employee subject to this Code section was a member of a local retirement system at the time the applicable county probation system became a part of the state-wide probation system, such employee may either continue active membership in the local retirement system as provided in this subsection or become a member of the Employees’ Retirement System of Georgia and transfer creditable service as an employee of the local retirement system to the Employees’ Retirement System of Georgia as provided in subsection (d) of this Code section. Such employees who qualify under the provisions of subsection (e) of this Code section shall have the additional option to retire under the local retirement system as provided in said subsection (e). An employee electing to continue membership in a local retirement system shall have the right to continue such membership and the salary received by such employee as an employee of the Department of Offender Rehabilitation or other state department shall be the salary of such employee for all purposes under the local retirement system. If applicable to any such employee, any county supplement to the state salary of such employee shall be included as salary for the purposes of a local retirement system in which such employee continues membership. Such employee shall continue to pay

the employee contributions required under the local retirement system; and, for such purposes, the Department of Offender Rehabilitation or other state department if the employee subsequently becomes employed by another department of the state government may enter into an agreement with the board of trustees or other managing body of the local retirement system whereby the department may deduct such employee contributions from the compensation of the employee and pay the amount deducted to the local retirement system. Employer contributions for continued membership in the local retirement system shall be computed at the same percentage rate applicable to all other state employees and shall be paid by the Department of Offender Rehabilitation or by another state department when applicable to the local retirement system. An employee continuing membership under a local retirement system under this subsection shall retain all rights, benefits, and privileges under the local retirement system in the same manner and to the same extent as if the employee remained an employee of the county. An employee electing to continue membership in a local retirement system shall not be and may not become a member of the Employees' Retirement System of Georgia.

(d) An employee who was a member of a local retirement system as provided in subsection (c) of this Code section may elect to become a member of the Employees' Retirement System of Georgia. Any such employee so electing may obtain creditable service under the Employees' Retirement System of Georgia for all accredited service previously rendered as an employee of the applicable local retirement system. For each employee so electing, the governing authority of the applicable county or the board of trustees or other managing body of the applicable local retirement system, within 30 days after receiving the notice provided for in subsection (b) of this Code section, shall pay to the Board of Trustees of the Employees' Retirement System of Georgia a portion of the total employee contributions plus interest made by the employee to the local retirement system. This payment shall be equal to the employee contribution plus interest which would have been accumulated had the employee always been covered by the Employees' Retirement System of Georgia. Any additional amount, as determined by the Board of Trustees of the Employees' Retirement System of Georgia, shall be paid by the local retirement system to a maximum of prior county contributions plus interest. Any further additional sum required will be paid by the local governing authority. These two sums together with the contributions of transferring employees plus interest shall be sufficient to grant the creditable service under the Employees' Retirement System of Georgia authorized by this subsection without creating any accrued liability, as a result of granting such creditable service, against the Employees' Retirement System of Georgia. The employee contributions paid to the board of trustees under this subsection shall be deposited by the board into the annuity savings fund as a credit to the member. Other funds paid to the board of trustees under this subsection shall be deposited by the board into the pension accumulation fund. Upon receiving the payments provided for by this subsection, the board of trustees shall enter the creditable service provided for by this subsection upon the records of the member. The employee contributions in an amount exceeding those necessary to cover the period of creditable service as a state employee under the Employees' Retirement System of Georgia shall be refunded to the employee upon application to the board of trustees of the local retirement

system. In the event the governing authority of the applicable county and, when applicable, the board of trustees or other managing body of the applicable local retirement system fails to make appropriate payment to the Board of Trustees of the Employees' Retirement System of Georgia in an amount equivalent to the total employee contributions and interest plus an additional amount as determined by the Board of Trustees of the Employees' Retirement System of Georgia which, together with the employers' contributions and interest, shall be sufficient to grant the creditable services under said Employees' Retirement System of Georgia authorized by this subsection without creating any accrued liability as a result of granting such creditable service against said Employees' Retirement System of Georgia within the prescribed time, then upon certification to the appropriate state department by the Board of Trustees of the Employees' Retirement System of Georgia, any state funds due the applicable county shall be withheld until such payments have been made in full to the Board of Trustees of the Employees' Retirement System of Georgia.

(e) The employees of a county probation system subject to the provisions of this Code section who were members of a local retirement system shall have the additional option of retiring under the local retirement system if such employees have sufficient creditable service under the local retirement system to qualify for retirement benefits. Such option may be exercised by any such employee making application for retirement to the board of trustees or other managing body of the local retirement system. Any such employee electing to retire under a local retirement system shall not be eligible to transfer any creditable service under the local retirement system to the Employees' Retirement System of Georgia and, if the employee accepts employment as an employee of the Department of Offender Rehabilitation, shall become a member of the Employees' Retirement System of Georgia at the time the county probation system becomes a part of the state-wide probation system.

(f) If an employee subject to this Code section was not a member of a local retirement system at the time the applicable county probation system became a part of the state-wide probation system, such employee shall become a member of the Employees' Retirement System of Georgia effective on the date the county probation system became a part of the state-wide probation system. Any such member may purchase as creditable service under the Employees' Retirement System of Georgia all or any portion of previous actual service rendered by the member as an employee of the applicable county probation system, except in those instances in which such member has retired or is receiving benefits from a local retirement system. Such creditable service may be purchased by the member's paying to the board of trustees all employee and employer contributions, plus regular interest thereon, under the Employees' Retirement System of Georgia for the amount of creditable service claimed in an amount sufficient to grant creditable service under the Employees' Retirement System of Georgia authorized by this subsection without creating any accrued liability, as a result of granting such creditable service, against the Employees' Retirement System of Georgia. The basis for such employee and employer contributions shall be the compensation the member received upon first becoming an employee of the Department of Offender Rehabilitation. The time limitation for exercising options pro-

vided for in subsection (b) of this Code section shall not apply to the purchase of creditable service under this subsection. Any eligible member may purchase such creditable service at any time during the first five years of membership in the Employees' Retirement System of Georgia and parts of such creditable service may be purchased from time to time during such five-year period. The board of trustees may establish payment schedules for eligible members to purchase creditable service under this subsection.

(g) To the extent this Code section conflicts with or is inconsistent with the provisions of a local retirement or pension system affected by this Code section, whether such local retirement or pension system was created by law or by local ordinance, the provisions of this Code section shall control."

Section 2. All laws and parts of laws in conflict with this Act are repealed.

The following fiscal note, as required by the Rules of the Senate, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Loyce Turner, Chairman
Senate Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: February 24, 1983

SUBJECT: Fiscal Note—Substitute to Senate Bill 81 (LC 7 5374S)
Employees' Retirement System (ERS)
Local Retirement Systems

This Bill provides certain retirement options to persons becoming a state employee on or after July 1, 1984 as a result of being employed by a county probation system which became a part of the statewide probation system within the Department of Offender Rehabilitation (DOOR). These options are only available to employees of county probation systems in counties with a population of less than 550,000. Retirement options must be exercised within six months after the date the county probation system becomes a part of the statewide probation system, are irrevocable, and may not be later rescinded or modified.

Approximately 44 DeKalb County employees could be affected by this Bill. The retirement options are addressed in the following paragraphs.

1. Persons who are members of a local retirement system at the time of transition to state employment may continue active membership in the local retirement system. The salary received by such an employee from DOOR or other state department, together with any additional compensation from the county, shall be utilized for all purposes under the local retirement system. The employee would continue to pay the contributions required under the local retirement system and employer contributions would be paid by DOOR, or other such department, at the same percentage rate applicable to other state employees. ERS and the local retirement systems would incur no additional liabilities for members electing this option. DOOR would not be affected since the department would be responsible for the same contributions under current law.

2. Persons who are members of a local retirement system at the time of transition to state employment may become a member of ERS and obtain creditable service under ERS for all accredited service previously rendered as an employee of the applicable local retirement system. Within 30 days of a member's election of this option, the local retirement system must pay ERS the employee contributions and interest which would have accumulated if the member had been under ERS. The local system must also pay the accumulated county contributions plus interest as requested by ERS. Additionally, the applicable county would be required to pay any further amount necessary to fund benefits without creating an accrued liability for ERS. If the county, and when applicable, the local retirement system, fails to make the appropriate payments to ERS, then upon certification to the appropriate state department by ERS, any state funds due the applicable county would be withheld until the required amounts are paid to ERS.

For members electing this option, ERS would incur no additional liabilities because the accrued liability created by granting such service credit would be paid jointly by the county and the local retirement system. The actuary for ERS has determined that as of January 1, 1982, the amount needed from the county and local retirement system to grant all eligible service under the local county probation system would be approximately \$800,000. This amount would vary with the number of persons actually transferring credits to ERS.

3. Persons who are members of a local retirement system and who are employees of a county probation system of a county with a population of less than 550,000 would have the option of retiring under their local system if they are currently eligible for retirement. Such option would apply only to persons becoming state employees and must be elected on or before the date the county system becomes part of the statewide system. If an employee elects to retire, the employee would become a member of ERS at the time the county probation system becomes part of the statewide probation system but would not be eligible to purchase any creditable service which is covered under the local retirement system.

For members electing this option, ERS would incur no additional

liability since such members would be prohibited from transferring such creditable service. Since the employees affected by this option are eligible for retirement, there would be no impact on the local retirement systems.

4. Persons subject to this Bill who are not members of a local retirement system at the time of transition to state employment would become members of ERS effective on the date the county probation system becomes a part of the statewide probation system. Such members may purchase creditable service under ERS for all or any portion of previous actual service rendered as an employee of the applicable county probation system, except in those instances in which such member has retired or is receiving benefits from a local retirement system. To obtain such creditable service, members must pay the employee and employer contributions plus regular interest for the amount of creditable service claimed in an amount sufficient to grant the creditable service under ERS without creating an accrued liability. The six-month time limitation for exercising options would not apply to the purchase of this creditable service as members could purchase creditable service at any time during the first five years of membership in ERS. ERS could establish payment schedules for eligible members to purchase this creditable service.

For members electing this option, ERS would incur no additional liabilities because the accrued liability created by granting such service credit would be paid by the member.

In summary, ERS would incur no additional liability for any of the four options available. The impact on the county and local retirement system would depend on the number of eligible employees becoming ERS members and the amount of creditable service transferred. However, the actuary has determined that if all eligible employees transfer all eligible service, the county and local system would be responsible for a payment to ERS of approximately \$800,000.

It should be noted that the provisions dealing with option two include creditable service as an employee of a local retirement system instead of a county probation system.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

Senator Coverdell of the 40th moved that the Senate agree to the House substitute by the following substitute:

A BILL TO BE ENTITLED AN ACT

To amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system shall have the right to remain members of local retirement systems under certain conditions; to de-

fine the term "local retirement system"; to provide that such employees may become members of the Employees' Retirement System of Georgia and may transfer certain service as an employee of a county probation system to the Employees' Retirement System of Georgia under certain conditions; to provide that the employees of certain county probation systems which become a part of the state-wide system shall have the additional option of retiring under a local retirement system if qualified to retire under such system; to provide that certain employees of certain county probation systems shall remain members of a local retirement system and shall not have the option to become members of the Employees' Retirement System of Georgia; to provide for control over conflicting laws or ordinances; to provide procedures, requirements, and other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, is amended by adding at the end of said Part 9 a new Code Section 47-2-296 to read as follows:

"47-2-296. (a) As used in this Code section, the term 'local retirement system' means a retirement or pension system maintained by a county which includes as members thereof employees of the county probation system which becomes a part of the state-wide probation system, and the term includes any such retirement or pension created by law or created by ordinance or resolution of the county under the home rule provisions of the Constitution of Georgia.

(b) Any person becoming an employee of the state at any time on or after July 1, 1984, as a result of being employed by a county probation system which became a part of the state-wide probation system administered by the Department of Offender Rehabilitation shall have the options and rights provided for by this Code section, subject to the limitations of subsection (f) of this Code section. The options available to any such employee under this Code section must be exercised within six months after the date the applicable county probation system became a part of the state-wide probation system. The option provided by subsection (e) of this Code section must be exercised on or before the date the county probation system becomes a part of the state-wide probation system. Any such option shall be exercised by such employee notifying, in writing, the Board of Trustees of the Employees' Retirement System of Georgia, the commissioner of offender rehabilitation, the governing authority of the applicable county, and, when applicable, the board of trustees or other managing body of any local retirement system of which the employee is a member. If the employee is a member of a local retirement system, such membership shall continue pending the exercise of an option provided by this Code section. The choice made by an employee in selecting an option provided by this Code section shall be irrevocable and may not at any time thereafter be rescinded or modified.

(c) If an employee subject to this Code section was a member of a local retirement system at the time the applicable county probation system became a part of the state-wide probation system, such employee,

subject to the limitations of subsection (f) of this Code section, may either continue active membership in the local retirement system as provided in this subsection or become a member of the Employees' Retirement System of Georgia and transfer creditable service as an employee of the local retirement system to the Employees' Retirement System of Georgia as provided in subsection (d) of this Code section. Such employees who are subject to the provisions of subsection (e) of this Code section shall have the additional option to retire under the local retirement system, if qualified therefor, as provided in said subsection (e). An employee electing to continue membership in a local retirement system shall have the right to continue such membership and the salary received by such employee as an employee of the Department of Offender Rehabilitation or other state department shall be the salary of such employee for all purposes under the local retirement system. If applicable to any such employee, any county supplement to the state salary of such employee shall be included as salary for the purposes of a local retirement system in which such employee continues membership. Such employee shall continue to pay the employee contributions required under the local retirement system; and, for such purposes, the Department of Offender Rehabilitation or other state department if the employee subsequently becomes employed by another department of the state government may enter into an agreement with the board of trustees or other managing body of the local retirement system whereby the department may deduct such employee contributions from the compensation of the employee and pay the amount deducted to the local retirement system. Employer contributions for continued membership in the local retirement system shall be computed at the same percentage rate applicable to all other state employees and shall be paid by the Department of Offender Rehabilitation or by another state department when applicable to the local retirement system. An employee continuing membership under a local retirement system under this subsection shall retain all rights, benefits, and privileges under the local retirement system in the same manner and to the same extent as if the employee remained an employee of the county. An employee electing to continue membership in a local retirement system shall not be and may not become a member of the Employees' Retirement System of Georgia.

(d) An employee who was a member of a local retirement system as provided in subsection (c) of this Code section may elect to become a member of the Employees' Retirement System of Georgia, except as otherwise provided by subsection (f) of this Code section. Any such employee so electing may obtain creditable service under the Employees' Retirement System of Georgia for all accredited service previously rendered as an employee of the applicable local retirement system. For each employee so electing, the governing authority of the applicable county or the board of trustees or other managing body of the applicable local retirement system, within 30 days after receiving the notice provided for in subsection (b) of this Code section, shall pay to the Board of Trustees of the Employees' Retirement System of Georgia a portion of the total employee contributions plus interest made by the employee to the local retirement system. This payment shall be equal to the employee contribution plus interest which would have been accumulated had the employee always been covered by the Employees' Retirement System of Georgia. Any additional amount, as determined by the Board of Trustees of the

Employees' Retirement System of Georgia, shall be paid by the local retirement system to a maximum of prior county contributions plus interest. Any further additional sum required will be paid by the local governing authority. These two sums together with the contributions of transferring employees plus interest shall be sufficient to grant the creditable service under the Employees' Retirement System of Georgia authorized by this subsection without creating any accrued liability, as a result of granting such creditable service, against the Employees' Retirement System of Georgia. The employee contributions paid to the board of trustees under this subsection shall be deposited by the board into the annuity savings fund as a credit to the member. Other funds paid to the board of trustees under this subsection shall be deposited by the board into the pension accumulation fund. Upon receiving the payments provided for by this subsection, the board of trustees shall enter the creditable service provided for by this subsection upon the records of the member. The employee contributions in an amount exceeding those necessary to cover the period of creditable service as a state employee under the Employees' Retirement System of Georgia shall be refunded to the employee upon application to the board of trustees of the local retirement system.

(e) This subsection shall not apply to the employees of a county probation system of any county of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census. The employees of other county probation systems subject to the provisions of this Code section who were members of a local retirement system shall have the additional option of retiring under the local retirement system if such employees have sufficient creditable service under the local retirement system to qualify for retirement benefits. Such option may be exercised by any such employee making application for retirement to the board of trustees or other managing body of the local retirement system. Any such employee electing to retire under a local retirement system shall not be eligible to transfer any creditable service under the local retirement system to the Employees' Retirement System of Georgia and, if the employee accepts employment as an employee of the Department of Offender Rehabilitation, shall become a member of the Employees' Retirement System of Georgia at the time the county probation system becomes a part of the state-wide probation system.

(f) This subsection shall apply only to employees of a county probation system of a county having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census. The employees of any such county probation system who were members of a local retirement system and who have ten or more years of creditable service under the local retirement system at the time the county probation system becomes a part of the state-wide probation system shall not have the option to become members of the Employees' Retirement System of Georgia, and such employees shall continue active membership in the local retirement system. The provisions of subsection (c) of this Code section shall apply to such employees, except for the provisions of said Code section relative to the option to become members of the Employees' Retirement System of Georgia.

(g) If an employee subject to this Code section was not a member of a local retirement system at the time the applicable county probation system became a part of the state-wide probation system, such employee shall become a member of the Employees' Retirement System of Georgia effective on the date the county probation system became a part of the state-wide probation system. Any such member may purchase as creditable service under the Employees' Retirement System of Georgia all or any portion of previous actual service rendered by the member as an employee of the applicable county probation system, except in those instances in which such member has retired or is receiving benefits from a local retirement system. Such creditable service may be purchased by the member's paying to the board of trustees all employee and employer contributions, plus regular interest thereon, under the Employees' Retirement System of Georgia for the amount of creditable service claimed in an amount sufficient to grant creditable service under the Employees' Retirement System of Georgia authorized by this subsection without creating any accrued liability, as a result of granting such creditable service, against the Employees' Retirement System of Georgia. The basis for such employee and employer contributions shall be the compensation the member received upon first becoming an employee of the Department of Offender Rehabilitation. The time limitation for exercising options provided for in subsection (b) of this Code section shall not apply to the purchase of creditable service under this subsection. Any eligible member may purchase such creditable service at any time during the first five years of membership in the Employees' Retirement System of Georgia and parts of such creditable service may be purchased from time to time during such five-year period. The board of trustees may establish payment schedules for eligible members to purchase creditable service under this subsection.

(h) To the extent this Code section conflicts with or is inconsistent with the provisions of a local retirement or pension system affected by this Code section, whether such local retirement or pension system was created by law or by local ordinance, the provisions of this Code section shall control.

Section 2. All laws and parts of laws in conflict with this Act are repealed.

The following fiscal note, as required by the Rules of the Senate, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Loyce Turner, Chairman
Senate Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: March 3, 1983

SUBJECT: Fiscal Note—Substitute to Senate Bill 81 (LC 7 5396S)
Employees' Retirement System (ERS)
Local Retirement Systems

This Bill provides certain retirement options to persons becoming a state employee on or after July 1, 1984 as a result of being employed by a county probation system which became a part of the statewide probation system within the Department of Offender Rehabilitation (DOOR). Retirement options must be exercised within six months after the date the county probation system becomes a part of the statewide probation system, are irrevocable, and may not be later rescinded or modified.

Two county probations systems with a total of approximately 161 employees could be affected by this Bill. The retirement options are addressed in the following paragraphs:

1. Persons who are members of a local retirement system at the time of transition to state employment may continue active membership in the local retirement system. The salary received by such an employee from DOOR or other state department, together with any additional compensation from the county, shall be utilized for all purposes under the local retirement system. The employee would continue to pay the contributions required under the local retirement system and employer contributions would be paid by DOOR, or other such department, at the same percentage rate applicable to other state employees.

ERS and the local retirement systems would incur no additional liabilities for members electing this option. DOOR would not be affected since the department would be responsible for the same contributions under current law.

2. Persons who are members of a local retirement system at the time of transition to state employment may become a member of ERS and obtain creditable service under ERS for all accredited service previously rendered as an employee of the applicable local retirement system. Members of a local retirement system of a county having a population of at least 550,000 and who have 10 or more years creditable service, shall not be eligible for this option and must remain with the local system. Within 30 days of a member's election of this option, the local retirement system must pay ERS the employee contributions and interest which would have accumulated if the member had been under ERS. The local system must also pay the accumulated county contributions plus interest as requested by ERS. Additionally, the applicable county would be required to pay any further amount necessary to fund benefits without creating an accrued liability for ERS.

For members electing this option, ERS would incur no additional liabilities because the accrued liability created by granting such service credit would be paid jointly by the county and the local retirement system. An actuarial study coupled with a survey of persons eligible for this option would be necessary to determine the fiscal impact on counties and local retirement systems.

3. Persons who are members of a local retirement system and who are employees of a county probation system of a county with a population of less than 550,000 would have the option of retiring under their local system if they are currently eligible for retirement. Such option would apply only to persons becoming state employees and must be elected on or before the date the county system becomes part of the statewide system. If an employee elects to retire, the employee would become a member of ERS at the time the county probation system becomes part of the statewide probation system but would not be eligible to purchase any creditable service which is covered under the local retirement system.

For members electing this option, ERS would incur no additional liability since such members would be prohibited from transferring such creditable service. Since the employees affected by this option are eligible for retirement, there would be no impact on the local retirement systems.

4. Persons subject to this Bill who are not members of a local retirement system at the time of transition to state employment would become members of ERS effective on the date the county probation system becomes a part of the statewide probation system. Such members may purchase creditable service under ERS for all or any portion of previous actual service rendered as an employee of the applicable county probation system, except in those instances in which such member has retired or is receiving benefits from a local retirement system. To obtain such creditable service, members must pay the employee and employer contributions plus regular interest for the amount of creditable service claimed in an amount sufficient to grant the creditable service under ERS without creating an accrued liability. The six-month time limitation for exercising options would not apply to the purchase of this creditable service as members could purchase creditable service at any time during the first five years of membership in ERS. ERS could establish payment schedules for eligible members to purchase this creditable service.

For members electing this option, ERS would incur no additional liabilities because the accrued liability created by granting such service credit would be paid by the member.

In summary, ERS would incur no additional liability for any of the four options available. An actuarial analysis and a survey of persons affected by this Bill would be necessary to determine the exact fiscal impact on county governments and local retirement systems.

It should be noted that the provisions dealing with option two include creditable service as an employee of a local retirement system instead of a county probation system.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

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

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Those voting in the affirmative were Senators:

Allgood	Foster	McGill
Barnes	Garner	McKenzie
Bond	Gillis	Peevy
Brantley	Greene	Perry
Broun of 46th	Harris	Phillips
Brown of 47th	Harrison	Scott of 2nd
Bryant	Hill	Scott of 36th
Burton	Hine	Scott of 43rd
Cobb	Holloway	Stumbaugh
Coleman	Horton	Tate
Coverdell	Howard	Thompson
Dawkins	Hudgins	Timmons
Deal	Huggins	Trulock
Dean	Kidd	Turner
English	Land	Tysinger
Engram	Lester	Walker
Fincher		

Those not voting were Senators:

Barker	Coggin	Starr (excused
Bowen	Kennedy (presiding)	conferee)
Brannon	Littlefield	

On the motion, the yeas were 49, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 81 by substitute by the Senate.

The following bills of the House and Senate were taken up for the purpose of considering the Conference Committee reports thereon:

HB 129. By Representative Birdsong of the 104th:

A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis.

The Conference Committee report on HB 129 was as follows:

The Conference Committee on HB 129 recommends that both the Sen-

ate and the House of Representatives recede from their positions and that the attached Conference Committee substitute to HB 129 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Pierre Howard
Senator, 42nd District

/s/ Joseph E. Kennedy
Senator, 4th District

/s/ Paul H. Trulock
Senator, 10th District

**FOR THE HOUSE
OF REPRESENTATIVES:**

/s/ Kenneth W. Birdsong
Representative, 104th District

/s/ Larry Walker
Representative, 115th District

/s/ DuBose Porter
Representative, 119th District

Conference Committee substitute to HB 129:

**A BILL TO BE ENTITLED
AN ACT**

To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis; to provide for other matters relative thereto; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia, relating to health of public school children, is amended by adding at the end of said Part 3 a new Code Section 20-2-772 to read as follows:

“20-2-772. In addition to any other requirements of this part, the Department of Human Resources is authorized and directed, in cooperation with the State Board of Education, to promulgate rules and regulations to provide for the screening of public school children for scoliosis.”

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Howard of the 42nd moved that the Senate adopt the Conference Committee report on HB 129.

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

Those voting in the affirmative were Senators:

Allgood
Barker

Barnes
Bond

Brantley
Broun of 46th

Brown of 47th	Greene	Peevy
Bryant	Harris	Perry
Burton	Harrison	Phillips
Cobb	Hill	Scott of 2nd
Coggin	Hine	Scott of 36th
Coleman	Holloway	Scott of 43rd
Coverdell	Horton	Stumbaugh
Dawkins	Howard	Tate
Deal	Hudgins	Thompson
Dean	Huggins	Timmons
English	Kidd	Trulock
Engram	Land	Turner
Fincher	Lester	Tysinger
Foster	McGill	Walker
Garner	McKenzie	

Those not voting were Senators:

Bowen	Kennedy (presiding)	Starr (excused
Brannon	Littlefield	conferee)
Gillis		

On the motion, the yeas were 50, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 129.

SB 40. By Senators Hudgins of the 15th and Littlefield of the 6th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to define the crime of sexual assault; to define other terms; to provide penalties.

The Conference Committee report on SB 40 was as follows:

The Conference Committee on SB 40 recommends that the House of Representatives recede from its position and that SB 40 as passed by the Senate be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Floyd Hudgins
Senator, 15th District

/s/ Joe Thompson
Senator, 32nd District

/s/ Culver Kidd
Senator, 25th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Randolph C. Karrh
Representative, 109th District

/s/ Roger Byrd
Representative, 153rd District

/s/ John Adams
Representative, 16th District

Senator Hudgins of the 15th moved that the Senate adopt the Conference Committee report on SB 40.

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

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Engram	McKenzie
Barnes	Fincher	Peevy
Bond	Foster	Perry
Brantley	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hill	Scott of 43rd
Burton	Hine	Stumbaugh
Cobb	Holloway	Tate
Coggin	Horton	Thompson
Coleman	Howard	Timmons
Coverdell	Hudgins	Trulock
Dawkins	Kidd	Turner
Deal	Land	Tysinger
Dean	Lester	Walker

Those not voting were Senators:

Bowen	Gillis	Littlefield
Brannon	Huggins	Starr (excused)
Garner	Kennedy (presiding)	conferee)

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on SB 40.

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

HB 121. By Representatives Lawson of the 9th, Snow of the 1st, Williams of the 48th and others:

A bill to implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts.

Senator Deal of the 49th moved that the Senate insist upon the Senate substitute to HB 121.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate insisted upon the Senate substitute to HB 121.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 21. By Senators Cobb of the 28th and Hill of the 29th:

A bill to amend Code Section 15-6-86, relating to the location of the office and storage of records of the clerk of the superior court.

The House substitute to SB 21 was as follows:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 15-6-86 of the Official Code of Georgia Annotated, relating to the location of the office and storage of records of the clerk of the superior court, so as to change the provisions relating to the storage of records; to amend Chapter 9 of Title 36, relating to county property generally, so as to change the provisions relating to the storage of certain books and records; to define the term "county document"; to provide for the safe storage of county documents; to provide for enforcements; 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 15-6-86 of the Official Code of Georgia Annotated, relating to the location of the office and storage of records of the clerk of the superior court, is amended by adding at the end thereof a new subsection (d) to read as follows:

"(d) Notwithstanding any other provision of this Code section, county documents, as defined in subsection (c) of Code Section 36-9-5, shall be stored only in accordance with the provisions of Code Section 36-9-5."

Section 2. Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property generally, is amended by striking in its entirety Code Section 36-9-5, relating to the erection, repair, and furnishing of county buildings and storage of records, and inserting in lieu thereof a new Code Section 36-9-5 to read as follows:

"36-9-5. (a) It is the duty of the county governing authorities to erect or repair, when necessary, their respective courthouses and jails and all other necessary county buildings and to furnish each with all the furniture necessary for the different rooms, offices, or cells.

(b) The county buildings shall be erected and kept in order and repaired at the expense of the county under the direction of the county governing authority which is authorized to make all necessary contracts for that purpose.

(c) (1) As used in this subsection, the term 'county document' means:

(A) Records documenting property rights, deeds, and wills; and

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(B) Tax records documenting ownership of property and the latest valuations of property.

(2) A county officer, the county board of tax assessors, or any other officer of the county having the responsibility or custody of any county documents set forth in paragraph (1) of this subsection shall, at night or when the county office is closed, keep such county documents:

(A) In a fireproof safe or vault;

(B) In fireproof cabinets;

(C) On microfilm, pursuant to the standards set forth in Article 6 of Chapter 18 of Title 50, only if a security copy has been sent to the Georgia State Archives; or

(D) At a location not more than 25 miles from the courthouse in a building or facility which is in compliance with the fire safety standards applicable to archives and record centers as established by the National Fire Protection Association in Standard No. 232, as such standard was adopted on May 18, 1972.

(3) It is the duty of the county governing authorities to furnish the necessary fireproof equipment, microfilming equipment and supplies, or some other safe facility for such county documents.

(4) On and after January 1, 1985, county documents shall be stored only in accordance with the provisions of this subsection. The local fire marshal in each county shall monitor the various county offices in the county to assure compliance with the provisions of this subsection."

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Cobb of the 28th moved that the Senate agree to the House substitute to SB 21.

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

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Broun of 46th
Brown of 47th
Bryant
Burton

Cobb
Coggin
Coleman
Coverdell
Dawkins
Deal
Dean
English
Engram

Fincher
Foster
Greene
Harris
Harrison
Hill
Hine
Holloway
Horton

Howard	Peevy	Tate
Huggins	Perry	Thompson
Kidd	Phillips	Timmons
Land	Scott of 2nd	Trulock
Lester	Scott of 36th	Turner
McGill	Scott of 43rd	Tysinger
McKenzie	Stumbaugh	Walker

Those not voting were Senators:

Brannon	Gillis	Littlefield
Brantley	Hudgins	Starr (excused)
Garner	Kennedy (presiding)	conferee)

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 21.

The following general bills and resolutions of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 638. By Representative Wilson of the 20th:

A bill to amend Code Section 28-2-1, relating to apportionment of the House of Representatives and qualifications of its members, so as to change the composition of certain state representative districts.

Senator Sponsor: Senator Kidd of the 25th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Coleman	Harrison
Barker	Coverdell	Hill
Barnes	Dawkins	Hine
Bond	Deal	Holloway
Bowen	Dean	Horton
Brantley	English	Howard
Broun of 46th	Engram	Hudgins
Brown of 47th	Fincher	Huggins
Bryant	Foster	Kidd
Burton	Garner	Land
Cobb	Greene	Lester
Coggin	Harris	McGill

McKenzie	Scott of 36th	Thompson
Peevy	Scott of 43rd	Timmons
Perry	Starr	Trulock
Phillips	Stumbaugh	Turner
Scott of 2nd	Tate	Walker

Those not voting were Senators:

Brannon	Kennedy (presiding)	Tysinger
Gillis	Littlefield	

On the passage of the bill, the yeas were 51, nays 0.

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

HR 222. By Representatives Horne of the 103rd, Pinkston of the 100th, Randall of the 101st and Groover of the 99th:

A resolution authorizing and empowering the State of Georgia, acting by and through its State Properties Commission, to grant and convey to the Bibb County Board of Commissioners, its successors and assigns, certain real property owned or claimed by the state, located within the City of Macon, Bibb County, Georgia.

Senate Sponsor: Senator Harris of the 27th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Coverdell	Hine
Barker	Dawkins	Holloway
Barnes	Deal	Horton
Bond	Dean	Howard
Bowen	English	Hudgins
Brantley	Engram	Huggins
Broun of 46th	Fincher	Kidd
Brown of 47th	Foster	Land
Bryant	Garner	Lester
Burton	Gillis	McGill
Cobb	Harris	McKenzie
Coggin	Harrison	Peevy
Coleman	Hill	Perry

Scott of 2nd	Stumbaugh	Trulock
Scott of 36th	Tate	Turner
Scott of 43rd	Thompson	Tysinger
Starr	Timmons	Walker

Those not voting were Senators:

Brannon	Kennedy (presiding)	Phillips
Greene	Littlefield	

On the adoption of the resolution, the yeas were 51, nays 0.

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

HB 137. By Representatives Walker of the 115th, Evans of the 84th and Smyre of the 92nd:

A bill to amend Code Section 15-11-37 of the Official Code of Georgia Annotated, relating to designated felony acts and restrictive custody in juvenile proceedings, so as to provide that orders of disposition for restrictive custody shall be transmitted to the clerk of the superior court of the county in which the designated felony act was committed.

Senate Sponsor: Senator Barnes of the 33rd.

The Senate Committee on Judiciary and Constitutional Law offered the following amendment:

Amend HB 137 by striking line 2 through line 8 of Page 3 and inserting in lieu thereof the following:

“of disposition for restrictive custody;

(E) Officials of the Department of Offender Rehabilitation after a person subject to an order of disposition for restrictive custody is convicted of a criminal offense and committed to the jurisdiction of said department; or

(F) The defendant or his attorney of record.”

Senator Hudgins of the 15th moved that HB 137 be committed to the Senate Committee on Judiciary.

Senator Barnes of the 33rd moved the previous question.

Senator Kennedy of the 4th, President Pro Tempore, who was presiding, stated that the motion offered by Senator Barnes of the 33rd takes precedence.

On the motion offered by Senator Barnes of the 33rd, the yeas were 14, nays 22; the motion was lost, and the previous question was not ordered.

On the motion offered by Senator Hudgins of the 15th, the yeas were 30, nays 11; the motion prevailed, and HB 137 was committed to the Senate Committee on Judiciary.

HR 246. By Representative Ware of the 77th:

A resolution designating the Pleasant Theodore McCutchen, Sr. Bridge.

Senate Sponsor: Senator Holloway of the 12th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Lester
Barnes	Engram	McGill
Bond	Fincher	Peevy
Brantley	Foster	Perry
Broun of 46th	Garner	Scott of 2nd
Brown of 47th	Gillis	Scott of 36th
Bryant	Greene	Starr
Burton	Harris	Stumbaugh
Cobb	Hill	Tate
Coggin	Hine	Thompson
Coleman	Horton	Timmons
Coverdell	Howard	Turner
Dawkins	Hudgins	Tysinger
Deal	Huggins	Walker
Dean	Kidd	

Those not voting were Senators:

Barker	Holloway (excused	McKenzie
Bowen	conferee)	Phillips
Brannon	Kennedy (presiding)	Scott of 43rd
Harrison	Land	Trulock
	Littlefield	

On the adoption of the resolution, the yeas were 44, nays 0.

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

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The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 69. By Senators Barnes of the 33rd, Dean of the 31st and Trulock of the 10th:

A bill to amend Chapter 5 of Title 5 of the Official Code of Georgia Annotated, relating to new trials, so as to change the grounds for new trials in criminal cases.

The House substitute to SB 69 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 5-5-42 of the Official Code of Georgia Annotated, relating to forms for motions for new trials, so as to provide a form for motion for new trials in criminal cases; to provide that such forms shall be sufficient in law; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 5-5-42 of the Official Code of Georgia Annotated, relating to forms for motions for new trials, is amended by striking said Code section in its entirety and inserting in its place a new Code Section 5-5-42 to read as follows:

“5-5-42. (a) The form for motion for new trial in civil cases prescribed in subsection (b) of this Code section shall be sufficient, but any other form substantially complying therewith shall also be sufficient.

(b) Form for motion for new trial in civil cases:

IN THE _____ COURT OF _____ COUNTY

STATE OF GEORGIA

_____))
(Plaintiff))

v.)

(Civil Action)

File no. _____

_____))
Defendant)

MOTION FOR NEW TRIAL

Defendant moves the court to set aside the verdict returned herein on _____, 19____, and the judgment entered thereon

on _____, 19____, and to grant a new trial on the following grounds:

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- (1) The verdict is contrary to law.
- (2) The verdict is contrary to the evidence.
- (3) The verdict is strongly against the weight of the evidence.
- (4) The court erred in permitting witness Smith to testify as follows:_____.
- (5) The court erred in failing to charge the jury on unavoidable accident as requested in writing by defendant.
- (6) The court erred in charging the jury as follows:_____.

Dated:_____, 19____.

Attorney for
defendant

Address

(Here set forth rule nisi
and certificate of service.)

(c) The form for motion for new trial in criminal cases in subsection (d) of this Code section is declared to be sufficient but any other form substantially complying therewith shall also be sufficient.

(d) Form for motion for new trial in criminal cases:

IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

(The State))
)
v.)
)
)
)

Defendant)

(Indictment)
(Accusation)
File no._____

MOTION FOR NEW TRIAL

Defendant moves the court to set aside the verdict returned herein on _____, 19____, and the sentence entered thereon on _____, 19____, and to grant a new trial on the following grounds:

- (1) The defendant should be acquitted and discharged due to the state's failure to prove guilt beyond a reasonable doubt.
- (2) Although the state proved the defendant's guilt beyond a reason-

able doubt, the evidence was sufficiently close to warrant the trial judge to exercise his discretion to grant the defendant a retrial.

(3) The court committed an error of law warranting a new trial.

Dated: _____, 19____.

Attorney for
defendant

Address

(Here set forth rule nisi
and certificate of service.)”

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Barnes of the 33rd moved that the Senate agree to the House substitute to SB 69.

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

Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barnes	Fincher	McKenzie
Bond	Foster	Peevy
Bowen	Garner	Perry
Brantley	Gillis	Scott of 2nd
Broun of 46th	Greene	Scott of 36th
Brown of 47th	Hill	Scott of 43rd
Bryant	Hine	Starr
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Howard	Thompson
Coleman	Hudgins	Trulock
Dawkins	Huggins	Turner
Deal	Kidd	Tysinger
Dean	Lester	Walker
English		

Those not voting were Senators:

Barker	Harrison	Littlefield
Brannon	Kennedy (presiding)	Phillips
Coverdell	Land	Timmons
Harris		

On the motion, the yeas were 46, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 69.

The following general bill and resolution of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 340. By Representative Greer of the 39th:

A bill to amend an Act known as "The Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to specify the compensation of the members of the Authority's Board of Directors.

Senate Sponsor: Senator Scott of the 43rd.

The Senate Committee on Federal, State and Community Affairs offered the following amendment:

Amend HB 340 by striking from lines 18 and 19 of Page 1 the following:

"to provide for the preparation and filing of annual reports by the Authority;"

and inserting in its place the following:

"to change the manner of publication of certain reports;"

By striking lines 16 through 33 of Page 5, lines 1 through 34 of Page 6, and lines 1 through 6 of Page 7 and inserting in their place the following:

"Section 14A. The Authority shall have available at its principal office for public inspection at all times during regular business hours of the Authority an accurate and brief summary disclosing all material terms of each contract which the Authority has entered into and the terms of which call for expenditures by the Authority of more than \$150,000. The Authority shall publish in a daily newspaper of general circulation within the entire geographic area of the Authority's operations an annual report for the period ending June 30 of each year. Each annual report shall include a statement of the tax revenue and operating revenue received during the period, a statement of the total expenditures made during the period and a list of all written contracts entered into by the Authority during the period which call for the Authority to expend at any time in the aggregate more than \$50,000. Such list shall also include any employment or consultant contracts (whether or not written) under which the employee or consultant is to be compensated at an annual rate of more than \$20,000, including direct and indirect or deferred benefits. When a person or firm, whose salary or fee is reportable hereunder, shall have his compensation increased at any time, the amount of such increase and the total new rate shall be reported for the period in which the increase takes effect. The list of contracts shall state the anticipated amount of funds to be paid thereunder, or the formula for determining

such amount. The Authority shall also publish a list of the names of each person, firm or corporation which has received from the Authority during such period in excess of \$20,000, as well as the amount paid to such person, firm or corporation during such period. The published information shall also be filed as a statement, verified by the Chairman of the Board of the Authority and its General Manager, with members of the Metropolitan Atlanta Rapid Transit Authority Overview Committee, the State Auditor and with governing authorities of each county and the largest municipality in the area of the Authority's operation. The annual report required by this Section shall be published and filed within forty-five days of the end of the reporting period."

On the adoption of the amendment, the yeas were 29, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barker	Fincher	McKenzie
Barnes	Foster	Peevy
Bond	Gillis	Perry
Bowen	Harris	Phillips
Brown of 47th	Harrison	Scott of 2nd
Bryant	Hill	Scott of 43rd
Burton	Hine	Starr
Cobb	Holloway	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Huggins	Trulock
Dawkins	Kidd	Turner
Deal	Land	Tysinger
Dean	Lester	Walker
English		

Voting in the negative was Senator Hudgins.

Those not voting were Senators:

Brannon	Garner	Littlefield
Brantley	Greene	Scott of 36th
Broun of 46th	Kennedy (presiding)	Timmons

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On the passage of the bill, the yeas were 46, nays 1.

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

The President resumed the Chair.

HR 260. By Representatives White of the 132nd, Brooks of the 34th, Randall of the 101st and others:

A resolution relative to reducing the infant mortality rate in Georgia.

Senate Sponsor: Senator Bond of the 39th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Foster	Lester
Barker	Garner	McGill
Barnes	Gillis	Peevy
Bond	Greene	Perry
Bowen	Harris	Phillips
Bryant	Harrison	Scott of 2nd
Burton	Hill	Scott of 43rd
Cobb	Hine	Stumbaugh
Coggin	Holloway	Tate
Coleman	Horton	Thompson
Dawkins	Howard	Timmons
Deal	Huggins	Trulock
Dean	Kennedy	Turner
English	Kidd	Tysinger
Engram	Land	Walker
Fincher		

Those not voting were Senators:

Brannon	Coverdell	Scott of 36th
Brantley	Hudgins	Starr (excused
Broun of 46th	Littlefield	conferee)
Brown of 47th	McKenzie	

On the adoption of the resolution, the yeas were 46, nays 0.

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

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 190. By Senator Howard of the 42nd:

A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals and related institutions, so as to provide for emergency orders to relocate institutional patients or residents, to place monitors in institutions, and to prohibit admissions to institutions.

The House amendment was as follows:

Amend SB 190 by striking from lines 8 through 10 of Page 1 the following:

“to provide for the regulation of personal care homes and for a definition, permits, fees, and costs thereof;”,

and inserting in its place the following:

“to provide for the inspection of personal care facilities and fees therefor; to provide a definition;”

By striking lines 20 through 33 of Page 4 and lines 1 through 5 of Page 5 and inserting in their place the following:

“31-7-11. (a) As used in this Code section, the term ‘personal care home’ means a facility as defined in rules of the Department of Human Resources, Chapter 290-5-35, as such rules exist on the effective date of this Code section.

(b) The department may designate county boards of health to act as agents to assist the department in inspecting personal care homes licensed under this chapter. With approval of the department, county boards of health may establish inspection fees to defray part of the costs of inspections performed for the department.”

Senator Howard of the 42nd moved that the Senate agree to the House amendment to SB 190.

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

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes

Bond
Bowen
Brantley

Brown of 47th
Bryant
Burton

Cobb	Harrison	Peevy
Coggin	Hill	Perry
Coleman	Hine	Phillips
Dawkins	Holloway	Scott of 43rd
Deal	Horton	Starr
English	Howard	Stumbaugh
Engram	Huggins	Tate
Fincher	Kennedy	Thompson
Foster	Kidd	Timmons
Garner	Land	Trulock
Gillis	Lester	Turner
Greene	McGill	Tysinger
Harris	McKenzie	Walker

Those not voting were Senators:

Brannon	Dean	Scott of 2nd
Broun of 46th	Hudgins	Scott of 36th
Coverdell	Littlefield	

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 190.

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 460. By Representatives Adams of the 36th, Murphy of the 18th, Connell of the 87th and others:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to delete Chapter 14 thereof, relating to electrical contractors, plumbers, and conditioned air contractors, and reenact a new Chapter 14, relating to electrical contractors, plumbers, and conditioned air contractors.

The Conference Committee report on HB 460 was as follows:

The Conference Committee on HB 460 recommends that both the Senate and the House of Representatives recede from their positions and that HB 460, as passed by the House of Representatives, be adopted with the following amendments:

By adding on line 15 of Page 1 after the following:

“persons”,

the following:

“and business entities”

By adding on line 2 of Page 10 after the following:

“families”,

the following:

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and commercial structures not to exceed 10,000 square feet in area”

Respectfully submitted,

FOR THE SENATE:

/s/ Kyle T. Cobb
Senator, 28th District

/s/ James W. Tysinger
Senator, 41st District

/s/ James R. Walker
Senator, 19th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ G. D. Adams
Representative, 36th District

/s/ Johnny Isakson
Representative, 21st District

/s/ William J. Lee
Representative, 72nd District

Senator Tysinger of the 41st moved that the Senate adopt the Conference Committee report on HB 460.

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

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brantley
Brown of 47th
Bryant
Burton
Cobb
Coggin
Coleman
Dawkins
Deal
Dean
English
Engram

Fincher
Foster
Garner
Gillis
Harris
Hill
Hine
Holloway
Horton
Howard
Hudgins
Huggins
Kennedy
Kidd
Land
Lester
McGill

McKenzie
Peevy
Perry
Phillips
Scott of 2nd
Scott of 36th
Scott of 43rd
Starr
Stumbaugh
Tate
Thompson
Timmons
Trulock
Turner
Tysinger
Walker

Those not voting were Senators:

Brannon
Broun of 46th

Coverdell
Greene

Harrison
Littlefield

On the motion, the yeas were 50, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 460.

The following general bills and resolution of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 622. By Representative Lane of the 111th:

A bill to amend Code Section 21-3-94 of the Official Code of Georgia Annotated, relating to reopening of qualification for office in nonpartisan municipal elections, so as to provide for the reopening of qualification for office upon the death of a candidate in nonpartisan municipal elections.

Senate Sponsor: Senator Kidd of the 25th.

Senator Kidd of the 25th offered the following amendment:

Amend HB 622 by striking lines 1 through 3 of Page 1 and substituting in lieu thereof the following:

“To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide that counties shall be reimbursed for all or part of the expenses necessitated by Code Section 21-2-261.1 from funds appropriated to the Secretary of State for such purposes; to”

By adding between lines 8 and 9 of Page 1 a new Section 1 to read as follows:

“Section 1. Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by striking in its entirety Code Section 21-2-264, relating to appropriation of funds to the Secretary of State for counties to implement the requirements of Code Section 21-2-261.1, and substituting in lieu thereof a new Code Section 21-2-264 to read as follows:

‘21-2-264. In all cases of the division, redivision, alteration, formation, or consolidation of precincts, the costs of the proceedings shall be paid by the county. There may be appropriated to the Secretary of State funds to be granted to counties for purposes of meeting the requirements of Code Section 21-2-261.1. Upon the filing of a written request by the election officials of any qualified county, a qualified county shall be reimbursed for all reasonable expenses incurred by such county which are directly related to the redrawing of voting precinct boundaries, verification of voting, precinct residency, notification of voter precinct and polling place changes, and compilation and preparation of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that such reimbursement of costs shall not exceed 25¢ per registered voter whose name appeared on such county’s electors list as of January 1, 1982. Any qualified county seeking reimbursement of such costs shall present an itemized description of such costs to the Secretary of State. If the Secretary of State, after a review of the report of such costs incurred by a county, shall find that all or portions of such costs were reasonable and

were directly related to the preparation of such descriptions and lists, he shall approve all of those parts of the costs deemed reasonable and shall reimburse the counties for such expenses. Any state funds necessary to carry out the provisions of this subsection shall come only from those funds appropriated to the Secretary of State specifically for the purpose of implementing the provisions of Code Section 21-2-261.1. If such funds are not sufficient to bear completely the cost of fully implementing the provisions of Code Section 21-2-261.1, payment to the counties seeking assistance and payment shall be made on a pro rata basis subject to the availability of appropriated funds.'"

By striking lines 9 through 14 of Page 1 and inserting in lieu thereof the following:

"Section 2. Said title is further amended by striking in its entirety Code Section 21-3-94, relating to reopening of qualification for office upon the death of a candidate in nonpartisan municipal elections, and substituting in lieu thereof a new Code Section 21-3-94 to read as follows:"

By renumbering Sections 2 and 3 on lines 1 and 4 of Page 2 as Sections 3 and 4, respectively.

On the adoption of the amendment, the yeas were 32, nays 0, and the amendment was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brantley
Broun of 46th
Bryant
Burton
Cobb
Coggin
Coleman
Dawkins
Deal
Dean
English
Ingram

Fincher
Foster
Garner
Gillis
Harris
Hill
Hine
Holloway
Horton
Howard
Hudgins
Huggins
Kennedy
Kidd
Land
Lester

McGill
McKenzie
Peevy
Perry
Phillips
Scott of 2nd
Scott of 36th
Scott of 43rd
Stumbaugh
Tate
Thompson
Timmons
Trulock
Turner
Tysinger
Walker

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Those not voting were Senators:

Brannon
Brown of 47th
Coverdell

Greene
Harrison
Littlefield

Starr (excused
conferee)

On the passage of the bill, the yeas were 49, nays 0.

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

HB 247. By Representatives Bolster of the 30th, Adams of the 36th and Johnson of the 70th:

A bill to amend Chapter 42 of Title 36, the "Downtown Development Authorities Law," so as to change the legislative purpose.

Senate Sponsor: Senator McKenzie of the 14th.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HB 247:

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 require that a copy of the municipal corporation's resolution activating a downtown development authority shall be filed with the Department of Community Affairs; to provide for comments; to provide for certain information to be filed; to delete the provisions allowing municipal disapproval of bonds, notes, or other obligations; to change certain provisions relating to interests of or involvements by directors or members of development authorities, downtown development authorities, and certain other authorities; to provide effective dates; 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 subsection (b) of Code section 36-42-5, which reads as follows:

"(b) A copy of the governing body's resolution shall be filed with the Secretary of State, who shall maintain a record of all authorities activated under this chapter."

and inserting in its place the following:

"(b) A copy of the governing body's resolution shall be filed with the

Secretary of State, who shall maintain a record of all authorities activated under this chapter, and with the Department of Community Affairs. The Department of Community Affairs may, but shall not be required to, furnish written comments to any authority within 30 days after the governing body's resolution is filed with the Department of Community Affairs. Any such comments shall be furnished by the authority to the governing body of the municipal corporation which activated the authority. Such comments shall be informational only and shall not affect any action taken or to be taken by any authority or governing body, and no action of the authority or the governing body shall be required in response to any such comments. The requirements of this subsection relating to filing with the Department of Community Affairs shall apply only to authorities originally activated after July 1, 1983."

Section 2. Said title is further amended by striking Code Section 36-42-6, relating to actions subsequent to the activation of a downtown development authority, and inserting in its place the following new Code section:

"36-42-6. The governing body of the municipal corporation may, by proper resolution adopted subsequent to its resolution activating its authority:

(1) Change its designation of the downtown development area to a geographical area within the municipal corporation which, in the judgment of the governing body, at the time constitutes the central business district, provided that any such change in the downtown development area shall be effective prospectively from the adoption of the resolution providing therefor and shall not affect any project of, or any action taken by, the authority within or with respect to the downtown development area as defined prior to such change becoming effective; and

(2) Appoint directors of the authority which the governing body of the municipal corporation is authorized to appoint.

Section 3. Said title is further amended by striking subsection (c) of Code Section 36-42-9, relating to bonds, notes, and other obligations of downtown development authorities, and inserting in its place the following:

"(c) Each authority shall file with the Department of Community Affairs, not later than the last day of January of each year, a statement with respect to all bonds, notes, and other obligations which it issued during the immediately preceding calendar year, and such statement shall contain with respect to each such issue of bonds, notes, or other obligations:

(1) The name and address of the authority;

(2) The date of the issue and the face amount of the issue;

(3) The name and address of the principal user or principal users, determined based upon reasonable expectations at the time of issuance, of any facilities provided with the proceeds of the issue; and

(4) A general description of the type of project financed with proceeds of the issue.

The Department of Community Affairs may, for cause shown, grant an extension of the time within which such filing is required. Such filing shall be informational only, shall not affect any action taken or to be taken by any authority, and shall be deemed to be made upon mailing to the Department of Community Affairs in Atlanta, Georgia. Such statement may, at the authority's option, be filed separately with respect to each issue at the time of issuance or any time thereafter prior to January 31 of the next year. The requirements of this subsection (c) shall apply to bonds, notes, and other obligations which are issued after November 1, 1983."

Section 4. Said title is further amended by striking from Code Section 36-62-5, relating to persons serving as directors of a development authority, paragraph (1) of subsection (e) and inserting in its place the following:

"(1) The provisions of Code Sections 45-10-3 and 45-10-23 shall apply to all directors of the authority. The provisions of paragraph (9) of Code Section 45-10-3 and Code Section 45-10-23 shall be deemed to have been complied with and the authority may purchase from, sell to, borrow from, loan to, contract with, or otherwise deal with any director or any organization or person with which any director of the authority is in any way interested or involved, provided (1) that any interest or involvement by such director is disclosed in advance to the directors of the authority and is recorded in the minutes of the authority, (2) that no director having a substantial interest or involvement may be present at that portion of an authority meeting during which discussion of any matter is conducted involving any such organization or person, and (3) that no director having a substantial interest or involvement may participate in any decision of the authority relating to any matter involving such organization or person. As used in this subsection, a 'substantial interest or involvement' shall mean any interest or involvement which reasonably may be expected to result in a direct financial benefit to such director as determined by the authority, which determination shall be final and not subject to review.

Section 5. Said title is further amended by striking subsection (a) of Code Section 36-62A-1, relating to conduct of directors and members of downtown development authorities, and inserting in its place the following:

"(a) Code Section 45-10-3, relating to code of ethics of members of boards, commissions, and authorities, and Code Section 45-10-23, which prohibits members of boards, bureaus, and commissions from contracting with agencies on which they serve as members, shall apply to all directors and members of any downtown development authority created pursuant to Chapter 42 of this title, known as the 'Downtown Development Authorities Law,' or of any authority created by or pursuant to a local constitutional amendment, whether for the purpose of promoting the development of trade, commerce, industry, and employment opportunities or for other purposes, to the extent that the Constitution authorizes the General Assembly by law to define further and to enlarge or restrict the powers and duties of any such authority created by or pursuant to a local constitutional amendment. The provisions of paragraph (9) of Code Section 45-10-3 and Code Section 45-10-23 shall be deemed to have been complied with and any such authority may purchase from, sell to, borrow

from, loan to, contract with, or otherwise deal with any director or member or any organization or person with which any director or member of said authority is in any way interested or involved, provided (1) that any interest or involvement by such director or member is disclosed in advance to the directors or members of the authority and is recorded in the minutes of the authority, (2) that no director having a substantial interest or involvement may be present at that portion of an authority meeting during which discussion of any matter is conducted involving any such organization or person, and (3) that no director having a substantial interest or involvement may participate in any decision of the authority relating to any matter involving such organization or person. As used in this subsection, a 'substantial interest or involvement' shall mean any interest or involvement which reasonably may be expected to result in a direct financial benefit to such director or member as determined by the authority, which determination shall be final and not subject to review."

Section 6. Except as otherwise provided in Sections 1 and 3 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 7. All laws and parts of laws in conflict with this Act are repealed.

Senators Deal of the 49th and Barnes of the 33rd offered the following amendment:

Amend the substitute to HB 247 offered by the Senate Committee on Federal, State and Community Affairs by adding on Page 3, line 6 the following:

"(3) Disapprove any proposed issue of revenue bonds, notes, or other obligations of the Authority, in the manner provided in this chapter."

On the adoption of the amendment, the yeas were 38, nays 0, and the amendment was adopted.

On the adoption of the substitute, the yeas were 40, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker

Bond
Bowen

Brantley
Broun of 46th

Brown of 47th	Gillis	Peevy
Bryant	Harris	Perry
Burton	Hine	Phillips
Cobb	Holloway	Scott of 2nd
Coggin	Horton	Scott of 36th
Coleman	Howard	Scott of 43rd
Coverdell	Hudgins	Stumbaugh
Dawkins	Huggins	Tate
Deal	Kennedy	Thompson
Dean	Kidd	Timmons
English	Land	Trulock
Engram	Lester	Turner
Fincher	McGill	Tysinger
Foster	McKenzie	Walker
Garner		

Those not voting were Senators:

Barnes	Harrison	Starr (excused
Brannon	Hill	conferee)
Greene	Littlefield	

On the passage of the bill, the yeas were 49, nays 0.

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

HR 106. By Representatives Connell of the 87th, Barnes of the 90th, Padgett of the 86th and others:

A resolution authorizing the State of Georgia to convey certain state-owned property located within the City of Augusta, Richmond County, Georgia, to the City Council of Augusta.

Senate Sponsor: Senator Allgood of the 22nd.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Barnes	Bowen
Barker	Bond	Brantley

Broun of 46th	Garner	Peevy
Brown of 47th	Gillis	Perry
Bryant	Harris	Phillips
Burton	Harrison	Scott of 2nd
Coggin	Hine	Scott of 36th
Coleman	Holloway	Scott of 43rd
Coverdell	Hudgins	Starr
Dawkins	Huggins	Tate
Deal	Kennedy	Thompson
Dean	Kidd	Timmons
English	Land	Trulock
Engram	Lester	Turner
Fincher	McGill	Tysinger
Foster	McKenzie	Walker

Voting in the negative was Senator Horton.

Those not voting were Senators:

Brannon	Hill	Littlefield
Cobb	Howard	Stumbaugh
Greene		

On the adoption of the resolution, the yeas were 48, nays 1.

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

HB 568. By Representatives Lucas of the 102nd and Adams of the 16th:

A bill to amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used car dealers, so as to revise the laws regulating used car dealers.

Senate Sponsor: Senator Coggin of the 35th.

Senator Land of the 16th offered the following amendment:

Amend HB 568 by striking lines 10 through 29 of Page 7 and inserting in lieu thereof the following:

“(1) Each application for a license shall show that the dealer maintains an automobile dealer’s public liability insurance policy with liability limits of not less than \$50,000.00 per person, \$100,000.00 per accident, and \$25,000.00 for damage to property.”

On the adoption of the amendment, the yeas were 4, nays 37, and the amendment was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to www.libtool.com.cn

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	McGill
Barker	Foster	McKenzie
Barnes	Garner	Perry
Bond	Gillis	Phillips
Bowen	Harris	Scott of 2nd
Brantley	Harrison	Scott of 36th
Broun of 46th	Hill	Scott of 43rd
Brown of 47th	Hine	Starr
Bryant	Holloway	Stumbaugh
Burton	Horton	Tate
Cobb	Howard	Thompson
Coggin	Hudgins	Timmons
Coverdell	Huggins	Trulock
Dawkins	Kennedy	Turner
Dean	Kidd	Tysinger
English	Land	Walker
Engram	Lester	

Voting in the negative were Senators Deal and Peevy.

Those not voting were Senators:

Brannon	Greene	Littlefield
Coleman		

On the passage of the bill, the yeas were 50, nays 2.

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

HB 544. By Representatives Clark of the 55th and Steinberg of the 46th:

A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, so as to provide that hospitals be required to provide certain information regarding charges.

Senate Sponsor: Senator Howard of the 42nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Fincher	McGill
Barker	Foster	McKenzie
Barnes	Garner	Peevy
Bowen	Gillis	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hill	Scott of 43rd
Bryant	Hine	Starr
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Howard	Thompson
Coleman	Hudgins	Timmons
Coverdell	Huggins	Trulock
Dawkins	Kennedy	Turner
Deal	Kidd	Tysinger
English	Land	Walker
Engram		

Those not voting were Senators:

Bond	Greene	Littlefield
Brannon	Lester	Scott of 2nd
Dean		

On the passage of the bill, the yeas were 49, nays 0.

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

HB 548. By Representatives Hays of the 1st, Oliver of the 121st and Colwell of the 4th:

A bill to amend Code Section 42-5-36 of the Official Code of Georgia Annotated, relating to confidentiality of information supplied by inmates and penalties for the breach thereof, so as to extend the status of privileged information and secrets of the state to investigation reports and intelligence data prepared by the Internal Investigations Unit of the Department of Offender Rehabilitation.

Senate Sponsor: Senator Garner of the 30th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Foster	McKenzie
Barker	Garner	Perry
Barnes	Gillis	Phillips
Bond	Harris	Scott of 2nd
Bowen	Harrison	Scott of 36th
Brantley	Hill	Scott of 43rd
Bryant	Hine	Starr
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Hudgins	Thompson
Coleman	Kennedy	Timmons
Coverdell	Kidd	Trulock
Dean	Land	Turner
English	Lester	Tysinger
Engram	McGill	Walker
Fincher		

Those voting in the negative were Senators:

Broun of 46th	Dawkins	Howard
Brown of 47th	Deal	Peevy

Those not voting were Senators:

Brannon	Huggins	Littlefield
Greene		

On the passage of the bill, the yeas were 46, nays 6.

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

HB 90. By Representatives Reaves of the 147th, Balkcom of the 140th, Godbee of the 110th and others:

A bill to amend Article 2 of Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to grain dealers, so as to require the submission of a financial statement with the application for a license.

Senate Sponsor: Senator McGill of the 24th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barker	Fincher	McKenzie
Barnes	Foster	Peevy
Bond	Garner	Perry
Bowen	Gillis	Phillips
Brantley	Greene	Scott of 2nd
Broun of 46th	Harris	Scott of 36th
Brown of 47th	Harrison	Scott of 43rd
Bryant	Hill	Starr
Burton	Hine	Stumbaugh
Cobb	Holloway	Tate
Coggin	Hudgins	Thompson
Coleman	Huggins	Timmons
Coverdell	Kennedy	Trulock
Dawkins	Kidd	Turner
Deal	Land	Tysinger
Dean	Lester	Walker
English		

Voting in the negative was Senator Howard.

Those not voting were Senators:

Brannon	Horton	Littlefield
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On the passage of the bill, the yeas were 52, nays 1.

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

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 163. By Representatives Murphy of the 18th, McDonald of the 12th, Walker of the 115th and others:

A bill to make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984.

The Conference Committee report on HB 163 was as follows:

The Conference Committee on HB 163 recommends that both the Senate and

the House of Representatives recede from their positions and that the attached Conference Committee substitute to HB 163 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Terrell A. Starr
Senator, 44th District

/s/ Al Holloway
Senator, 12th District

/s/ Joseph E. Kennedy
Senator, 4th District

**FOR THE HOUSE
OF REPRESENTATIVES:**

/s/ Lauren McDonald, Jr.
Representative, 12th District

/s/ A. L. Burruss
Representative, 20th District

/s/ Marcus E. Collins
Representative, 144th District

Conference Committee substitute to HB 163:

**A BILL TO BE ENTITLED
AN ACT**

To make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984; to make and provide such appropriations for the operation of the State government, its departments, boards, bureaus, commissions, institutions, and other agencies, and for the university system, common schools, counties, municipalities, political subdivisions and for all other governmental activities, projects and undertakings authorized by law, and for all leases, contracts, agreements, and grants authorized by law; to provide for the control and administration of funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

That the sums of money hereinafter provided are appropriated for the State fiscal year beginning July 1, 1983, and ending June 30, 1984, as prescribed hereinafter for such fiscal year, from funds from the Federal Government, and the General Funds of the State including unappropriated surplus and a revenue estimate of \$4,018,000,000 for State fiscal year 1984.

PART I.

LEGISLATIVE BRANCH

Section 1. Legislative Branch.

Budget Unit: Legislative Branch	\$ 15,916,570
Operations	\$ 15,916,570
Total Funds Budgeted	\$ 15,916,570
State Funds Budgeted	\$ 15,916,570
 Budget Unit Object Classes:	
Operations	\$ 15,916,570

For compensation, expenses, mileage, allowances, travel and benefits for members, officials, committees and employees of the General Assembly and each House thereof; for operating the offices of Lieutenant Governor and Speaker of the House of Representatives; for membership in the National Conference of Commissioners on Uniform State Laws; for membership in the Council of State Governments, the National Conference of State Legislatures and the National Conference of Insurance Legislators and other legislative organizations, upon approval of the Legislative Services Committee; for membership in the Marine Fisheries Compact and other Compacts, upon approval of the Legislative Services Committee; for the maintenance, repair, construction, reconstruction, furnishing and refurbishing of space and other facilities for the Legislative Branch; for the Legislative Services Committee, the Office of Legislative Counsel and the Office of Legislative Budget Analyst; for the operation of the Legislative Educational Research Council; for compiling, publishing and distributing the Acts of the General Assembly and the Journals of the Senate and the House of Representatives; for Code Revision; for the annual report of the State Auditor to the General Assembly; for equipment, supplies, furnishings, repairs, printing, services and other expenses of the Legislative Branch of Government; and for payments to Presidential Electors. The provisions of any other law to the contrary notwithstanding, such payments to Presidential Electors shall be paid from funds provided for the Legislative Branch of Government, and the payment and receipt of such allowances shall not be in violation of any law.

The Legislative Services Committee shall seek to determine ways to effect economies in the expenditure of funds appropriated to the Legislative Branch of Government. The Committee is hereby authorized to promulgate rules and regulations relative to the expenditure of funds appropriated to the Legislative Branch which may include that no such funds may be expended without prior approval of the Committee. The Committee shall also make a detailed study of all items and programs which are paid for from funds appropriated to the Legislative Branch of Government with a view towards determining which are legitimate legislative expenses and which should be paid for from other appropriations.

Section 2. Department of Audits.

Budget Unit: Department of Audits	\$	6,038,597
1. Operations	\$	6,222,927
Total Funds Budgeted	\$	6,222,927
State Funds Budgeted	\$	5,688,597

2. Tax Ratio Study	\$	350,000
Total Funds Budgeted	\$	350,000
State Funds Budgeted	\$	350,000

Budget Unit Object Classes:

Operations	\$	6,222,927
Tax Ratio Study	\$	350,000
Authorized Motor Vehicles		28
Total Positions Budgeted		165

PART II.

JUDICIAL BRANCH

Section 3. Supreme Court.

Budget Unit: Supreme Court	\$	2,780,434
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For the cost of operating the Supreme Court of the State of Georgia, including salaries of Justices and the employees of the Court, and their retirement contributions. Provided, however, that the sum of \$7,500 shall be allocated for the payment of attorneys' fees and legal expenses for indigent defendants in criminal cases on appeal as provided in Georgia Laws 1953, Nov.-Dec. Session, pp. 478-481 (Code Sections 17-12-60 through 17-12-62).

Provided, however, that the sum of \$10,500 shall be allocated for the cost of Georgia's pro rata share for the operation of the National Center for State Courts.

Total Positions Budgeted	59
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Section 4. Superior Courts.

Budget Unit: Superior Courts	\$	22,531,919
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For the cost of operating the Superior Courts of the State of Georgia, including payment of Judges' salaries, contingent expense allowances authorized by law, the payment of mileage authorized by law and such other salaries and expenses as may be authorized by law.

For payment of salaries, the payment of mileage and other expenses as may be authorized by law for the District Attorneys, Assistant District Attorneys, and District Attorneys Emeritus.

For the cost of operating the Judge Sentence Review Panel as created by 1974 Georgia Laws, p. 358 (Code Section 17-10-6).

Provided, however, that the listed appropriation shall be increased by the amount of \$27,078 per annum for each additional Judge Emeritus position established during the fiscal year, and by the amount of \$17,000 per annum for each additional District Attorney Emeritus position established during the fiscal year.

Provided, further, that the listed appropriation shall be increased by the amount of \$97,000 per annum for each judgeship created by law during the Regular Session of the General Assembly immediately preceding this State Fiscal Year.

Provided, however, that the listed appropriation shall be increased by the amount of \$5,000 per annum for the cost of the habeas corpus clerk.

Provided, that of the above appropriation relating to Superior Courts, \$485,674 is designated and committed for the Prosecuting Attorneys' Council for operations and \$101,046 is designated and committed for the Sentence Review Panel.

Provided, however, of the above appropriation \$10,000 is designated and committed to permit Judges with less than five years of experience to attend the Judicial College.

Total Positions Budgeted	544
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Section 5. Court of Appeals.

Budget Unit: Court of Appeals	\$ 3,068,416
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For the cost of operating the State Court of Appeals, including salaries and retirement contributions of judges and employees of the Court and for the Emeritus Judges of the Court. Provided, however, that the listed appropriation shall be increased by the amount of \$12,000 per annum for each additional Emeritus position established during the fiscal year.

Total Positions Budgeted	59
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Section 6. Administrative Office of the Courts.

Budget Unit: Administrative Office of the	
Courts	\$ 713,282
Administrative Office of the Courts	\$ 414,357
Case Counting	\$ 68,925
Institute for Continuing Judicial Education	\$ 230,000
Total Funds Budgeted	\$ 713,282

State Funds Budgeted	\$	713,282
Total Positions Budgeted		20

For the cost of operating the Administrative Office of the Courts, case counting and for the cost of operating the Institute for Continuing Judicial Education.

Section 7. Appellate Court Reports.

Budget Unit: Court Reports	\$	193,100
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For the cost of purchasing and distributing the reports (decisions) of the appellate courts to Judges, District Attorneys, Clerks and others as required by Art. 2, Chap. 18 of Title 50.

Total Positions Budgeted		0
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Section 8. Judicial Qualifications Commission.

Budget Unit: Judicial Qualifications Commission	\$	50,471
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For the cost of operating the Judicial Qualifications Commission.

Total Positions Budgeted		0
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Section 9. Board of Court Reporting.

Budget Unit:	\$	16,675
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For the cost of operating the Board of Court Reporting.

Total Positions Budgeted		1
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Section 10. Council of Juvenile Court Judges.

Budget Unit:	\$	109,761
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For the cost of operating the Council of Juvenile Court Judges.

Total Positions Budgeted		3
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Section 11. Georgia Justice Courts Training Council.
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Budget Unit: \$ 15,060

For the cost of operating the Georgia Justice Courts Training Council.

Total Positions Budgeted 0

Section 12. Georgia Judicial Administrative Districts.

Budget Unit: \$ 518,249

For the cost of operating the Georgia Judicial Administrative Districts.

Provided, however, that the sum of \$50,000 shall be allocated to each district.

Total Positions Budgeted 20

PART III.

EXECUTIVE BRANCH

Section 13. Department of Administrative Services.

A. Budget Unit: Department of Administrative Services \$ 29,842,205

1. State Properties Commission Budget:

Personal Services	\$	234,003
Regular Operating Expenses	\$	6,645
Travel	\$	2,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	500
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	15,750
Telecommunications	\$	3,827
Per Diem, Fees and Contracts	\$	17,000
Total Funds Budgeted	\$	280,225
State Funds Budgeted	\$	280,225
Total Positions Budgeted		6

2. Departmental Administration Budget:

Personal Services	\$	1,163,677
Regular Operating Expenses	\$	132,031

Travel	\$	14,545
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	12,470
Equipment Purchases	\$	1,283
Computer Charges	\$	30,000
Real Estate Rentals	\$	231,927
Telecommunications	\$	21,354
Per Diem, Fees and Contracts	\$	—0—
Direct Payments to Georgia		
Building Authority for		
Capital Outlay	\$	—0—
Direct Payments to Georgia		
Building Authority for		
Operations	\$	397,369
Direct Payments to Georgia		
Building Authority for		
Floyd Building Operations	\$	—0—
Direct Payments to Georgia		
Building Authority for		
Authority Lease Rentals	\$	850,000
Total Funds Budgeted	\$	2,854,656
State Funds Budgeted	\$	2,634,656
Total Positions Budgeted		42

Provided, the Department is authorized to utilize \$220,000 of previously appropriated funds for the purpose of the above expenditures.

3. Treasury and Fiscal
Administration Budget:

Personal Services	\$	903,425
Regular Operating Expenses	\$	99,718
Travel	\$	6,000
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	9,500
Equipment Purchases	\$	1,576
Computer Charges	\$	5,667,756
Real Estate Rentals	\$	83,576
Telecommunications	\$	17,774
Per Diem, Fees and Contracts	\$	—0—
Public Safety Officers		
Indemnification Fund	\$	608,800
Total Funds Budgeted	\$	7,398,125
State Funds Budgeted	\$	4,940,463
Total Positions Budgeted		29

4. Central Supply Administration
Budget:

Personal Services	\$	258,782
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Regular Operating Expenses	\$	333,156
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	1,450
Computer Charges	\$	—0—
Real Estate Rentals	\$	79,654
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	800
Materials for Resale	\$	6,517,830
Utilities	\$	—0—
Total Funds Budgeted	\$	7,191,672
Total Expenditures Authorized	\$	7,191,672
State Funds Budgeted	\$	—0—
Total Positions Budgeted		15

5. Procurement Administration Budget:

Personal Services	\$	1,252,913
Regular Operating Expenses	\$	116,592
Travel	\$	9,650
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	35,500
Equipment Purchases	\$	1,325
Computer Charges	\$	220,000
Real Estate Rentals	\$	195,362
Telecommunications	\$	38,735
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	1,870,077
State Funds Budgeted	\$	1,870,077
Total Positions Budgeted		50

6. General Services Administration Budget:

Personal Services	\$	332,594
Regular Operating Expenses	\$	8,192
Travel	\$	6,550
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	10,300
Equipment Purchases	\$	200
Computer Charges	\$	19,747
Real Estate Rentals	\$	39,153
Telecommunications	\$	23,366
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	440,102
Total Expenditures Authorized	\$	440,102
State Funds Budgeted	\$	—0—
Total Positions Budgeted		13

7. Space Management Administration Budget:

Personal Services	\$	267,908
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Regular Operating Expenses	\$	8,066
Travel	\$	4,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	400
Equipment Purchases	\$	1,000
Computer Charges	\$	5,000
Real Estate Rentals	\$	25,650
Telecommunications	\$	5,018
Per Diem, Fees and Contracts	\$	—0—
Materials for Resale	\$	—0—
Total Funds Budgeted	\$	317,042
State Funds Budgeted	\$	317,042
Total Positions Budgeted		10

8. Data Processing Services Budget:

Personal Services	\$	17,558,572
Regular Operating Expenses	\$	1,457,448
Travel	\$	60,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	361,000
Equipment Purchases	\$	160,745
Computer Charges	\$	305,000
Rents and Maintenance Expense	\$	17,598,727
Real Estate Rentals	\$	1,768,080
Telecommunications	\$	311,779
Payments to DOAS Fiscal Administration	\$	2,457,662
Per Diem, Fees and Contracts	\$	433,800
Total Funds Budgeted	\$	42,472,813
Total Expenditures Authorized	\$	42,472,813
State Funds Budgeted	\$	13,799,742
Total Positions Budgeted		661

9. Motor Pool Services Budget:

Personal Services	\$	398,502
Regular Operating Expenses	\$	1,485,418
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	279,500
Publications and Printing	\$	—0—
Equipment Purchases	\$	27,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	720
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	2,191,140
Total Expenditures Authorized	\$	2,191,140
State Funds Budgeted	\$	—0—
Total Positions Budgeted		22

10. Communication Services Budget:

Personal Services	\$	2,600,956
Regular Operating Expenses	\$	378,661
Travel	\$	11,000
Motor Vehicle Equipment		
Purchases	\$	68,770
Publications and Printing	\$	58,770
Equipment Purchases	\$	56,000
Computer Charges	\$	164,606
Real Estate Rentals	\$	186,528
Telecommunications	\$	385
Per Diem, Fees and Contracts	\$	5,000
Telephone Billings	\$	29,101,171
Total Funds Budgeted	\$	32,631,847
Total Expenditures Authorized	\$	32,631,847
State Funds Budgeted	\$	6,000,000
Total Positions Budgeted		108

11. Printing Services Budget:

Personal Services	\$	1,470,236
Regular Operating Expenses	\$	1,555,797
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	115,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	158,209
Telecommunications	\$	—0—
Materials for Resale	\$	400,000
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	3,699,242
Total Expenditures Authorized	\$	3,699,242
State Funds Budgeted	\$	—0—
Total Positions Budgeted		69

12. Surplus Property Services Budget:

Personal Services	\$	765,497
Regular Operating Expenses	\$	275,487
Travel	\$	24,349
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	17,500
Equipment Purchases	\$	3,600
Computer Charges	\$	1,500
Real Estate Rentals	\$	6,000
Telecommunications	\$	13,758
Materials for Resale	\$	25,000
Per Diem, Fees and Contracts	\$	12,000
Utilities	\$	27,512
Total Funds Budgeted	\$	1,172,203
State Funds Budgeted	\$	—0—
Total Positions Budgeted		39

13. Mail and Courier Services Budget:

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Personal Services	\$	170,557
Regular Operating Expenses	\$	118,845
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	10,000
Publications and Printing	\$	—0—
Equipment Purchases	\$	1,660
Computer Charges	\$	—0—
Real Estate Rentals	\$	11,997
Telecommunications	\$	—0—
Materials for Resale	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	313,059
Total Expenditures Authorized	\$	313,059
State Funds Budgeted	\$	—0—
Total Positions Budgeted		10

14. Self-Insurance Services Budget:

Personal Services	\$	610,149
Regular Operating Expenses	\$	33,506
Travel	\$	29,500
Motor Vehicle Equipment Purchases	\$	14,000
Publications and Printing	\$	3,000
Equipment Purchases	\$	5,900
Computer Charges	\$	73,000
Real Estate Rentals	\$	63,829
Telecommunications	\$	15,052
Materials for Resale	\$	—0—
Per Diem, Fees and Contracts	\$	20,000
Total Funds Budgeted	\$	867,936
Total Expenditures Authorized	\$	867,936
State Funds Budgeted	\$	—0—
Total Positions Budgeted		24

Budget Unit Object Classes:

Personal Services	\$	27,987,771
Regular Operating Expenses	\$	6,009,562
Travel	\$	168,094
Motor Vehicle Equipment		
Purchases	\$	372,270
Publications and Printing	\$	508,940
Equipment Purchases	\$	376,739
Computer Charges	\$	6,486,609
Real Estate Rentals	\$	2,866,435
Telecommunications	\$	451,048
Per Diem, Fees and Contracts	\$	488,600
Rents and Maintenance Expense	\$	17,598,727
Utilities	\$	27,512
Payments to DOAS Fiscal		
Administration	\$	2,457,662

Direct Payments to Georgia Building Authority for Operations	\$	—0—
Direct Payments to Georgia Building Authority for Capital Outlay	\$	—0—
Direct Payments to Georgia Building Authority for Authority Lease Rentals	\$	850,000
Direct Payments to Georgia Building Authority for Operations	\$	397,369
Telephone Billings	\$	29,101,171
Materials for Resale	\$	6,942,830
Public Safety Officers Indemnity Fund	\$	608,800
Total Positions Budgeted		1,098
Authorized Motor Vehicles		285

It is the intent of this General Assembly that the Office of Planning and Budget and all other agencies of State government utilize federal funds wherever possible in connection with Workers' Compensation and Unemployment Compensation payments, and that no such payments shall be made to or on behalf of anyone other than bona fide State employees.

It is the intent of this General Assembly that income to the Department of Administrative Services from user agencies shall not exceed the maximum amounts listed below for each service activity:

General Services	\$	440,102
Data Processing Service	\$	40,303,071
Motor Pool Service	\$	2,191,140
Communication Services	\$	32,631,847
Printing Services	\$	3,699,242
Total	\$	79,265,402

except to provide general salary increases authorized for all State employees, or unless there is a corresponding fund availability, with prior budgetary approval, in the appropriate object class or classes of user agency or agencies for which the Department provides service.

Provided further, the State Auditor shall report any exceptions or violations of this intent in the annual financial audit of the Department of Administrative Services.

Provided, it is the intent of this General Assembly that the Department shall not purchase, lease, or lease-

purchase any additional computer hardware other than that which is authorized in this appropriations Act, unless funds are available for this purpose in the user agencies.

B. Budget Unit: Georgia Building Authority \$ —0—

Georgia Building Authority Budget:

Personal Services	\$	11,644,652
Regular Operating Expenses	\$	3,003,425
Travel	\$	4,000
Motor Vehicle Equipment		
Purchases	\$	18,140
Publications and Printing	\$	22,000
Equipment Purchases	\$	86,053
Computer Charges	\$	—0—
Real Estate Rentals	\$	44,052
Telecommunications	\$	59,000
Per Diem, Fees and Contracts	\$	87,500
Capital Outlay	\$	—0—
Authority Lease Rentals	\$	653,234
Utilities	\$	6,290,000
Facilities Renovations		
and Repairs	\$	—0—
Total Funds Budgeted	\$	21,912,056
State Funds Budgeted	\$	—0—
Total Positions Budgeted		518

Budget Unit Object Classes:

Personal Services	\$	11,644,652
Regular Operating Expenses	\$	3,003,425
Travel	\$	4,000
Motor Vehicle Equipment		
Purchases	\$	18,140
Publications and Printing	\$	22,000
Equipment Purchases	\$	86,053
Computer Charges	\$	—0—
Real Estate Rentals	\$	44,052
Telecommunications	\$	59,000
Per Diem, Fees and Contracts	\$	87,500
Capital Outlay	\$	—0—
Authority Lease Rentals	\$	653,234
Utilities	\$	6,290,000
Facilities Renovations		
and Repairs	\$	—0—
Total Positions Budgeted		518
Authorized Motor Vehicles		39

The Authority is authorized to increase the amount budgeted for Facilities Renovations and Repairs by such amounts as are approved for other Agencies or Authorities of the State by the Office of Planning and Budget,

and by such amounts as are received from other sources for renovations or repairs.

Provided, the Georgia Building Authority is authorized to utilize available funds to construct a walkway between the Judiciary Building and the adjacent State office building.

Section 14. Department of Agriculture.

A. Budget Unit: Department of Agriculture. \$ 22,817,705

1. Plant Industry Budget:

Personal Services	\$ 3,554,724
Regular Operating Expenses	\$ 312,910
Travel	\$ 110,000
Motor Vehicle Equipment Purchases	\$ 58,448
Publications and Printing	\$ 26,000
Equipment Purchases	\$ 43,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ 2,553
Telecommunications	\$ 43,234
Per Diem, Fees and Contracts	\$ 800
Total Funds Budgeted	\$ 4,151,669
State Funds Budgeted	\$ 3,674,402
Total Positions Budgeted	168

2. Animal Industry Budget:

Personal Services	\$ 1,300,432
Regular Operating Expenses	\$ 128,170
Travel	\$ 40,000
Motor Vehicle Equipment Purchases	\$ 44,072
Publications and Printing	\$ 9,000
Equipment Purchases	\$ 400
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 51,227
Per Diem, Fees and Contracts	\$ 75,000
Athens Veterinary Laboratory Contract	\$ 463,456
Tifton Veterinary Laboratory Contract	\$ 856,380
Poultry Veterinary Diagnostic Laboratories in Canton, Dalton, Douglas, Oakwood, Royston, Statesboro and Tifton	\$ 1,022,175
Veterinary Fees	\$ 525,000
Indemnities	\$ 75,000
Total Funds Budgeted	\$ 4,590,312
State Funds Budgeted	\$ 4,235,456
Total Positions Budgeted	56

3. Marketing Budget:

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Personal Services	\$	1,000,658
Regular Operating Expenses	\$	163,660
Travel	\$	46,000
Motor Vehicle Equipment Purchases	\$	7,365
Publications and Printing	\$	12,000
Equipment Purchases	\$	4,083
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	39,180
Per Diem, Fees and Contracts	\$	27,000
Advertising	\$	60,000
Total Funds Budgeted	\$	1,359,946
State Funds Budgeted	\$	1,354,946
Total Positions Budgeted		40

4. Major Markets Budget:

Personal Services	\$	1,893,994
Regular Operating Expenses	\$	788,797
Travel	\$	11,000
Motor Vehicle Equipment Purchases	\$	14,640
Publications and Printing	\$	6,000
Equipment Purchases	\$	9,900
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	41,463
Advertising	\$	35,000
Per Diem, Fees and Contracts	\$	20,200
Renovation, Construction, Repairs and Maintenance Projects at Major and Minor Markets.	\$	75,000
Total Funds Budgeted	\$	2,895,994
State Funds Budgeted	\$	95,994
Total Positions Budgeted		103

5. General Agricultural Field
Forces Budget:

Personal Services	\$	2,136,373
Regular Operating Expenses	\$	111,010
Travel	\$	171,200
Motor Vehicle Equipment Purchases	\$	70,532
Publications and Printing	\$	4,000
Equipment Purchases	\$	2,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	3,600
Telecommunications	\$	17,022
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	2,515,737
State Funds Budgeted	\$	2,515,737
Total Positions Budgeted		108

6. Internal Administration Budget:

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Personal Services	\$	1,371,143
Regular Operating Expenses	\$	276,027
Travel	\$	25,000
Motor Vehicle Equipment Purchases	\$	29,224
Publications and Printing	\$	13,000
Equipment Purchases	\$	6,000
Computer Charges	\$	166,099
Real Estate Rentals	\$	579,593
Telecommunications	\$	33,588
Per Diem, Fees and Contracts	\$	1,000
Contract—Federation of Southern Cooperatives	\$	20,000
Payments to Georgia Agrirama Development Authority	\$	277,700
Total Funds Budgeted	\$	2,798,374
State Funds Budgeted	\$	2,718,156
Total Positions Budgeted		54

7. Information and Education Budget:

Personal Services	\$	158,058
Regular Operating Expenses	\$	14,300
Travel	\$	550
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	421,960
Equipment Purchases	\$	1,550
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	6,781
Per Diem, Fees and Contracts	\$	—0—
Market Bulletin Postage	\$	676,000
Total Funds Budgeted	\$	1,279,199
State Funds Budgeted	\$	1,279,199
Total Positions Budgeted		9

8. Fuel and Measures Standards Budget:

Personal Services	\$	1,361,787
Regular Operating Expenses	\$	253,465
Travel	\$	85,100
Motor Vehicle Equipment Purchases	\$	32,194
Publications and Printing	\$	6,000
Equipment Purchases	\$	12,800
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	16,077
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	1,767,423
State Funds Budgeted	\$	1,763,423
Total Positions Budgeted		71

9. Consumer Services Budget:

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Personal Services	\$	766,936
Regular Operating Expenses	\$	65,790
Travel	\$	13,000
Motor Vehicle Equipment Purchases	\$	51,555
Publications and Printing	\$	3,800
Equipment Purchases	\$	900
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	19,679
Per Diem, Fees and Contracts	\$	1,500
Total Funds Budgeted	\$	923,160
State Funds Budgeted	\$	923,160
Total Positions Budgeted		29

10. Consumer Protection Field Forces Budget:

Personal Services	\$	3,299,093
Regular Operating Expenses	\$	129,790
Travel	\$	150,000
Motor Vehicle Equipment Purchases	\$	51,555
Publications and Printing	\$	7,000
Equipment Purchases	\$	12,520
Computer Charges	\$	—0—
Real Estate Rentals	\$	6,800
Telecommunications	\$	35,717
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	3,692,475
State Funds Budgeted	\$	2,978,630
Total Positions Budgeted		126

11. Meat Inspection Budget:

Personal Services	\$	2,771,525
Regular Operating Expenses	\$	78,936
Travel	\$	145,000
Motor Vehicle Equipment Purchases	\$	58,920
Publications and Printing	\$	2,000
Equipment Purchases	\$	942
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	20,212
Per Diem, Fees and Contracts	\$	118,970
Total Funds Budgeted	\$	3,196,505
State Funds Budgeted	\$	1,278,602
Total Positions Budgeted		122

12. Seed Technology and Development:

Personal Services	\$	192,970
Regular Operating Expenses	\$	3,700
Travel	\$	4,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—

Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	200,670
State Funds Budgeted	\$	—0—
Total Positions Budgeted		8

Budget Unit Object Classes:

Personal Services	\$	19,807,693
Regular Operating Expenses	\$	2,326,555
Travel	\$	800,850
Motor Vehicle Equipment		
Purchases	\$	418,505
Publications and Printing	\$	510,760
Equipment Purchases	\$	94,095
Computer Charges	\$	166,099
Real Estate Rentals	\$	592,546
Telecommunications	\$	324,180
Per Diem, Fees and Contracts	\$	244,470
Market Bulletin Postage	\$	676,000
Athens Veterinary Laboratory		
Contract	\$	463,456
Tifton Veterinary Laboratory		
Contract	\$	856,380
Poultry Veterinary Diagnostic		
Laboratories in Canton, Dalton,		
Douglas, Oakwood, Royston,		
Statesboro and Tifton	\$	1,022,175
Veterinary Fees	\$	525,000
Indemnities	\$	75,000
Advertising Contract	\$	95,000
Payments to Georgia Agrirama		
Development Authority for		
Operations	\$	277,700
Renovation, Construction,		
Repairs and Maintenance		
Projects at Major		
and Minor Markets	\$	75,000
Contract—Federation of		
Southern Cooperatives	\$	20,000
Total Positions Budgeted		894
Authorized Motor Vehicles		259

Provided, that of the above appropriation relative to Regular Operating Expenses, \$45,000 is designated and committed for livestock shows relating to research and promoting and \$10,000 is designated and committed for poultry shows relating to research and promoting.

Provided, that of the above appropriation, the De-

partment is authorized and directed to notify dairy farmers of milk-sample test results after each test.

Provided, that of the above appropriation relating to Repairs to Major and Minor Markets, no expenditure shall be made without prior approval of the Georgia Building Authority (Markets).

It is the intent of this General Assembly that the Department of Agriculture shall not increase farmers market gate fees for Georgia farmers and that no new fees be imposed on Georgia farmers.

Provided however, of the above appropriated amount, \$25,000 is designated and committed for "on-farm" testing for brucellosis in cattle to be transported out of Georgia.

Provided, that the Athens and Tifton Veterinary Laboratories are authorized to charge reasonable testing fees only for export swine and cattle.

**B. Budget Unit: Georgia Agrirama
Development Authority**

\$ —0—

**Georgia Agrirama Development
Authority Budget:**

Personal Services	\$	433,156
Regular Operating Expenses	\$	100,039
Travel	\$	6,850
Motor Vehicle Equipment Purchases	\$	9,265
Publications and Printing	\$	5,775
Equipment Purchases	\$	1,600
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,800
Per Diem, Fees and Contracts	\$	47,822
Capital Outlay	\$	—0—
Goods for Resale	\$	82,000
Total Funds Budgeted	\$	692,307
State Funds Budgeted	\$	—0—
Total Positions Budgeted		27

Budget Unit Object Classes:

Personal Services	\$	433,156
Regular Operating Expenses	\$	100,039
Travel	\$	6,850
Motor Vehicle Equipment Purchases	\$	9,265
Publications and Printing	\$	5,775
Equipment Purchases	\$	1,600
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,800

Per Diem, Fees and Contracts	\$	47,822
Capital Outlay	\$	—0—
Goods for Resale	\$	82,000
Total Positions Budgeted		27
Authorized Motor Vehicles		5

Provided, the Authority is hereby authorized to budget additional agency income for the purpose of providing a retirement plan for its employees.

Section 15. Department of Banking and Finance.

Budget Unit: Department of Banking and Finance	\$	3,481,935
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Administration and Examination Budget:

Personal Services	\$	2,890,173
Regular Operating Expenses	\$	154,147
Travel	\$	252,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	19,550
Equipment Purchases	\$	5,700
Computer Charges	\$	300
Real Estate Rentals	\$	127,800
Telecommunications	\$	30,265
Per Diem, Fees and Contracts	\$	2,000
Total Funds Budgeted	\$	3,481,935
State Funds Budgeted	\$	3,481,935
Total Positions Budgeted		102

Budget Unit Object Classes:

Personal Services	\$	2,890,173
Regular Operating Expenses	\$	154,147
Travel	\$	252,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	19,550
Equipment Purchases	\$	5,700
Computer Charges	\$	300
Real Estate Rentals	\$	127,800
Telecommunications	\$	30,265
Per Diem, Fees and Contracts	\$	2,000
Total Positions Budgeted		102
Authorized Motor Vehicles		21

Section 16. Department of Community Affairs.

A. Budget Unit: Department of Community Affairs	\$	4,763,212
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1. Executive and Administrative Budget:

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Personal Services	\$	562,074
Regular Operating Expenses	\$	38,100
Travel	\$	10,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	6,750
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	39,297
Telecommunications	\$	11,220
Per Diem, Fees and Contracts	\$	12,500
Capital Felony Expenses	\$	50,000
Multi-State Transportation Board	\$	—0—
Contracts with Area Planning and Development Commissions	\$	1,282,500
Grants for Revitalization Projects	\$	50,000
Special Grants	\$	10,000
Local Assistance Grants	\$	335,000
Total Funds Budgeted	\$	2,407,441
State Funds Budgeted	\$	2,356,390
Total Positions Budgeted		18

2. Technical Assistance Budget:

Personal Services	\$	713,411
Regular Operating Expenses	\$	24,775
Travel	\$	39,250
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	8,900
Equipment Purchases	\$	400
Computer Charges	\$	1,000
Real Estate Rentals	\$	52,396
Telecommunications	\$	20,650
Per Diem, Fees and Contracts	\$	23,925
Juvenile Justice Grants (Federal)	\$	1,000,000
Total Funds Budgeted	\$	1,884,707
State Funds Budgeted	\$	820,940
Total Positions Budgeted		24

3. Community and Economic Development Budget:

Personal Services	\$	929,391
Regular Operating Expenses	\$	23,545
Travel	\$	52,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	10,000
Equipment Purchases	\$	350
Computer Charges	\$	—0—
Real Estate Rentals	\$	65,495
Telecommunications	\$	24,900

Per Diem, Fees and Contracts	\$ 5,000
Appalachian Regional Commission Assessment	\$ 89,777
Appalachian Regional Commission Matching Grants	\$ 25,000
Economic Development Grants	\$ 200,000
Appalachian Regional Commission Grants (Federal)	\$ 8,500,000
Community Development Block Grants (Federal)	\$ 42,000,000
Total Funds Budgeted	\$ 51,925,958
State Funds Budgeted	\$ 1,144,010
Total Positions Budgeted	29

4. Intergovernmental Assistance Budget:

Personal Services	\$ 480,109
Regular Operating Expenses	\$ 11,868
Travel	\$ 16,710
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 18,450
Equipment Purchases	\$ —0—
Computer Charges	\$ 5,600
Real Estate Rentals	\$ 30,565
Telecommunications	\$ 13,100
Per Diem, Fees and Contracts	\$ 3,180
Total Funds Budgeted	\$ 579,582
State Funds Budgeted	\$ 441,872
Total Positions Budgeted	14

Budget Unit Object Classes:

Personal Services	\$ 2,684,985
Regular Operating Expenses	\$ 98,288
Travel	\$ 118,460
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 44,100
Equipment Purchases	\$ 750
Computer Charges	\$ 6,600
Real Estate Rentals	\$ 187,753
Telecommunications	\$ 69,870
Per Diem, Fees and Contracts	\$ 44,605
Capital Felony Expenses	\$ 50,000
Contracts with Area Planning and Development Commissions	\$ 1,282,500
Local Assistance Grants	\$ 335,000
Grants to Revitalization Projects	\$ 50,000
Special Grants	\$ 10,000
Appalachian Regional Commission Matching Grants	\$ 25,000
Economic Development Grants	\$ 200,000

Appalachian Regional Commission Assessment	\$ 89,777
Multi-State Transportation Board	\$ —0—
Appalachian Regional Commission Grants (Federal)	\$ 8,500,000
Community Development Block Grants (Federal)	\$ 42,000,000
Juvenile Justice Grants (Federal)	\$ 1,000,000
Total Positions Budgeted	85
Authorized Motor Vehicles	4
 B. Budget Unit: Georgia Residential Finance Authority	 \$ —0—
Georgia Residential Finance Authority Budget:	
Personal Services	\$ 1,900,951
Regular Operating Expenses	\$ 219,738
Travel	\$ 76,836
Motor Vehicle Equipment Purchases	\$ 47,000
Publications and Printing	\$ 46,441
Equipment Purchases	\$ 108,610
Computer Charges	\$ 14,600
Real Estate Rentals	\$ 138,486
Telecommunications	\$ 280,078
Per Diem, Fees and Contracts	\$ 66,599
Rental Assistance Payments	\$ 11,000,000
Grants to Housing Sponsors	\$ 500,000
Total Funds Budgeted	\$ 14,399,339
State Funds Budgeted	\$ —0—
Total Positions Budgeted	78
Authorized Motor Vehicles	29

Budget Unit Object Classes:

Personal Services	\$ 1,900,951
Regular Operating Expenses	\$ 219,738
Travel	\$ 76,836
Motor Vehicle Equipment Purchases	\$ 47,000
Publications and Printing	\$ 46,441
Equipment Purchases	\$ 108,610
Computer Charges	\$ 14,600
Real Estate Rentals	\$ 138,486
Telecommunications	\$ 280,078
Per Diem, Fees and Contracts	\$ 66,599
Rental Assistance Payments	\$ 11,000,000
Grants to Housing Sponsors	\$ 500,000
Total Positions Budgeted	78
Authorized Motor Vehicles	29

Section 17. Office of Comptroller General.

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General

\$ 6,158,123

1. Internal Administration Budget:

Personal Services	\$	549,221
Regular Operating Expenses	\$	98,537
Travel	\$	6,109
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	7,000
Equipment Purchases	\$	—0—
Computer Charges	\$	108,304
Real Estate Rentals	\$	114,189
Telecommunications	\$	21,893
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	905,253
State Funds Budgeted	\$	893,253
Total Positions Budgeted		20

2. Insurance Regulation Budget:

Personal Services	\$	1,061,964
Regular Operating Expenses	\$	67,891
Travel	\$	5,683
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	95,000
Equipment Purchases	\$	1,000
Computer Charges	\$	44,768
Real Estate Rentals	\$	144,925
Telecommunications	\$	24,909
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	1,446,140
State Funds Budgeted	\$	1,360,146
Total Positions Budgeted		46

3. Industrial Loans Regulation Budget:

Personal Services	\$	383,983
Regular Operating Expenses	\$	20,572
Travel	\$	14,810
Motor Vehicle Equipment Purchases	\$	24,000
Publications and Printing	\$	5,000
Equipment Purchases	\$	1,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	19,871
Telecommunications	\$	7,000
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	476,236
State Funds Budgeted	\$	476,236
Total Positions Budgeted		13

4. Information and Enforcement Budget:

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Personal Services	\$	1,034,717
Regular Operating Expenses	\$	40,000
Travel	\$	19,778
Motor Vehicle Equipment Purchases	\$	16,000
Publications and Printing	\$	4,366
Equipment Purchases	\$	1,200
Computer Charges	\$	—0—
Real Estate Rentals	\$	119,288
Telecommunications	\$	32,826
Per Diem, Fees and Contracts	\$	500
Total Funds Budgeted	\$	1,268,675
State Funds Budgeted	\$	1,268,675
Total Positions Budgeted		43

5. Fire Safety and Mobile Home
Regulation Budget:

Personal Services	\$	2,142,140
Regular Operating Expenses	\$	113,000
Travel	\$	126,150
Motor Vehicle Equipment Purchases	\$	32,000
Publications and Printing	\$	14,000
Equipment Purchases	\$	2,172
Computer Charges	\$	—0—
Real Estate Rentals	\$	71,052
Telecommunications	\$	20,299
Per Diem, Fees and Contracts	\$	14,000
Total Funds Budgeted	\$	2,534,813
State Funds Budgeted	\$	2,159,813
Total Positions Budgeted		101

Budget Unit Object Classes:

Personal Services	\$	5,172,025
Regular Operating Expenses	\$	340,000
Travel	\$	172,530
Motor Vehicle Equipment Purchases	\$	72,000
Publications and Printing	\$	125,366
Equipment Purchases	\$	5,372
Computer Charges	\$	153,072
Real Estate Rentals	\$	469,325
Telecommunications	\$	106,927
Per Diem, Fees and Contracts	\$	14,500
Total Positions Budgeted		223
Authorized Motor Vehicles		57

Section 18. Department of Defense.

Budget Unit: Department of Defense .	\$	3,015,656
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1. Office of the Adjutant General Budget:

Personal Services	\$	657,005
Regular Operating Expenses	\$	45,986
Travel	\$	2,580
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	3,500
Equipment Purchases	\$	400
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	2,065
Per Diem, Fees and Contracts	\$	10,000
Military Assistance to Safety and Traffic Grant	\$	—0—
Total Funds Budgeted	\$	721,536
State Funds Budgeted	\$	642,918
Total Positions Budgeted		21

2. Georgia Emergency Management
Agency Budget:

Personal Services	\$	939,863
Regular Operating Expenses	\$	113,949
Travel	\$	30,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,900
Equipment Purchases	\$	1,095
Computer Charges	\$	—0—
Real Estate Rentals	\$	5,960
Telecommunications	\$	40,150
Per Diem, Fees and Contracts	\$	62,040
Utilities	\$	22,900
Civil Air Patrol Contract	\$	40,000
Local Civil Defense Grants— Project Application	\$	40,000
Local Civil Defense Grants—Training	\$	—0—
Total Funds Budgeted	\$	1,316,857
State Funds Budgeted	\$	501,913
Total Positions Budgeted		36

3. Georgia Air National Guard Budget:

Personal Services	\$	1,207,866
Regular Operating Expenses	\$	299,130
Travel	\$	300
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,350
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	678,669

Capital Outlay	\$	—0—
Total Funds Budgeted	\$	2,187,315
State Funds Budgeted	\$	298,220
Total Positions Budgeted		56

4. Georgia Army National Guard Budget:

Personal Services	\$	1,653,211
Regular Operating Expenses	\$	609,315
Travel	\$	3,250
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	16,300
Equipment Purchases	\$	17,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	26,000
Per Diem, Fees and Contracts	\$	11,500
Utilities	\$	567,700
Capital Outlay	\$	991,716
Georgia Military Institute Grant	\$	18,000
Grants to National Guard Units	\$	411,000
Repairs and Renovations	\$	85,000
Total Funds Budgeted	\$	4,409,992
State Funds Budgeted	\$	1,572,605
Total Positions Budgeted		84

Budget Unit Object Classes:

Personal Services	\$	4,457,945
Regular Operating Expenses	\$	1,068,380
Travel	\$	36,130
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	42,050
Equipment Purchases	\$	18,495
Computer Charges	\$	—0—
Real Estate Rentals	\$	5,960
Telecommunications	\$	68,215
Per Diem, Fees and Contracts	\$	83,540
Utilities	\$	1,269,269
Military Assistance to		
Safety and Traffic Grant	\$	—0—
National Guard Units Grants	\$	411,000
Georgia Military Institute Grant	\$	18,000
Civil Air Patrol Contract	\$	40,000
Capital Outlay	\$	991,716
Local Civil Defense Grants—		
Project Application	\$	40,000
Local Civil Defense		
Grants—Training	\$	—0—
Repairs and Renovations	\$	85,000
Total Positions Budgeted		196
Authorized Motor Vehicles		20

Section 19. State Board of Education—Department
of Education.

A. Budget Unit: Department of Education \$1,407,529,426

1. Instructional Services Budget:

Personal Services	\$	4,401,689
Regular Operating Expenses	\$	789,125
Travel	\$	252,670
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	193,885
Equipment Purchases	\$	10,000
Real Estate Rentals	\$	354,680
Telecommunications	\$	114,140
Per Diem, Fees and Contracts	\$	51,000
Utilities	\$	3,575
Total Funds Budgeted	\$	6,170,764
Indirect DOAS Services Funding	\$	51,000
State Funds Budgeted	\$	3,705,394
Total Positions Budgeted		163

2. Governor's Honors Program Budget:

Personal Services	\$	286,799
Regular Operating Expenses	\$	24,350
Travel	\$	3,395
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,600
Equipment Purchases	\$	3,625
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,570
Per Diem, Fees and Contracts	\$	454,020
Total Funds Budgeted	\$	779,359
State Funds Budgeted	\$	779,359
Total Positions Budgeted		2

3. Vocational Education Budget:

Personal Services	\$	2,964,657
Regular Operating Expenses	\$	264,465
Travel	\$	204,775
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	63,240
Equipment Purchases	\$	12,640
Real Estate Rentals	\$	302,845
Telecommunications	\$	92,980
Per Diem, Fees and Contracts	\$	1,514,775
Utilities	\$	14,275
Total Funds Budgeted	\$	5,434,652
State Funds Budgeted	\$	2,187,002
Total Positions Budgeted		101

4. Public Library Services Budget:

Personal Services	\$	849,941
Regular Operating Expenses	\$	179,655
Travel	\$	13,800
Publications and Printing	\$	10,180
Equipment Purchases	\$	—0—
Real Estate Rentals	\$	124,000
Telecommunications	\$	37,320
Per Diem, Fees and Contracts	\$	90,500
Utilities	\$	14,510
Total Funds Budgeted	\$	1,319,906
State Funds Budgeted	\$	746,123
Total Positions Budgeted		41

5. State Administration Budget:

Personal Services	\$	1,009,675
Regular Operating Expenses	\$	296,895
Travel	\$	37,500
Motor Vehicle Equipment Purchases	\$	9,000
Publications and Printing	\$	11,620
Equipment Purchases	\$	7,800
Real Estate Rentals	\$	206,120
Telecommunications	\$	26,720
Per Diem, Fees and Contracts	\$	178,950
Total Funds Budgeted	\$	1,784,280
State Funds Budgeted	\$	1,409,787
Total Positions Budgeted		31

6. Administrative Services Budget:

Personal Services	\$	4,811,132
Regular Operating Expenses	\$	214,300
Travel	\$	217,965
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	186,985
Equipment Purchases	\$	2,700
Computer Charges	\$	685,965
Real Estate Rentals	\$	636,825
Telecommunications	\$	102,600
Per Diem, Fees and Contracts	\$	643,950
Utilities	\$	6,895
Total Funds Budgeted	\$	7,509,317
Indirect DOAS Services Funding	\$	289,000
State Funds Budgeted	\$	4,787,405
Total Positions Budgeted		186

7. Certification of Public
School Personnel Budget:

Personal Services	\$	604,500
Regular Operating Expenses	\$	31,350
Travel	\$	1,390
Motor Vehicle Equipment Purchases	\$	—0—

Publications and Printing	\$	4,650
Equipment Purchases	\$	1,825
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	17,525
Per Diem, Fees and Contracts	\$	—0—
Total Funds Budgeted	\$	661,240
State Funds Budgeted	\$	638,094
Total Positions Budgeted		31

8. Planning and Development Budget:

Personal Services	\$	2,085,780
Regular Operating Expenses	\$	82,160
Travel	\$	80,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	74,550
Equipment Purchases	\$	6,050
Real Estate Rentals	\$	333,345
Telecommunications	\$	52,975
Per Diem, Fees and Contracts	\$	1,315,010
Total Funds Budgeted	\$	4,029,870
State Funds Budgeted	\$	3,401,089
Total Positions Budgeted		65

9. Professional Standards
Commission Budget:

Personal Services	\$	63,087
Regular Operating Expenses	\$	7,560
Travel	\$	2,000
Publications and Printing	\$	6,000
Equipment Purchases	\$	—0—
Real Estate Rentals	\$	5,900
Telecommunications	\$	3,500
Per Diem, Fees and Contracts	\$	40,000
Total Funds Budgeted	\$	128,047
State Funds Budgeted	\$	128,047
Total Positions Budgeted		2

10. Vocational Advisory
Council Budget:

Personal Services	\$	69,176
Regular Operating Expenses	\$	11,710
Travel	\$	4,825
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	8,500
Equipment Purchases	\$	3,400
Computer Charges	\$	—0—
Real Estate Rentals	\$	8,000
Telecommunications	\$	3,585
Per Diem, Fees and Contracts	\$	20,000
Total Funds Budgeted	\$	129,196

State Funds Budgeted	\$	—0—
Total Positions Budgeted		2

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11. Professional Practices
Commission Budget:

Personal Services	\$	250,075
Regular Operating Expenses	\$	9,810
Travel	\$	12,640
Motor Vehicle Equipment Purchases	\$	9,200
Publications and Printing	\$	700
Equipment Purchases	\$	10,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	25,140
Telecommunications	\$	5,930
Per Diem, Fees and Contracts	\$	55,000
Total Funds Budgeted	\$	378,495
State Funds Budgeted	\$	378,495
Total Positions Budgeted		7

12. Local Programs Budget:

APEG Grants:

Salaries of Instructional Personnel Code Section 20-2-157(a)	\$	576,330,451
Salaries of Instructional Personnel Code Section 20-2-152	\$	100,665,067
Salaries of Instructional Personnel Code Section 20-2-153	\$	24,938,840
Salaries of Student Supportive Personnel	\$	24,628,256
Salaries of Administrative and Supervisory Personnel	\$	67,042,919
Special Education Leadership Personnel	\$	3,185,984
Instructional Media	\$	19,781,153
Instructional Equipment	\$	686,289
Maintenance and Operation	\$	92,311,377
Sick and Personal Leave	\$	5,494,319
Travel	\$	1,006,891
Pupil Transportation	\$	85,292,194
Isolated Schools	\$	517,973

Non-APEG Grants:

Education of Children of Low-Income Families	\$	75,364,111
Teacher Retirement	\$	108,529,134
Instructional Services for the Handicapped	\$	22,688,126

Preparation of Professional Personnel in Education of Handicapped Children	\$ 43,775
Tuition for the Multi- handicapped	\$ 1,172,000
Severely Emotionally Disturbed	\$ 16,024,487
Compensatory Education	\$ 16,526,420
School Lunch (Federal)	\$ 78,851,316
School Lunch (State)	\$ 16,769,483
Staff Development	\$ 739,750
Supervision and Assessment of Students and Beginning Teachers and Performance Based Certification	\$ 3,559,235
Special Project Grants	\$ —0—
Cooperative Educational Service Agencies	\$ 3,869,339
Superintendents' Salaries	\$ 4,949,007
High School Program	\$ 28,431,976
Area Vocational-Technical Schools	\$ 54,964,546
Junior College Vocational Program	\$ 1,729,709
Quick Start Program	\$ 2,800,000
Comprehensive Employment and Training	\$ 2,290,000
Vocational Research and Curriculum	\$ 491,539
Adult Education	\$ 3,170,411
Salaries and Travel of Public Librarians	\$ 4,381,670
Public Library Materials	\$ 3,575,228
Talking Book Centers	\$ 684,527
Public Library Maintenance and Operation	\$ 2,714,607
Public Library Construction	\$ 441,995
Instructional Aides	\$ 9,758,903
Teacher Health Insurance	\$ 34,155,435
Capital Outlay	\$ 270,000
Grants to Local School Systems for Educational Purposes	\$ 78,000,000
Salaries of Extended Pre-School Personnel	\$ 10,478,648
Chapter II—Block Grant Flow Through	\$ 8,702,655
Child Care Lunch Program	\$ 1,000,000
Total Funds Budgeted	\$1,599,009,745
State Funds Budgeted	\$1,389,368,631
Total Positions Budgeted	0

Budget Unit Object Classes:

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Personal Services	\$ 17,396,511
Regular Operating Expenses	\$ 1,911,380
Travel	\$ 830,960
Motor Vehicle Equipment	
Purchases	\$ 18,200
Publications and Printing	\$ 561,910
Equipment Purchases	\$ 58,040
Computer Charges	\$ 685,965
Real Estate Rentals	\$ 1,996,855
Telecommunications	\$ 462,845
Per Diem, Fees and Contracts	\$ 4,363,205
Utilities	\$ 39,255

APEG Grants:

Salaries of Instructional Personnel Code Section 20-2-157(a)	\$ 576,330,451
Salaries of Instructional Personnel Code Section 20-2-152	\$ 100,665,067
Salaries of Instructional Personnel Code Section 20-2-153	\$ 24,938,840
Salaries of Student Supportive Personnel	\$ 24,628,256
Salaries of Administrative and Supervisory Personnel	\$ 67,042,919
Special Education Leadership Personnel	\$ 3,185,984
Instructional Media	\$ 19,781,153
Instructional Equipment	\$ 686,289
Maintenance and Operation	\$ 92,311,377
Sick and Personal Leave	\$ 5,494,319
Travel	\$ 1,006,891
Pupil Transportation— Regular	\$ 85,292,194
Isolated Schools	\$ 517,973

Non-APEG Grants:

Education of Children of Low-Income Families	\$ 75,364,111
Teacher Retirement	\$ 108,529,134
Instructional Services for the Handicapped	\$ 22,688,126
Preparation of Professional Personnel in Education of Handicapped Children	\$ 43,775
Tuition for the Multi- handicapped	\$ 1,172,000

Severely Emotionally Disturbed	\$ 16,024,487
Compensatory Education	\$ 16,526,420
School Lunch (Fed.)	\$ 78,851,316
School Lunch (State)	\$ 16,769,483
Staff Development	\$ 739,750
Supervision and Assessment of Students and Beginning Teachers and Performance Based Certification	\$ 3,559,235
Cooperative Educational Service Areas	\$ 3,869,339
Superintendents Salaries	\$ 4,949,007
High School Program	\$ 28,431,976
Area School Program	\$ 54,964,546
Junior College Program	\$ 1,729,709
Quick Start	\$ 2,800,000
Special Projects	\$ —0—
Comprehensive Employment and Training	\$ 2,290,000
Vocational Research and Curriculum	\$ 491,539
Adult Education	\$ 3,170,411
Salaries and Travel of Public Librarians	\$ 4,381,670
Public Library Materials	\$ 3,575,228
Talking Book Centers	\$ 684,527
Public Library M & O	\$ 2,714,607
Public Library Construction	\$ 441,995
Instructional Aides	\$ 9,758,903
Teacher Health Insurance	\$ 34,155,435
Capital Outlay	\$ 270,000
Grants to Local School Systems for Educational Purposes	\$ 78,000,000
Indo-Chinese Refugee Salaries of Extended Pre-School Personnel	\$ 10,478,648
Child Care Lunch Program (Federal)	\$ 1,000,000
Chapter II—Block Grant Flow Through	\$ 8,702,655
Total Positions Budgeted	631
Authorized Motor Vehicles	6
B. Budget Unit: Institutions	\$ 15,812,979
1. Georgia Academy for the Blind Budget:	
Personal Services	\$ 2,646,553
Regular Operating Expenses	\$ 227,085
Travel	\$ 2,800
Motor Vehicle Equipment Purchases	\$ 8,000

Publications and Printing	\$	2,845
Equipment Purchases	\$	16,860
Telecommunications	\$	15,595
Per Diem, Fees and Contracts	\$	7,700
Utilities	\$	186,150
Capital Outlay	\$	10,000
Total Funds Budgeted	\$	3,123,588
State Funds Budgeted	\$	2,838,678
Total Positions Budgeted		149

2. Georgia School for the Deaf
Budget:

Personal Services	\$	4,679,900
Regular Operating Expenses	\$	561,400
Travel	\$	9,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	400
Equipment Purchases	\$	12,220
Telecommunications	\$	17,650
Per Diem, Fees and Contracts	\$	12,650
Utilities	\$	408,460
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	5,701,680
State Funds Budgeted	\$	5,354,222
Total Positions Budgeted		249

3. Atlanta Area School for the Deaf
Budget:

Personal Services	\$	1,995,391
Regular Operating Expenses	\$	206,275
Travel	\$	7,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,500
Equipment Purchases	\$	15,800
Telecommunications	\$	27,365
Per Diem, Fees and Contracts	\$	81,865
Utilities	\$	126,410
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	2,462,106
State Funds Budgeted	\$	2,238,974
Total Positions Budgeted		93

4. North Georgia Vocational-Technical
School Budget:

Personal Services	\$	2,571,659
Regular Operating Expenses	\$	679,030
Travel	\$	10,000
Motor Vehicle Equipment Purchases	\$	30,600
Publications and Printing	\$	4,000
Equipment Purchases	\$	95,440
Telecommunications	\$	17,375

Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	340,080
Capital Outlay	\$	105,000
Total Funds Budgeted	\$	3,853,184
State Funds Budgeted	\$	2,884,172
Total Positions Budgeted		104

5. South Georgia Vocational-Technical
School Budget:

Personal Services	\$	2,050,062
Regular Operating Expenses	\$	516,850
Travel	\$	14,475
Motor Vehicle Equipment Purchases	\$	20,000
Publications and Printing	\$	2,500
Equipment Purchases	\$	108,395
Telecommunications	\$	26,950
Per Diem, Fees and Contracts	\$	11,750
Utilities	\$	322,140
Capital Outlay	\$	15,000
Total Funds Budgeted	\$	3,088,122
State Funds Budgeted	\$	2,496,933
Total Positions Budgeted		90

Budget Unit Object Classes:

Personal Services	\$	13,943,565
Regular Operating Expenses	\$	2,190,640
Travel	\$	43,775
Motor Vehicle Equipment Purchases	\$	58,600
Publications and Printing	\$	11,245
Equipment Purchases	\$	248,715
Telecommunications	\$	104,935
Per Diem, Fees and Contracts	\$	113,965
Utilities	\$	1,383,240
Capital Outlay	\$	130,000
Total Positions Budgeted		685
Authorized Motor Vehicles		80

Provided, that none of the State funds appropriated above may be expended to initiate or commence any new program or project which would create a continuing obligation of the current funds of the State, unless such program or project has been authorized by the General Assembly.

Provided, that where teaching personnel are paid in whole or in part from funds other than State-local funds, the fund source from which such salary is paid shall bear the pro rata part of the cost of employer contributions to the Teachers' Retirement System and Teachers' Health Insurance applicable to such salary.

Provided, further, that for kindergarten programs, each system shall be allotted instructional units on the basis of one teacher and one aide for each 40 students or major fraction thereof in average daily attendance, except in the case of mentally, physically or emotionally handicapped children, the ratio shall be one teacher and one aide for 24 students or major fraction thereof in average daily membership.

Provided, that of the above appropriation relative to Kindergarten Transportation, funds shall initially be allotted to local school systems on the basis of projected miles for mid-day transportation. However, allotments shall not exceed actual cost of midday transportation by the local system.

Provided, however, in order to permit extension of the half-day kindergarten program to a full-day program, local systems may elect to use mid-day transportation allotments to employ aides or certificated instructional personnel on a reimbursable basis to the extent that the \$12,202 per unit will allow. Where the transportation allotment is used to employ additional personnel, reimbursable costs shall include salary, retirement and health insurance where eligible.

Provided, that of any State Funds appropriated to local systems for classroom teacher salaries on the basis of Average Daily Attendance in grades 1 through 7, such teachers shall be used in the school where earned and shall be used only for the purpose of funding regular (general education) classroom teachers in grades where earned.

Provided further that for the purpose of mid-term adjustment in grades 1 through 7 additional units shall be the difference between the total earned and total allotted in those grades.

Provided, that of the above appropriation, relative to special education \$30,000 is designated and committed for payment to the Houston County Board of Education for payment to Houston County Speech and Hearing School, and \$30,000 is designated and committed for payment to the Houston County Board of Education for payment to Houston County Happy Hour School.

Provided, further, funds appropriated for Maintenance and Operation, Sick and Personal Leave and Instructional Media, for all Special Education Teachers, payments shall not be made until the allotted teaching unit prior to such unit being filled.

Furthermore, the Code Section 20-2-152 teaching units so allocated to an eligible local unit shall remain a

part of that local unit's allotment until the end of the current school year in which allocated.

Provided, that of the above appropriation for APEG Grants, it is the intent of this General Assembly that funds are included for allotment of instructional units under Section 10 for grades 1 - 2, at a ratio of 1:20 students in average daily attendance.

Provided, that local school systems, in accordance with State Board policy, may use additional instructional units earned in grades 1 - 2 to employ either certificated or licensed instructional personnel in those grades. Funding for licensed instructional personnel shall include salaries as provided for in APEG Code Section 20-2-157(b)(2) and Code Section 20-2-160.

Provided, that of the above appropriation for \$739,750 for Staff Development, \$73,975 is designated and committed to fund a State level staff development program specifically for Special Education Teachers Code Section 20-2-152 utilized in programs for intellectually gifted students, and to assist in the development of a State program plan for gifted students by the State Superintendent of Schools.

Provided, that of the above appropriations relative to APEG Code Sections 20-2-152, 20-2-153, 20-2-157, 20-2-181, and 20-2-181(d)(2) for salaries, funds may be moved between said Sections by an amendment to the annual operating budget during the final month of the State fiscal year with the prior approval of the Office of Planning and Budget.

Provided, that of the above appropriation relative to Compensatory Education, \$16,526,420 is designated and committed for a compensatory education program for students in grades three through eleven and shall be used for remedial purposes only. The local system's Compensatory Education Plan shall provide for a program of remediating those students who have failed, or are at risk of failing, the fourth and eighth grade Georgia Criterion Referenced Tests and the tenth grade Georgia Basic Skills Test. Provided, however, where a local system's Compensatory Education Plan justifies the need, the State Board of Education may approve the usage of these funds for remedial purposes in grades one and two.

Funds shall be distributed on the basis of the number of students in grades four, eight, and ten failing to achieve the minimum standard score on the statewide reading and mathematics test administered to all students enrolled at these grade levels.

Provided, that the funds appropriated herein for lo-

cal school construction shall be used to complete the funding of those projects for which S.F Y 1984 entitlements were sufficient to cover eligible projects Code Section 20-2-250, based on a total state entitlement of \$60 million for S.F Y 1984.

Provided, that of the funds appropriated for the High School Program, Comprehensive High Schools or Vocational Schools may use funds for the purpose of repairing existing equipment in lieu of purchasing new equipment without prior approval of the Department of Education.

Section 20. Employees' Retirement System.

Budget Unit: Employees' Retirement System	\$	8,342,714
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Employees' Retirement System Budget:

Personal Services	\$	610,551
Regular Operating Expenses	\$	14,139
Travel	\$	8,400
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,000
Equipment Purchases	\$	2,000
Computer Charges	\$	126,082
Real Estate Rentals	\$	74,046
Telecommunications	\$	11,633
Per Diem, Fees and Contracts	\$	432,400
Postage	\$	48,000
Employer Contribution	\$	8,342,714
Total Funds Budgeted	\$	9,689,965
State Funds Budgeted	\$	8,342,714
Total Positions Budgeted		28

Budget Unit Object Classes:

Personal Services	\$	610,551
Regular Operating Expenses	\$	14,139
Travel	\$	8,400
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,000
Equipment Purchases	\$	2,000
Computer Charges	\$	126,082
Real Estate Rentals	\$	74,046
Telecommunications	\$	11,633
Per Diem, Fees and Contracts	\$	432,400
Postage	\$	48,000
Employer Contribution	\$	8,342,714
Total Positions Budgeted		28
Authorized Motor Vehicles		1

Section 21. Forestry Commission.

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Budget Unit: Forestry Commission . \$ 23,413,712

1. Reforestation Budget:

Personal Services	\$	969,498
Regular Operating Expenses	\$	901,155
Travel	\$	5,030
Motor Vehicle Equipment Purchases	\$	22,445
Publications and Printing	\$	2,325
Equipment Purchases	\$	16,845
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	8,870
Per Diem, Fees and Contracts	\$	12,810
Total Funds Budgeted	\$	1,938,978
State Funds Budgeted	\$	554,138
Total Positions Budgeted		34

2. Field Services Budget:

Personal Services	\$	16,392,146
Regular Operating Expenses	\$	3,772,305
Travel	\$	87,400
Motor Vehicle Equipment Purchases	\$	924,435
Publications and Printing	\$	23,300
Equipment Purchases	\$	1,449,795
Computer Charges	\$	—0—
Real Estate Rentals	\$	18,212
Telecommunications	\$	495,000
Per Diem, Fees and Contracts	\$	28,070
Ware County Grant	\$	60,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	23,250,663
State Funds Budgeted	\$	21,185,663
Total Positions Budgeted		794

3. General Administration and Support Budget:

Personal Services	\$	710,710
Regular Operating Expenses	\$	96,520
Travel	\$	14,500
Motor Vehicle Equipment Purchases	\$	6,530
Publications and Printing	\$	43,500
Equipment Purchases	\$	2,350
Computer Charges	\$	131,875
Real Estate Rentals	\$	—0—
Telecommunications	\$	20,000
Per Diem, Fees and Contracts	\$	3,800
Contractual Research	\$	200,000

Payments to the University of Georgia, School of Forestry for Forest Research	\$	300,000
Total Funds Budgeted	\$	1,529,785
State Funds Budgeted	\$	1,529,385
Total Positions Budgeted		25

4. Wood Energy Budget:

Wood Energy Program	\$	144,526
Total Funds Budgeted	\$	144,526
State Funds Budgeted	\$	144,526
Total Positions Budgeted		4

Budget Unit Object Classes:

Personal Services	\$	18,072,354
Regular Operating Expenses	\$	4,769,980
Travel	\$	106,930
Motor Vehicle Equipment Purchases	\$	953,410
Publications and Printing	\$	69,125
Equipment Purchases	\$	1,468,990
Computer Charges	\$	131,875
Real Estate Rentals	\$	18,212
Telecommunications	\$	523,870
Per Diem, Fees and Contracts	\$	44,680
Contractual Research	\$	200,000
Payments to the University of Georgia, School of Forestry for Forest Research	\$	300,000
Ware County Grant	\$	60,000
Wood Energy Program	\$	144,526
Capital Outlay	\$	—0—
Total Positions Budgeted		857
Authorized Motor Vehicles		751

It is the intent of this General Assembly that the Forestry Commission have authority to control the application of the Contractual Research funds in the above appropriation.

Section 22. Georgia Bureau of Investigation.

Budget Unit: Georgia Bureau of Investigation	\$	18,490,836
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1. General Administration Budget:

Personal Services	\$	572,366
Regular Operating Expenses	\$	97,450
Travel	\$	6,500
Motor Vehicle Equipment Purchases	\$	8,600

Publications and Printing	\$	4,000
Equipment Purchases	\$	1,650
Computer Charges	\$	6,630
Real Estate Rentals	\$	31,000
Telecommunications	\$	22,440
Per Diem, Fees and Contracts	\$	3,200
Postage	\$	5,500
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	759,336
State Funds Budgeted	\$	759,336
Total Positions Budgeted		21

2. Investigative Division Budget:

Personal Services	\$	6,516,645
Regular Operating Expenses	\$	860,124
Travel	\$	91,300
Motor Vehicle Equipment Purchases	\$	457,400
Publications and Printing	\$	21,500
Equipment Purchases	\$	236,540
Computer Charges	\$	—0—
Real Estate Rentals	\$	120,310
Telecommunications	\$	174,472
Per Diem, Fees and Contracts	\$	2,600
Evidence Purchased	\$	112,000
Postage	\$	5,400
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	8,598,291
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	8,598,291
Total Positions Budgeted		203

3. Drug Enforcement Unit Budget:

Personal Services	\$	1,346,105
Regular Operating Expenses	\$	228,200
Travel	\$	332,700
Motor Vehicle Equipment Purchases	\$	192,550
Publications and Printing	\$	1,500
Equipment Purchases	\$	302,935
Computer Charges	\$	—0—
Real Estate Rentals	\$	14,500
Telecommunications	\$	67,428
Per Diem, Fees and Contracts	\$	400
Postage	\$	1,320
Evidence Purchased	\$	188,000
Total Funds Budgeted	\$	2,675,638
State Funds Budgeted	\$	2,675,638
Total Positions Budgeted		59

4. Forensic Sciences Division Budget:

Personal Services	\$	2,602,526
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Regular Operating Expenses	\$	415,206
Travel	\$	25,000
Motor Vehicle Equipment Purchases	\$	42,500
Publications and Printing	\$	5,600
Equipment Purchases	\$	41,350
Computer Charges	\$	56,311
Real Estate Rentals	\$	14,840
Telecommunications	\$	81,200
Per Diem, Fees and Contracts	\$	500
Postage	\$	19,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	3,304,033
State Funds Budgeted	\$	3,304,033
Total Positions Budgeted		89

5. Georgia Crime Information
Center Budget:

Personal Services	\$	1,969,471
Regular Operating Expenses	\$	107,598
Travel	\$	11,000
Motor Vehicle Equipment Purchases	\$	16,000
Publications and Printing	\$	50,000
Equipment Purchases	\$	7,325
Computer Charges	\$	1,896,944
Real Estate Rentals	\$	4,000
Telecommunications	\$	471,200
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	20,000
Total Funds Budgeted	\$	4,553,538
Indirect DOAS Services Funding	\$	1,400,000
State Funds Budgeted	\$	3,153,538
Total Positions Budgeted		97

Provided, that the Department is authorized to use funds appropriated for Personal Services in the Georgia Crime Information Center to upgrade eight Fingerprint Specialist and eight Fingerprint Technician positions in accordance with recommendations of the Merit System of Personnel Administration.

Budget Unit Object Classes:

Personal Services	\$	13,007,113
Regular Operating Expenses	\$	1,708,578
Travel	\$	466,500
Motor Vehicle Equipment Purchases	\$	717,050
Publications and Printing	\$	82,600
Equipment Purchases	\$	589,800
Computer Charges	\$	1,959,885
Real Estate Rentals	\$	184,650
Telecommunications	\$	816,740

Per Diem, Fees and Contracts	\$	6,700
Evidence Purchased	\$	300,000
Postage	\$	51,220
Capital Outlay	\$	—0—
Total Positions Budgeted		469
Authorized Motor Vehicles		289

Provided, the Department is authorized to use \$3,700,000 in existing bond proceeds for permanent and moveable furnishings, landscaping, signing, scientific equipment and laboratory equipment.

Section 23. Georgia State Financing and Investment Commission.

Budget Unit: Georgia State Financing and Investment Commission	\$	—0—
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Departmental Operations Budget:

Personal Services	\$	862,655
Regular Operating Expenses	\$	40,200
Travel	\$	8,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,000
Equipment Purchases	\$	4,000
Computer Charges	\$	17,431
Real Estate Rentals	\$	80,617
Telecommunications	\$	13,248
Per Diem, Fees and Contracts	\$	122,000
Total Funds Budgeted	\$	1,149,151
Total Expenditures Authorized	\$	1,149,151
State Funds Budgeted	\$	—0—
Total Positions Budgeted		25

Budget Unit Object Classes:

Personal Services	\$	862,655
Regular Operating Expenses	\$	40,200
Travel	\$	8,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,000
Equipment Purchases	\$	4,000
Computer Charges	\$	17,431
Real Estate Rentals	\$	80,617
Telecommunications	\$	13,248
Per Diem, Fees and Contracts	\$	122,000
Total Positions Budgeted		25
Authorized Motor Vehicles		0

Section 24. Office of the Governor.

www.libtool.com.cn A. Budget Unit: Governor's Office \$ 4,470,824

1. Governor's Office Budget:

Cost of Operations	\$	1,899,449
Mansion Allowance	\$	40,000
Governor's Emergency Fund	\$	2,000,000
Intern Stipends and Travel	\$	118,500
Total Funds Budgeted	\$	4,057,949
State Funds Budgeted	\$	4,057,949

There is hereby appropriated a General Emergency Fund for meeting expenses deemed emergencies by the Governor and to be expended by the Governor at his discretion in any emergency that he may determine requires expenditure of any part of said fund. Expenditures from this fund shall be made in accordance with other provisions of State law and the Constitution.

Provided, however, that the listed appropriation shall be increased by the amount incurred in ordering the organized militia into active service of the State in case of invasion, disaster, insurrection, riot, breach of the peace, or combination to oppose the enforcement of the law by force or violence, or imminent danger thereof or other grave emergency when available funds are not sufficient for such purposes.

2. Office of Fair Employment Practices
Budget:

Personal Services	\$	373,987
Regular Operating Expenses	\$	9,000
Travel	\$	10,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,075
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	69,913
Telecommunications	\$	8,400
Per Diem, Fees and Contracts	\$	10,000
Total Funds Budgeted	\$	482,875
State Funds Budgeted	\$	412,875
Total Positions Budgeted		15

Budget Unit Object Classes:

Cost of Operations	\$	1,899,449
Mansion Allowance	\$	40,000
Governor's Emergency Fund	\$	2,000,000
Intern Stipends and Travel	\$	118,500
Personal Services	\$	373,987

Regular Operating Expenses	\$	9,000
Travel	\$	10,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	1,075
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	69,913
Telecommunications	\$	8,400
Per Diem, Fees and Contracts	\$	10,000
Total Positions Budgeted		15
Authorized Motor Vehicles		1

**B. Budget Unit: Office of Planning
and Budget.** \$ 3,468,228

**Office of Planning and
Budget Budget:**

Personal Services	\$	2,823,733
Regular Operating Expenses	\$	100,200
Travel	\$	65,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	36,200
Equipment Purchases	\$	—0—
Computer Charges	\$	104,780
Real Estate Rentals	\$	190,840
Telecommunications	\$	50,875
Per Diem, Fees and Contracts	\$	111,000
Total Funds Budgeted	\$	3,483,228
State Funds Budgeted	\$	3,468,228
Total Positions Budgeted		83

Budget Unit Object Classes:

Personal Services	\$	2,823,733
Regular Operating Expenses	\$	100,200
Travel	\$	65,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	36,200
Equipment Purchases	\$	—0—
Computer Charges	\$	104,780
Real Estate Rentals	\$	190,840
Telecommunications	\$	50,875
Per Diem, Fees and Contracts	\$	111,000
Total Positions Budgeted		83
Authorized Motor Vehicles		0

**C. Budget Unit: Units Attached for
Administrative
Purposes Only** \$ 3,576,559

1. Council of the Arts Budget:

Personal Services	\$	164,015
Regular Operating Expenses	\$	8,545
Travel	\$	3,060
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,500
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	39,600
Telecommunications	\$	8,270
Per Diem, Fees and Contracts	\$	9,000
Art Grants—State Funds	\$	1,368,806
Art Grants—Federal Funds	\$	285,000
Art Grants—Donations	\$	26,000
Total Funds Budgeted	\$	1,916,796
State Funds Budgeted	\$	1,605,796
Total Positions Budgeted		8

2. Office of Consumer Affairs:

Personal Services	\$	1,022,926
Regular Operating Expenses	\$	34,125
Travel	\$	11,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	6,000
Equipment Purchases	\$	—0—
Computer Charges	\$	14,400
Real Estate Rentals	\$	155,822
Telecommunications	\$	100,000
Per Diem, Fees and Contracts	\$	4,000
Total Funds Budgeted	\$	1,348,273
State Funds Budgeted	\$	1,022,933
Total Positions Budgeted		42

3. State Energy Office Budget:

Personal Services	\$	241,801
Regular Operating Expenses	\$	14,500
Travel	\$	17,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	23,500
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	12,300
Per Diem, Fees and Contracts	\$	4,532,208
Total Funds Budgeted	\$	4,841,809
State Funds Budgeted	\$	161,349
Total Positions Budgeted		9

4. Governor's Committee on
Post-Secondary Education Budget:

Personal Services	\$	126,514
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Regular Operating Expenses	\$	11,200
Travel	\$	2,150
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	8,700
Equipment Purchases	\$	—0—
Computer Charges	\$	5,000
Real Estate Rentals	\$	14,802
Telecommunications	\$	2,600
Per Diem, Fees and Contracts	\$	7,050
Total Funds Budgeted	\$	178,016
State Funds Budgeted	\$	178,016
Total Positions Budgeted		4

5. Consumer's Utility Counsel Budget:

Personal Services	\$	293,188
Regular Operating Expenses	\$	11,000
Travel	\$	3,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	700
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	15,863
Telecommunications	\$	5,200
Per Diem, Fees and Contracts	\$	30,000
Total Funds Budgeted	\$	358,951
State Funds Budgeted	\$	358,951
Total Positions Budgeted		10

6. Criminal Justice Coordinating
Council Budget:

Personal Services	\$	177,906
Regular Operating Expenses	\$	11,015
Travel	\$	8,575
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,500
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	28,768
Telecommunications	\$	3,800
Per Diem, Fees and Contracts	\$	14,950
Total Funds Budgeted	\$	249,514
State Funds Budgeted	\$	249,514
Total Positions Budgeted		5

Budget Unit Object Classes:

Personal Services	\$	2,026,350
Regular Operating Expenses	\$	90,385
Travel	\$	45,285
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	47,900
Equipment Purchases	\$	—0—

Computer Charges	\$	19,400
Real Estate Rentals	\$	254,855
Telecommunications	\$	132,170
Per Diem, Fees and Contracts	\$	4,597,208
Art Grants—State Funds	\$	1,368,806
Art Grants—Federal Funds	\$	285,000
Art Grants—Donations	\$	26,000
Total Positions Budgeted		78
Authorized Motor Vehicles		0

Provided, however, that of the above appropriation relative to Art Grants—State Funds, not less than 95% of the State-Funded Art Grants is designated and committed for Grants to Counties, Cities and Non-Profit Organizations in the State of Georgia.

Section 25. Grants to Counties and Municipalities.

Budget Unit: Grants to Counties and Municipalities	\$	6,800,000
1. Grants to Counties	\$	2,600,000
Total Funds Budgeted	\$	2,600,000
State Funds Budgeted	\$	2,600,000
2. Grants to Municipalities	\$	4,200,000
Total Funds Budgeted	\$	4,200,000
State Funds Budgeted	\$	4,200,000

Budget Unit Object Classes:

Grants to Counties	\$	2,600,000
Grants to Municipalities	\$	4,200,000

Provided, that the above sums shall be distributed and disbursed to the various counties and municipalities on a quarterly basis, such payments to be made on the last day of each calendar quarter.

Section 26. Department of Human Resources.

A. Budget Unit: Departmental Operations	\$	258,670,804
1. General Administration and Support Budget:		
Personal Services	\$	14,547,215
Regular Operating Expenses	\$	3,297,570
Travel	\$	487,775

Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 150,600
Equipment Purchases	\$ 3,165
Computer Charges	\$ 1,273,108
Real Estate Rentals	\$ 3,625,490
Telecommunications	\$ 611,475
Per Diem, Fees and Contracts	\$ 943,300
Utilities	\$ 170,900
Postage	\$ 552,050
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 25,662,648
Indirect DOAS Services Funding	\$ 638,212
Indirect GBA Funding	\$ —0—
Agency Funds	\$ 11,518,962
Social Services	
Block Grant Funds	\$ 934,000
State Funds Budgeted	\$ 12,571,474
Total Positions Budgeted	680
Authorized Motor Vehicles	7

General Administration and Support Functional Budgets

	Total Funds	State Funds	Pos.
Commissioner's Office	\$ 565,729	\$ 565,729	13
Child Care Licensing	\$ 1,342,397	\$ 1,342,397	50
Laboratory Improvement	\$ 515,638	\$ 415,638	17
Child Support Recovery	\$ 6,918,912	\$ 698,649	306
Contract Management	\$ 188,982	\$ 188,982	6
Public Affairs	\$ 373,993	\$ 373,993	12
Office of Administrative Appeals	\$ 818,088	\$ 818,088	25
Health Care Facilities Regulations	\$ 1,703,292	\$ 594,792	52
Radiological Health	\$ 495,349	\$ 495,349	15
Administrative Policy, Coordination and Direction	\$ 2,421,115	\$ 2,421,115	4
Personnel	\$ 1,064,425	\$ 992,425	42
Administrative Support Services	\$ 2,063,033	\$ 1,834,678	51
Office of Review and Investigation	\$ 1,430,602	\$ 339,359	41
Systems Planning, Development and Training	\$ 291,546	\$ 291,546	7
Compliance Monitoring	\$ 233,987	\$ 233,987	7
Electronic Data Processing, Planning and Coordination	\$ 305,346	\$ 105,346	0
Facilities Management	\$ 3,926,615	\$ 2,987,982	8

Regulatory Services—				
Program Direction and Support	\$	319,881	\$	319,881
MH/MR Advisory Council	\$	45,725	\$	45,725
Council on Family Planning	\$	8,800	\$	880
Developmental Disabilities	\$	224,900	\$	—0—
Council on Maternal and Infant Health	\$	99,456	\$	99,456
Community and Intergovernmental Affairs	\$	304,837	\$	304,837
Indirect Cost	\$	—0—	\$	(2,899,360)
Undistributed	\$	—0—	\$	—0—
Total	\$	25,662,648	\$	12,571,474

680

2. Financial Management Budget:

Personal Services	\$	5,807,376
Regular Operating Expenses	\$	138,700
Travel	\$	184,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	25,000
Equipment Purchases	\$	4,196
Computer Charges	\$	105,000
Real Estate Rentals	\$	4,100
Telecommunications	\$	1,000
Per Diem, Fees and Contracts	\$	15,000
Utilities	\$	—0—
Postage	\$	75
Institutional Repairs and Maintenance	\$	—0—
Total Funds Budgeted	\$	6,285,047
Social Services Block Grant Funds	\$	721,800
Agency Funds	\$	1,649,200
State Funds Budgeted	\$	3,914,047
Total Positions Budgeted		240
Authorized Motor Vehicles		0

Financial Management Functional Budgets

	Total Funds	State Funds	Pos.
Budget Administration	\$ 1,283,304	\$ 1,283,304	40
Accounting Services	\$ 3,252,752	\$ 3,252,752	149
Auditing Services	\$ 1,748,991	\$ 1,748,991	51
Indirect Cost	\$ —0—	\$ (2,371,000)	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 6,285,047	\$ 3,914,047	240

3. Special Programs Budget:

Personal Services	\$	3,749,123
Regular Operating Expenses	\$	12,803,054
Travel	\$	162,660

Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 80,210
Equipment Purchases	\$ 2,293
Computer Charges	\$ 278,980
Real Estate Rentals	\$ 27,456
Telecommunications	\$ 108,725
Per Diem, Fees and Contracts	\$ 34,493,347
Menninger Group Homes	\$ 366,000
Contract—Georgia	
Advocacy Office, Inc.	\$ 215,000
Utilities	\$ —0—
Postage	\$ 42,900
Benefits for Child Care	\$ 691,200
Total Funds Budgeted	\$ 53,020,948
Social Services	
Block Grant Funds	\$ 15,570,723
Indirect DOAS Services Funding	\$ 44,143
Agency Funds	\$ 30,188,833
State Funds Budgeted	\$ 7,217,249
Total Positions Budgeted	154
Authorized Motor Vehicles	111

Special Programs Functional Budgets

	Total Funds	State Funds	Pos.
Alternative Health Services	\$ 1,007,600	\$ 324,910	40
Human Development,			
Director's Office	\$ 757,248	\$ 757,248	23
Child Development			
Administration	\$ 995,056	\$ 293,132	34
Child Development			
Contracts—Foster Care	\$ 302,365	\$ 25,965	0
Special Projects	\$ 652,900	\$ 652,900	0
Child Development			
Contracts—Day Care	\$ 19,961,060	\$ 3,139,030	0
Child Development			
Contracts—Home			
Management	\$ 161,447	\$ 23,899	0
Child Development			
Contracts—Outreach	\$ 773,680	\$ 124,728	0
Information and Referral	\$ 325,340	\$ 325,340	0
Troubled Children Benefits	\$ 1,057,200	\$ 1,057,200	0
Council on Aging	\$ 45,865	\$ 45,865	1
Energy Assistance	\$ 16,270,891	\$ —0—	6
Social Services			
Grant Administration	\$ 1,045,644	\$ 447,032	35
Community Services	\$ 9,664,652	\$ —0—	15
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 53,020,948	\$ 7,217,249	154

4. Public Health—Program
Direction and Support Budget:

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Personal Services	\$	2,520,064
Regular Operating Expenses	\$	130,020
Travel	\$	59,800
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	52,800
Equipment Purchases	\$	13,000
Computer Charges	\$	321,816
Real Estate Rentals	\$	—0—
Telecommunications	\$	212,680
Per Diem, Fees and Contracts	\$	12,400
Utilities	\$	—0—
Postage	\$	1,200
Total Funds Budgeted	\$	3,323,780
Indirect DOAS Services Funding	\$	504,016
Agency Funds	\$	135,000
State Funds Budgeted	\$	2,684,764
Total Positions Budgeted		112
Authorized Motor Vehicles		0

Public Health—Program
Direction and Support Functional Budgets

	Total Funds	State Funds	Pos.
Director's Office	\$ 536,908	\$ 357,908	7
Employee's Health	\$ 266,821	\$ 231,821	9
Primary Health Care	\$ 225,486	\$ 222,286	7
Health Program			
Management	\$ 648,326	\$ 563,326	25
Vital Records	\$ 1,023,805	\$ 1,008,805	52
Health Services Research	\$ 622,434	\$ 300,618	12
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 3,323,780	\$ 2,684,764	112

5. Public Health—Family
Health Budget:

Personal Services	\$	5,890,698
Regular Operating Expenses	\$	2,058,895
Travel	\$	254,350
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	145,500
Equipment Purchases	\$	22,110
Computer Charges	\$	117,090
Real Estate Rentals	\$	1,740
Telecommunications	\$	46,200
Per Diem, Fees and Contracts	\$	6,630,524
Crippled Children Clinics	\$	316,000
Utilities	\$	—0—
Postage	\$	16,800

Regional Grants for Prenatal and Postnatal Care Programs	\$ 3,879,000
Crippled Children Benefits	\$ 2,860,000
Kidney Disease Benefits	\$ 594,000
Cancer Control Benefits	\$ 2,015,000
Contract for the Purchase of Clotting Factor for the Hemophilia Program	\$ 100,000
Benefits for Medically Indigent High Risk Pregnant Women and Their Infants	\$ 25,000
Grant to Grady Hospital for Cystic Fibrosis Program	\$ 40,000
Contract with Emory University for Cancer Research	\$ 113,000
Contract with Auditory Educational Clinic	\$ 60,000
Contract with Emory University for Arthritis Research	\$ 205,000
Contract for Scoliosis Screening	\$ 115,000
Family Planning Benefits	\$ 226,530
Total Funds Budgeted	\$ 25,732,437
Indirect DOAS Services Funding	\$ 11,350
Agency Funds	\$ 10,770,258
State Funds Budgeted	\$ 14,950,829
Total Positions Budgeted	215
Authorized Motor Vehicles	4

Public Health—Family Health Functional Budgets

	Total Funds	State Funds	Pos.
Family Health			
Management	\$ 6,245,574	\$ 575,439	21
Cancer Control	\$ 2,741,123	\$ 2,741,123	6
Crippled Children	\$ 4,788,802	\$ 2,699,850	54
Immunization	\$ 359,040	\$ —0—	10
Maternal Health	\$ 252,475	\$ —0—	6
Sexually Transmitted Diseases	\$ 220,524	\$ 220,524	6
Infant and Child Health	\$ 4,592,856	\$ 4,478,925	13
Diabetes	\$ 279,035	\$ 223,735	3
Chronic Disease	\$ 1,711,940	\$ 1,711,940	21
Coordination, Education, Prevention	\$ 635,120	\$ —0—	7
Malnutrition	\$ 549,700	\$ —0—	13
Stroke and Heart Attack Prevention	\$ 157,998	\$ 157,998	5
Family Planning	\$ 955,210	\$ 57,902	14
Epidemiology	\$ 992,427	\$ 832,780	10
Dental Health	\$ 129,857	\$ 129,857	3
Community Tuberculosis Control	\$ 1,120,756	\$ 1,120,756	23

Undistributed	\$ —0—	\$ —0—	0
Total	\$ 25,732,437	\$ 14,950,829	215

6. Public Health—Community
Health Budget:

Personal Services	\$ 3,225,682
Regular Operating Expenses	\$ 478,520
Travel	\$ 48,900
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 63,350
Equipment Purchases	\$ 61,701
Computer Charges	\$ 20,000
Real Estate Rentals	\$ —0—
Telecommunications	\$ 5,750
Per Diem, Fees and Contracts	\$ 834,547
Utilities	\$ —0—
Postage	\$ 13,300
Total Funds Budgeted	\$ 4,751,750
Indirect DOAS Services Funding	\$ 4,000
Agency Funds	\$ 774,272
State Funds Budgeted	\$ 3,973,478
Total Positions Budgeted	137
Authorized Motor Vehicles	1

Public Health—Community Health Functional Budgets

	Total Funds	State Funds	Pos.
Occupational and Radiological Health	\$ 805,573	\$ 262,801	6
Laboratory Services	\$ 3,285,707	\$ 3,110,707	119
Emergency Health	\$ 660,470	\$ 599,970	12
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 4,751,750	\$ 3,973,478	137

7 Public Health—Local
Services Budget:

Personal Services	\$ 13,736,946
Regular Operating Expenses	\$ 22,478,699
Travel	\$ 481,050
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 31,400
Equipment Purchases	\$ 56,193
Computer Charges	\$ —0—
Real Estate Rentals	\$ 173,370
Telecommunications	\$ 184,650
Per Diem, Fees and Contracts	\$ 11,893,589
Utilities	\$ 2,000
Postage	\$ 32,150
Crippled Children Clinics	\$ 238,572
Contract—Macon-Bibb County Hospital Authority	\$ 4,500,000

Grant to Counties for Metabolic Disorders Screening and Treatment	\$ 45,000
Family Planning Benefits	\$ 75,000
Midwifery Program Benefits	\$ 175,000
Crippled Children Benefits	\$ 1,407,200
Grants to Counties for Teenage Pregnancy Prevention	\$ 250,000
Benefits for Medically Indigent High Risk Pregnant Women and Their Infants	\$ 3,780,000
Grant-In-Aid to Counties	\$ 33,771,910
Total Funds Budgeted	\$ 93,312,729
Indirect DOAS Services Funding	\$ 129,350
Agency Funds	\$ 41,934,909
State Funds Budgeted	\$ 51,248,470
Total Positions Budgeted	540
Authorized Motor Vehicles	2

Public Health—Local Services Functional Budgets

	Total Funds	State Funds	Pos.
Minimum Foundation	\$ 6,935,724	\$ 6,774,518	191
Grant-In-Aid to Counties	\$ 33,869,581	\$ 32,009,793	0
Stroke and Heart Attack Prevention	\$ 1,312,734	\$ 782,734	18
Family Planning	\$ 6,057,050	\$ 2,903,783	177
Sickle Cell, Vision and Hearing	\$ 473,780	\$ 473,780	15
Sexually Transmitted Diseases	\$ 1,079,850	\$ 85,000	27
High Risk Pregnant Women and Their Infants	\$ 4,318,455	\$ 4,318,455	19
Newborn Follow-Up Care	\$ 301,507	\$ 301,507	11
District Dental	\$ 1,163,333	\$ 953,158	17
Teenage Pregnancy Prevention	\$ 250,000	\$ 250,000	0
District Crippled Children	\$ 2,542,896	\$ 1,778,513	36
Emergency Health	\$ 1,327,973	\$ 277,598	9
Primary Health Care	\$ 7,487,717	\$ 339,631	10
Malnutrition	\$ 26,192,129	\$ —0—	10
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 93,312,729	\$ 51,248,470	540

8. Mental Health—Program
Direction and Support Budget:

Personal Services	\$ 3,613,535
Regular Operating Expenses	\$ 120,880
Travel	\$ 111,500
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 47,036
Equipment Purchases	\$ 1,055

Computer Charges	\$	1,074,219
Real Estate Rentals	\$	—0—
Telecommunications	\$	289,500
Per Diem, Fees and Contracts	\$	173,300
Utilities	\$	—0—
Postage	\$	950
Total Funds Budgeted	\$	5,431,975
Social Services Block Grant Funds	\$	15,000
Indirect DOAS Services Funding	\$	1,000,197
Agency Funds	\$	510,540
State Funds Budgeted	\$	3,906,238
Total Positions Budgeted		115

Mental Health—Program Direction and Support Functional Budgets

	Total Funds	State Funds	Pos.
Administration	\$ 3,127,115	\$ 2,126,918	55
Special Projects			
and Contracts	\$ 60,000	\$ —0—	2
Program Coordination	\$ 2,244,860	\$ 1,779,320	58
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 5,431,975	\$ 3,906,238	115

9. Purchase of Social Services:

Personal Services	\$	—0—
Regular Operating Expenses	\$	—0—
Travel	\$	—0—
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	490,000
Utilities	\$	—0—
Postage	\$	—0—
W.I.N. Benefits	\$	479,964
Grants to Fulton County for 24-		
hour Emergency Social Services	\$	182,400
Benefits for Child Care	\$	14,835,003
Homemaker Meals	\$	117,837
Chatham County Homemaker Project	\$	539,795
Douglas County Homemaker Project	\$	140,362
Fulton County Homemaker Project	\$	361,832
Total Funds Budgeted	\$	17,147,193
Agency Funds	\$	5,542,338
Social Services		
Block Grant Funds	\$	1,230,600
State Funds Budgeted	\$	10,374,255
Total Positions Budgeted		0

Purchase of Social Services Functional Budgets

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	Total Funds	State Funds	Pos.
Work Incentive Benefits	\$ 479,964	\$ 47,996	0
Grants to Fulton County for 24-hour Emergency Social Services	\$ 182,400	\$ 182,400	0
Legal Services	\$ 440,000	\$ 215,000	0
AFDC—Family Foster Care	\$ 3,819,197	\$ 1,279,947	0
AFDC—Institutional Foster Care	\$ 1,322,255	\$ 443,135	0
Specialized Foster Care	\$ 54,638	\$ 54,638	0
Child Welfare— Family Foster Care	\$ 7,627,011	\$ 6,141,011	0
Adoption Supplement	\$ 544,663	\$ 544,663	0
Non-AFDC Institutional Foster Care	\$ 567,082	\$ 567,082	0
Liability Insurance	\$ 16,000	\$ 16,000	0
Emergency Shelter Care	\$ 99,428	\$ 99,428	0
Day Care	\$ 647,729	\$ 223,529	0
Maternity Care	\$ 50,000	\$ 50,000	0
Psychiatric, Psychological and Speech Therapy	\$ 130,000	\$ 130,000	0
Return of Runaways—County	\$ 7,000	\$ 7,000	0
Homemaker Projects	\$ 1,159,826	\$ 372,426	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 17,147,193	\$ 10,374,255	0

10. Youth Services—Program
Direction and Support:

Personal Services	\$ 822,963
Regular Operating Expenses	\$ 19,600
Travel	\$ 17,100
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 4,550
Equipment Purchases	\$ 795
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 25,400
Per Diem, Fees and Contracts	\$ 3,500
Utilities	\$ —0—
Postage	\$ —0—
Benefits for Child Care	\$ —0—
Total Funds Budgeted	\$ 893,908
Indirect DOAS Services Funding	\$ —0—
Agency Funds	\$ —0—
State Funds Budgeted	\$ 893,908
Total Positions Budgeted	27
Authorized Motor Vehicles	0

11. Services to the Aged Budget:

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Personal Services	\$	1,027,387
Regular Operating Expenses	\$	28,850
Travel	\$	37,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	14,000
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	3,100
Telecommunications	\$	29,900
Per Diem, Fees and Contracts	\$	20,883,101
Utilities	\$	—0—
Postage	\$	200
Total Funds Budgeted	\$	22,023,538
Social Services		
Block Grant Funds	\$	3,368,035
Agency Funds	\$	16,802,080
State Funds Budgeted	\$	1,853,423
Total Positions Budgeted		35
Authorized Motor Vehicles		224

Services to the Aged Functional Budgets

Title	Total Funds	State Funds	Pos.
Title XX Adult Services	\$ 4,110,617	\$ 566,015	0
Administration and Planning	\$ 2,496,517	\$ 400,547	35
Title III Aging Services	\$ 15,416,404	\$ 886,861	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 22,023,538	\$ 1,853,423	35

12. Rehabilitation Services—

Program Direction and Support Budget:

Personal Services	\$	1,453,876
Regular Operating Expenses	\$	82,678
Travel	\$	56,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	31,000
Equipment Purchases	\$	8,130
Computer Charges	\$	669,533
Real Estate Rentals	\$	—0—
Telecommunications	\$	104,610
Per Diem, Fees and Contracts	\$	225,095
Utilities	\$	—0—
Postage	\$	2,400
E.S.R.P. Case Services	\$	75,000
Grants for Nephrology Centers	\$	220,500
Total Funds Budgeted	\$	2,929,322
Indirect DOAS Services Funding	\$	—0—

Agency Funds	\$	1,605,806
State Funds Budgeted	\$	1,323,516
Total Positions Budgeted		46

Rehabilitation Services—Program
Direction and Support Functional Budgets

	Total Funds	State Funds	Pos.
Program Direction and Support	\$ 2,408,078	\$ 914,078	43
Grants Management	\$ 521,244	\$ 409,438	3
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 2,929,322	\$ 1,323,516	46

13. Rehabilitation Services—
Facilities Budget:

Personal Services	\$	3,614,329
Regular Operating Expenses	\$	510,258
Travel	\$	21,700
Motor Vehicle Equipment Purchases	\$	49,359
Publications and Printing	\$	2,660
Equipment Purchases	\$	11,441
Computer Charges	\$	—0—
Real Estate Rentals	\$	171,402
Telecommunications	\$	48,520
Per Diem, Fees and Contracts	\$	120,500
Utilities	\$	95,850
Postage	\$	6,000
Capital Outlay	\$	—0—
Case Services	\$	—0—
Total Funds Budgeted	\$	4,652,019
Indirect DOAS Services Funding	\$	—0—
Agency Funds	\$	3,701,662
State Funds Budgeted	\$	950,357
Total Positions Budgeted		156
Authorized Motor Vehicles		19

Rehabilitation Services—Facilities Functional Budgets

	Total Funds	State Funds	Pos.
Youth Development Center—			
V. R. Unit	\$ 360,096	\$ 77,136	13
Atlanta Rehabilitation Center	\$ 1,962,614	\$ 395,620	60
Alto Rehabilitation Center	\$ 271,878	\$ 62,219	10
Cave Spring Rehabilitation Center	\$ 414,454	\$ 89,184	16
Central Rehabilitation Center	\$ 656,527	\$ 118,281	18

Georgia Vocational

Adjustment				
Center—Gracewood	\$	338,218	\$	77,366 16
J. F. Kennedy Center	\$	459,892	\$	90,511 17
M. S. McDonald				
Evaluation Center	\$	188,340	\$	40,040 6
Undistributed	\$	—0—	\$	—0— 0
Total	\$	4,652,019	\$	950,357 156

14. Roosevelt Warm Springs
Rehabilitation Institute:

Personal Services	\$	7,784,740
Regular Operating Expenses	\$	1,740,220
Travel	\$	43,000
Motor Vehicle Equipment		
Purchases	\$	45,991
Publications and Printing	\$	15,000
Equipment Purchases	\$	131,943
Computer Charges	\$	45,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	152,000
Per Diem, Fees and Contracts	\$	1,136,570
Utilities	\$	445,600
Postage	\$	13,000
Case Services	\$	75,000
Capital Outlay	\$	—0—
Operations	\$	—0—
Total Funds Budgeted	\$	11,628,064
Indirect DOAS Services Funding	\$	50,000
Agency Funds	\$	8,630,075
State Funds Budgeted	\$	2,947,989
Total Positions Budgeted		397
Authorized Motor Vehicles		24

Roosevelt Warm Springs Rehabilitation Institute—Functional Budgets

	Total Funds	State Funds	Pos.
Administration	\$ 4,196,177	\$ 1,622,613	117
Rehabilitation Services	\$ 6,243,070	\$ 609,559	239
Instruction	\$ 463,163	\$ 40,163	16
Independent Living	\$ 608,407	\$ 558,407	22
Research/Training	\$ 117,247	\$ 117,247	3
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 11,628,064	\$ 2,947,989	397

15. Georgia Factory for the
Blind Budget:

Personal Services	\$	3,413,202
Regular Operating Expenses	\$	5,129,678
Travel	\$	16,500
Motor Vehicle Equipment Purchases	\$	72,000
Publications and Printing	\$	6,300
Equipment Purchases	\$	—0—

Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	24,500
Per Diem, Fees and Contracts	\$	44,500
Utilities	\$	100,000
Postage	\$	5,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	8,811,680
Agency Funds	\$	8,388,245
State Funds Budgeted	\$	423,435
Total Positions Budgeted		27
Authorized Motor Vehicles		14

Georgia Factory for the Blind Functional Budgets

	Total Funds	State Funds	Pos.
Operations	\$ 8,388,245	\$ —0—	9
Supervision	\$ 423,435	\$ 423,435	18
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 8,811,680	\$ 423,435	27

16. Rehabilitation Services Budget:

Personal Services	\$	15,635,996
Regular Operating Expenses	\$	360,443
Travel	\$	438,000
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	14,750
Equipment Purchases	\$	15,400
Computer Charges	\$	18,100
Real Estate Rentals	\$	638,766
Telecommunications	\$	401,000
Per Diem, Fees and Contracts	\$	343,400
Utilities	\$	60,000
Postage	\$	80,680
Contract with Vocational		
Rehabilitation Community		
Facilities	\$	3,830,000
Contract for Epilepsy	\$	65,000
Case Services	\$	9,075,000
Contract with the Affirmative		
Industries	\$	108,000
Cerebral Palsy Contract	\$	140,000
Total Funds Budgeted	\$	31,224,535
Indirect DOAS Services Funding	\$	50,000
Agency Funds	\$	19,029,796
State Funds Budgeted	\$	12,144,739
Total Positions Budgeted		603
Authorized Motor Vehicles		5

Rehabilitation Services Functional Budgets

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	Total Funds	State Funds	Pos.
Field Services	\$ 26,220,890	\$ 7,625,838	583
Comprehensive Services	\$ 237,645	\$ 237,645	5
Business Enterprise			
Vending Stand Program	\$ 623,000	\$ 138,256	15
Special Programs	\$ 4,143,000	\$ 4,143,000	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 31,224,535	\$ 12,144,739	603

17. Rehabilitation Services—
Disability Adjudication Budget:

Personal Services	\$ 8,671,328
Regular Operating Expenses	\$ 311,655
Travel	\$ 29,608
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 49,817
Equipment Purchases	\$ 7,606
Computer Charges	\$ 289,724
Real Estate Rentals	\$ 539,369
Telecommunications	\$ 413,865
Per Diem, Fees and Contracts	\$ 570,680
Utilities	\$ —0—
Postage	\$ 203,000
Case Services	\$ 9,028,500
Total Funds Budgeted	\$ 20,115,152
Agency Funds	\$ 20,115,152
State Funds Budgeted	\$ —0—
Total Positions Budgeted	408

18. Public Assistance Budget:

Personal Services	\$ —0—
Regular Operating Expenses	\$ 2,093,700
Travel	\$ —0—
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ —0—
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Per Diem, Fees and Contracts	\$ —0—
SSI-Supplement Benefits	\$ 36,200
AFDC Benefits	\$ 200,474,779
Total Funds Budgeted	\$ 202,604,679
Agency Funds	\$ 136,697,479
State Funds Budgeted	\$ 65,907,200
Total Positions Budgeted	0

Public Assistance Functional Budgets

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	Total Funds	State Funds	Pos.
Refugee Benefits	\$ 2,093,700	\$ —0—	0
AFDC Payments	\$ 200,474,779	\$ 65,871,000	0
SSI—Supplement Benefits	\$ 36,200	\$ 36,200	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 202,604,679	\$ 65,907,200	0

19. Local Services—Community Services
and Benefits Payments Budget:

Personal Services	\$ —0—
Regular Operating Expenses	\$ —0—
Travel	\$ —0—
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ —0—
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Per Diem, Fees and Contracts	\$ —0—
Local Services Benefits	
Payments Grants	\$ 60,731,686
Grants to Counties for	
Social Services	\$ 47,197,617
Total Funds Budgeted	\$ 107,929,303
Agency Funds	\$ 39,986,892
Social Services	
Block Grant Funds	\$ 15,111,387
State Funds Budgeted	\$ 52,831,024
Total Positions Budgeted	0

Local Services—Community Services
and Benefits Payments Functional Budgets

	Total Funds	State Funds	Pos.
Local Services—			
Benefits Payments			
Grants	\$ 60,731,686	\$ 30,295,843	0
Grants to Counties			
for Social Services	\$ 47,197,617	\$ 22,535,181	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 107,929,303	\$ 52,831,024	0

20. Family and Children Services—
Program Direction and Support
Budget:

Personal Services	\$ 8,685,378
Regular Operating Expenses	\$ 328,560
Travel	\$ 327,904
Motor Vehicle Equipment	
Purchases	\$ —0—

Publications and Printing	\$	929,300
Equipment Purchases	\$	8,615
Computer Charges	\$	7,150,128
Real Estate Rentals	\$	190,518
Telecommunications	\$	1,169,836
Per Diem, Fees and Contracts	\$	3,185,050
Utilities	\$	5,500
Postage	\$	620,500
Total Funds Budgeted	\$	22,601,289
Agency Funds	\$	11,899,031
Indirect DOAS Services Funding	\$	575,732
Social Services Block		
Grant Funds	\$	1,572,117
State Funds Budgeted	\$	8,554,409
Total Positions Budgeted		313

Family and Children Services—Program
Direction and Support Functional Budgets

	Total Funds	State Funds	Pos.
Director's Office	\$ 488,157	\$ 488,157	7
Research and Demonstration	\$ 22,400	\$ 22,400	1
Program Planning and Development	\$ 1,141,010	\$ 1,141,010	16
Program Management and Training	\$ 1,669,134	\$ 1,552,578	57
Administration and Management	\$ 14,292,006	\$ 5,669,522	81
Management Information Systems	\$ 1,228,909	\$ 1,228,909	45
District Program Operations	\$ 2,891,254	\$ 2,891,254	89
District Administration	\$ 868,419	\$ 868,419	17
Indirect Cost	\$ —0—	\$ (5,307,840)	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 22,601,289	\$ 8,554,409	313

Budget Unit Object Classes:

Personal Services	\$ 104,199,838
Regular Operating Expenses	\$ 52,111,980
Travel	\$ 2,777,947
Motor Vehicle Equipment Purchases	\$ 167,350
Publications and Printing	\$ 1,663,273
Equipment Purchases	\$ 347,643
Computer Charges	\$ 11,362,698
Real Estate Rentals	\$ 5,375,311
Telecommunications	\$ 3,829,611
Per Diem, Fees and Contracts	\$ 81,998,403
Utilities	\$ 879,850
Postage	\$ 1,590,205

Capital Outlay	\$ —0—
Grants for Regional Prenatal and Postnatal Care Programs	\$ 3,879,000
Crippled Children Benefits	\$ 4,267,200
Crippled Children Clinics	\$ 554,572
Kidney Disease Benefits	\$ 594,000
Cancer Control Benefits	\$ 2,015,000
Benefits for Medically Indigent High Risk Pregnant Women and Their Infants	\$ 3,805,000
Family Planning Benefits	\$ 301,530
Benefits for Midwifery Program	\$ 175,000
Grant-In-Aid to Counties	\$ 33,771,910
Work Incentive Benefits	\$ 479,964
Grants to Fulton County for 24-hour Emergency Social Services	\$ 182,400
Benefits for Child Care	\$ 15,526,203
Homemaker Meals	\$ 117,837
Chatham County Homemaker Project	\$ 539,795
Douglas County Homemaker Project	\$ 140,362
Fulton County Homemaker Project	\$ 361,832
Grants for Nephrology Centers	\$ 220,500
Case Services	\$ 18,178,500
E.S.R.P. Case Services	\$ 75,000
SSI-Supplement Benefits	\$ 36,200
AFDC Benefits	\$ 200,474,779
Local Services Benefits	
Payments Grants	\$ 60,731,686
Grants to Counties for Social Services	\$ 47,197,617
Contract with Vocational Rehabilitation Community Facilities	\$ 3,830,000
Contract for the Purchase of Clotting Factor for the Hemophilia Program	\$ 100,000
Contract with the Affirmative Industries	\$ 108,000
Institutional Repairs and Maintenance	\$ —0—
Contract with Emory University for Arthritis Research	\$ 205,000
Grant for Epilepsy Program	\$ 65,000
Grant to Grady Hospital for Cystic Fibrosis Program	\$ 40,000
Contract for Scoliosis Screening	\$ 115,000
Menninger Group Homes	\$ 366,000
Contract—Georgia Advocacy Office, Inc.	\$ 215,000

Grant for Teenage Pregnancy Prevention Program	\$	250,000
Contract—Cancer Research at Emory	\$	113,000
Contract—Macon-Bibb County Hospital Authority	\$	4,500,000
Cerebral Palsy Contract	\$	140,000
Grants to Counties for Metabolic Disorders Screening and Testing	\$	45,000
Contract with Auditory Educational Clinic	\$	60,000
Total Positions Budgeted		4,205

Provided, that of the above appropriation, \$100,000 is designated and committed for the purchase of clotting factor for the Hemophilia Program and for no other purpose.

Provided, that of the above appropriation, \$100,000 is designated and committed to operate a Hemophilia Program in the Metropolitan Atlanta Area and to operate the Hemophilia Program in Augusta.

Provided that no State funds shall be used for advertising the Food Stamp program or other welfare programs unless failure to so apply State funds would cause the loss of Federal funds for programs other than advertising.

There is hereby appropriated \$65,871,000 in State funds for the purpose of making AFDC benefit payments.

Provided that for Fiscal 1984, the following maximum benefits and maximum standards of need shall apply:

Number in Asst. Group	Standards of Need	Maximum Monthly Amount
1	\$ 202	\$ 111
2	306	169
3	366	202
4	432	238
5	494	272
6	536	295
7	580	320
8	616	340
9	648	357
10	694	383
11	742	409

Provided further, that the Department of Human Resources is authorized to calculate all monthly benefit payments utilizing a factor of 55.12% of the above standard of needs.

Provided, that of the above appropriation, \$140,000 is designated and committed to operate the Rome Cerebral Palsy Center.

Provided, however, it is the intent of this General Assembly that no dentist shall be paid at a rate in excess of twenty-five dollars (\$25.00) per hour for services rendered in the District Dental Clinics.

Provided that of the above appropriation relating to Statewide Grants for Pre-natal and Post-natal Care Programs, \$3,879,000 is designated and committed for a Statewide program of pre-natal and post-natal care, including all hospitals where such program or programs are providing or shall provide such care.

Provided, that of the above appropriation relating to the Public Health - Family Health Activity, \$40,000 is designated and committed for a grant to Grady Memorial Hospital in Atlanta for the purpose of operating a cystic fibrosis program.

Provided, that of the above appropriation, the Department of Human Resources is authorized to provide treatment for eye disorders, provided that treatment for the disability cannot be obtained from other sources.

Provided, further, that the Department of Human Resources is authorized to make monthly advances to Child Care Day Care Centers from funds authorized for this purpose.

Provided further, it is the intent of this General Assembly that AFDC Benefit payments from funds appropriated herein shall be made from the date of certification and not from the date of application.

Provided further, the Department of Human Resources is authorized to make payments (not to exceed \$5,000) to the Georgia Building Authority for the purpose of maintaining the grounds at the Roosevelt Warm Springs Hospital.

Provided that of the above appropriation relating to the Public Health - Family Health Activity, \$50,000 is designated and committed to purchase, lease or otherwise acquire or reimburse for the purchase or lease of equipment, or purchase or reimburse for the purchase of drugs and medical treatment of persons with Cystic Fibrosis over the age of 21. Funds shall be expended for those persons qualifying who are not otherwise covered by any

other private or publicly funded program and are determined to need support from the State.

Provided further, the Roosevelt Warm Springs Institute for Rehabilitation is authorized to use excess agency income for a repair and maintenance program.

Provided, that of the above appropriation, the Department of Human Resources is authorized to allocate one additional nursing position to Lumpkin County.

**B. Budget Unit: State Health Planning
and Development** **\$ 466,219**

**State Health Planning
and Development Budget:**

Personal Services	\$	593,499
Regular Operating Expenses	\$	47,202
Travel	\$	4,599
Publications and Printing	\$	2,100
Equipment Purchases	\$	—0—
Computer Charges	\$	15,000
Real Estate Rentals	\$	80,200
Telecommunications	\$	24,800
Per Diem, Fees and Contracts	\$	69,939
Postage	\$	6,600
Total Funds Budgeted	\$	843,939
Indirect DOAS Services Funding	\$	—0—
Agency Funds	\$	377,720
State Funds Budgeted	\$	466,219
Total Positions Budgeted		21
Authorized Motor Vehicles		0

Budget Unit Object Classes:

Personal Services	\$	593,499
Regular Operating Expenses	\$	47,202
Travel	\$	4,599
Publications and Printing	\$	2,100
Equipment Purchases	\$	—0—
Computer Charges	\$	15,000
Real Estate Rentals	\$	80,200
Telecommunications	\$	24,800
Per Diem, Fees and Contracts	\$	69,939
Postage	\$	6,600
Total Positions Budgeted		21
Authorized Motor Vehicles		0

**C. Budget Unit: Community Mental Health/
Mental Retardation Youth
Services and
Institutions** **\$ 297,542,799**

1. Georgia Regional Hospital at
Augusta Budget:

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Personal Services	\$	9,419,517
Regular Operating Expenses	\$	1,111,510
Travel	\$	9,000
Motor Vehicle		
Equipment Purchases	\$	25,159
Publications and Printing	\$	4,200
Equipment Purchases	\$	38,072
Computer Charges	\$	197,209
Real Estate Rentals	\$	—0—
Telecommunications	\$	108,070
Per Diem, Fees and Contracts	\$	253,065
Utilities	\$	365,682
Postage	\$	9,150
Authority Lease Rentals	\$	—0—
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	11,540,634
Agency Funds	\$	1,494,365
Indirect DOAS Services Funding	\$	65,900
State Funds Budgeted	\$	9,980,369
Total Positions Budgeted		497
Authorized Motor Vehicles		25

2. Georgia Regional Hospital at
Atlanta Budget:

Personal Services	\$	12,001,807
Regular Operating Expenses	\$	1,422,687
Travel	\$	16,700
Motor Vehicle Equipment		
Purchases	\$	7,800
Publications and Printing	\$	7,000
Equipment Purchases	\$	31,700
Computer Charges	\$	143,544
Real Estate Rentals	\$	—0—
Telecommunications	\$	141,026
Per Diem, Fees and Contracts	\$	310,130
Utilities	\$	587,994
Postage	\$	13,000
Capital Outlay	\$	—0—
Authority Lease Rentals	\$	—0—
Total Funds Budgeted	\$	14,683,388
Agency Funds	\$	2,382,236
Indirect DOAS Services Funding	\$	102,100
State Funds Budgeted	\$	12,199,052
Total Positions Budgeted		622
Authorized Motor Vehicles		25

3. Georgia Regional Hospital at
Savannah Budget:

Personal Services	\$	9,809,564
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Regular Operating Expenses	\$	899,030
Travel	\$	12,000
Motor Vehicle		
Equipment Purchases	\$	20,055
Publications and Printing	\$	2,300
Equipment Purchases	\$	42,347
Computer Charges	\$	138,617
Real Estate Rentals	\$	—0—
Telecommunications	\$	117,433
Per Diem, Fees and Contracts	\$	143,720
Utilities	\$	444,860
Postage	\$	7,500
Authority Lease Rentals	\$	500,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	12,137,426
Agency Funds	\$	1,264,761
Indirect DOAS Services Funding	\$	93,300
State Funds Budgeted	\$	10,779,365
Total Positions Budgeted		510
Authorized Motor Vehicles		22

4. West Central Georgia Regional
Hospital Budget:

Personal Services	\$	8,067,438
Regular Operating Expenses	\$	877,739
Travel	\$	12,400
Motor Vehicle		
Equipment Purchases	\$	47,740
Publications and Printing	\$	5,120
Equipment Purchases	\$	38,776
Computer Charges	\$	112,192
Real Estate Rentals	\$	—0—
Telecommunications	\$	113,420
Per Diem, Fees and Contracts	\$	38,250
Utilities	\$	480,231
Postage	\$	12,500
Authority Lease Rentals	\$	666,500
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	10,472,306
Agency Funds	\$	1,362,807
Indirect DOAS Services Funding	\$	82,300
State Funds Budgeted	\$	9,027,199
Total Positions Budgeted		424
Authorized Motor Vehicles		27

5. Northwest Georgia Regional Hospital
at Rome Budget:

Personal Services	\$	12,237,506
Regular Operating Expenses	\$	1,189,633
Travel	\$	10,400
Motor Vehicle Equipment		
Purchases	\$	16,920

Publications and Printing	\$ 800
Equipment Purchases	\$ 66,755
Computer Charges	\$ 149,677
Real Estate Rentals	\$ —0—
Telecommunications	\$ 106,469
Per Diem, Fees and Contracts	\$ 41,600
Utilities	\$ 1,266,388
Postage	\$ 9,125
Capital Outlay	\$ —0—
Authority Lease Rentals	\$ 921,000
Total Funds Budgeted	\$ 16,016,273
Agency Funds	\$ 3,559,981
Indirect DOAS Services Funding	\$ 93,300
State Funds Budgeted	\$ 12,362,992
Total Positions Budgeted	680
Authorized Motor Vehicles	45

6. Gracewood State School
and Hospital Budget:

Personal Services	\$ 27,897,858
Regular Operating Expenses	\$ 2,726,659
Travel	\$ 11,525
Motor Vehicle Equipment	
Purchases	\$ 39,630
Publications and Printing	\$ 4,620
Equipment Purchases	\$ 229,724
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 299,316
Per Diem, Fees and Contracts	\$ 149,000
Utilities	\$ 1,859,698
Postage	\$ 10,000
Capital Outlay	\$ 343,000
Total Funds Budgeted	\$ 33,571,030
Agency Funds	\$ 12,081,302
Indirect DOAS Services Funding	\$ 100,000
State Funds Budgeted	\$ 21,389,728
Total Positions Budgeted—	
July 1, 1983	1,588
Total Positions Budgeted—	
June 30, 1984	1,546
Authorized Motor Vehicles	112

7 Southwestern State Hospital Budget:

Personal Services	\$ 19,597,304
Regular Operating Expenses	\$ 1,880,752
Travel	\$ 20,000
Motor Vehicle Equipment	
Purchases	\$ 30,855
Publications and Printing	\$ 4,000
Equipment Purchases	\$ 283,819
Computer Charges	\$ 158,123

Real Estate Rentals	\$	—0—
Telecommunications	\$	161,570
Per Diem, Fees and Contracts	\$	217,920
Utilities	\$	918,040
Postage	\$	16,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	23,288,383
Agency Funds	\$	6,892,928
Indirect DOAS Services Funding	\$	98,800
State Funds Budgeted	\$	16,296,655
Total Positions Budgeted—		
July 1, 1983		1,104
Total Positions Budgeted—		
June 30, 1984		1,074
Authorized Motor Vehicles		53

8. Georgia Retardation Center Budget:

Personal Services	\$	16,370,205
Regular Operating Expenses	\$	2,443,810
Travel	\$	11,700
Motor Vehicle Equipment		
Purchases	\$	68,936
Publications and Printing	\$	5,100
Equipment Purchases	\$	77,068
Computer Charges	\$	166,943
Real Estate Rentals	\$	—0—
Telecommunications	\$	220,744
Per Diem, Fees and Contracts	\$	135,770
Utilities	\$	1,360,380
Postage	\$	12,750
Authority Lease Rentals	\$	794,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	21,667,406
Agency Funds	\$	8,280,805
Indirect DOAS Services Funding	\$	109,800
State Funds Budgeted	\$	13,276,801
Total Positions Budgeted—		
July 1, 1983		890
Total Positions Budgeted—		
June 30, 1984		871
Authorized Motor Vehicles		39

9. Georgia Mental Health
Institute Budget:

Personal Services	\$	10,256,330
Regular Operating Expenses	\$	1,115,829
Travel	\$	12,400
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	3,950
Equipment Purchases	\$	53,477
Computer Charges	\$	176,751

Real Estate Rentals	\$	—0—
Telecommunications	\$	184,040
Per Diem, Fees and Contracts	\$	619,715
Utilities	\$	1,476,180
Postage	\$	12,000
Authority Lease Rentals	\$	—0—
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	13,910,672
Agency Funds	\$	1,494,184
Indirect DOAS Services Funding	\$	202,100
State Funds Budgeted	\$	12,214,388
Total Positions Budgeted		503
Authorized Motor Vehicles		20

10. Central State Hospital Budget:

Personal Services	\$	72,452,151
Regular Operating Expenses	\$	9,520,161
Travel	\$	25,800
Motor Vehicle Equipment		
Purchases	\$	159,895
Publications and Printing	\$	17,500
Equipment Purchases	\$	255,098
Computer Charges	\$	664,798
Real Estate Rentals	\$	—0—
Telecommunications	\$	494,233
Per Diem, Fees and Contracts	\$	226,800
Utilities	\$	5,527,147
Postage	\$	42,500
Authority Lease Rentals	\$	794,125
Capital Outlay	\$	275,000
Total Funds Budgeted	\$	90,455,208
Agency Funds	\$	23,364,403
Indirect DOAS Services Funding	\$	677,400
State Funds Budgeted	\$	66,413,405
Total Positions Budgeted—		
July 1, 1983		3,953
Total Positions Budgeted—		
June 30, 1984		3,922
Authorized Motor Vehicles		215

Central State Hospital Functional Budgets

	Total Funds	State Funds	Pos.
Mental Health/Mental Retardation Services	\$ 78,211,228	\$ 66,413,405	3686/ 3655
Veterans Services	\$ 7,948,115	\$ —0—	267
Department of Offender Rehabilitation Services	\$ 4,295,865	\$ —0—	0
Total	\$ 90,455,208	\$ 66,413,405	3953/ 3922

11. State Youth Development
Centers Budget:

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Personal Services	\$ 13,138,576
Regular Operating Expenses	\$ 1,442,330
Travel	\$ 7,500
Motor Vehicle Equipment	
Purchases	\$ 78,023
Publications and Printing	\$ 3,200
Equipment Purchases	\$ 406,635
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 117,165
Per Diem, Fees and Contracts	\$ 133,800
Utilities	\$ 985,300
Postage	\$ 19,500
Capital Outlay	\$ 56,400
Total Funds Budgeted	\$ 16,388,429
Agency Funds	\$ 334,500
State Funds Budgeted	\$ 16,053,929
Total Positions Budgeted	723
Authorized Motor Vehicles	103

12. Regional Youth Development
Centers Budget:

Personal Services	\$ 7,113,566
Regular Operating Expenses	\$ 891,025
Travel	\$ 11,000
Motor Vehicle	
Equipment Purchases	\$ 26,295
Publications and Printing	\$ 3,000
Equipment Purchases	\$ 40,047
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 65,000
Per Diem, Fees and Contracts	\$ 78,900
Utilities	\$ 575,000
Postage	\$ 10,500
Capital Outlay	\$ 45,000
Grants to County-Owned	
Detention Centers	\$ 2,318,125
Total Funds Budgeted	\$ 11,177,458
Agency Funds	\$ 249,305
State Funds Budgeted	\$ 10,928,153
Total Positions Budgeted	414
Authorized Motor Vehicles	41

13. Community Mental Health/
Mental Retardation
Services Budget:

Personal Services	\$ 9,085,665
Regular Operating Expenses	\$ 533,612

Travel	\$	40,300
Motor Vehicle Equipment Purchases	\$	11,500
Publications and Printing	\$	3,200
Equipment Purchases	\$	1,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	73,075
Telecommunications	\$	34,500
Per Diem, Fees and Contracts	\$	388,332
Utilities	\$	22,600
Postage	\$	2,800
Capital Outlay	\$	—0—
Drug Abuse Contracts	\$	929,794
Day Care Centers for the Mentally Retarded	\$	50,785,749
MR Day Care Center Motor Vehicle Purchases	\$	579,000
Supportive Living Staff	\$	1,324,024
Supportive Living Benefits	\$	5,068,585
Georgia State Foster Grandparent/Senior Companion Program	\$	514,212
Community Mental Health Center Services	\$	61,773,696
Project Rescue	\$	287,700
Project ARC	\$	177,299
Project Friendship	\$	240,500
Group Homes for Autistic Children	\$	265,637
Uniform Alcoholism Projects	\$	2,548,539
Community Mental Retardation Staff	\$	2,914,398
Community Mental Retardation Residential Services	\$	10,458,863
Total Funds Budgeted	\$	148,064,580
Social Services		
Block Grant Funds	\$	22,807,664
Agency Funds	\$	49,655,082
State Funds Budgeted	\$	75,601,834
Total Positions Budgeted		376
Authorized Motor Vehicles		803

Community Mental Health/Mental Retardation
Services Functional Budgets

	Total Funds	State Funds	Pos.
Mental Health Community Assistance	\$ 5,865,439	\$ 5,808,539	218
Outdoor Therapeutic Program	\$ 1,028,363	\$ 1,028,363	40
Mental Retardation Community Assistance	\$ 1,619,126	\$ 1,619,126	64
Central Pharmacy	\$ 127,093	\$ 127,093	3

Metro Drug Abuse Centers	\$ 1,212,689	\$ 569,599	45
Day Care Centers for the Mentally Retarded	\$ 51,364,749	\$ 23,832,641	0
Supportive Living	\$ 6,392,609	\$ 3,211,609	0
Georgia State Foster Grandparent/Senior Companion Program	\$ 514,212	\$ 514,212	0
Community Mental Retardation Staff	\$ 3,045,930	\$ 2,115,143	0
Community Mental Retardation Residential Services	\$ 10,458,863	\$ 7,112,415	0
Group Homes for Autistic Children	\$ 265,637	\$ 265,637	0
Project Rescue	\$ 287,700	\$ 124,700	0
Drug Abuse Contracts	\$ 929,794	\$ 203,444	0
Project ARC	\$ 177,299	\$ 177,299	0
Project Friendship	\$ 240,500	\$ 240,500	0
Community Mental Health Center Services	\$ 61,773,696	\$ 26,400,175	0
Uniform Alcoholism Projects	\$ 2,548,539	\$ 2,251,339	0
Central Laboratory	\$ 212,342	\$ —0—	6
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 148,064,580	\$ 75,601,834	376

14. Community Youth Services Budget:

Personal Services	\$ 8,808,229
Regular Operating Expenses	\$ 1,192,187
Travel	\$ 376,800
Motor Vehicle	
Equipment Purchases	\$ 34,360
Publications and Printing	\$ 3,300
Equipment Purchases	\$ 20,198
Computer Charges	\$ —0—
Real Estate Rentals	\$ 270,300
Telecommunications	\$ 237,005
Per Diem, Fees and Contracts	\$ —0—
Utilities	\$ 38,350
Postage	\$ 22,200
Child Care Benefits	\$ 16,000
Total Funds Budgeted	\$ 11,018,929
State Funds Budgeted	\$ 11,018,929
Total Positions Budgeted	412
Authorized Motor Vehicles	19

Community Youth Services Functional Budgets

	Total Funds	State Funds	Pos.
Group Homes	\$ 483,398	\$ 483,398	19
Community Detention	\$ 1,111,029	\$ 1,111,029	17
Day Centers	\$ 597,452	\$ 597,452	24

Community Treatment Centers	\$ 1,833,321	\$ 1,833,321	77
Court Services	\$ 6,215,423	\$ 6,215,423	257
Runaway Investigations	\$ 390,673	\$ 390,673	15
Interstate Compact	\$ 77,633	\$ 77,633	3
Purchased Services	\$ 310,000	\$ 310,000	0
Undistributed	\$ —0—	\$ —0—	0
Total	\$ 11,018,929	\$ 11,018,929	412

15. Regular Operating Expense
Reserve Budget:

Regular Operating Expense	\$ —0—
Total Funds	\$ —0—
State Funds	\$ —0—

Budget Unit Object Classes:

Personal Services	\$ 236,255,716
Regular Operating Expenses	\$ 27,246,964
Travel	\$ 577,525
Motor Vehicle Equipment	
Purchases	\$ 567,168
Publications and Printing	\$ 67,290
Equipment Purchases	\$ 1,584,716
Computer Charges	\$ 1,907,854
Real Estate Rentals	\$ 343,375
Telecommunications	\$ 2,399,991
Per Diem, Fees and Contracts	\$ 2,737,002
Utilities	\$ 15,907,850
Postage	\$ 199,525
Capital Outlay	\$ 719,400
Authority Lease Rentals	\$ 3,675,625
Grants to County-Owned	
Detention Centers	\$ 2,318,125
Drug Abuse Contracts	\$ 929,794
Day Care Centers for the	
Mentally Retarded	\$ 50,785,749
MR Day Care Center Motor	
Vehicle Purchases	\$ 579,000
Supportive Living Staff	\$ 1,324,024
Supportive Living Benefits	\$ 5,068,585
Georgia State Foster	
Grandparent/Senior	
Companion Program	\$ 514,212
Community Mental Health	
Center Services	\$ 61,773,696
Project Rescue	\$ 287,700
Project ARC	\$ 177,299
Project Friendship	\$ 240,500
Group Homes for	
Autistic Children	\$ 265,637
Uniform Alcoholism Projects	\$ 2,548,539
Child Care Benefits	\$ 16,000

Community Mental Retardation Staff	\$ 2,914,398
Community Mental Retardation Residential Services	\$ 10,458,863
Total Positions Budgeted— July 1, 1983	12,696
Total Positions Budgeted— June 30, 1984	12,574
Authorized Motor Vehicles	1,549

Provided, that of the above appropriation relating to Community Mental Health Centers, agency income, excluding federal grants where prohibited, shall be expended first to cover expenses for local programs. Surplus funds at the end of the year shall not exceed 60-day collections. Surplus above this limitation shall revert to the State and local governments on a pro rata basis based on contribution of said governments to the program.

Provided, that of the above appropriation relating to Community Mental Retardation Residential Services, the Department is authorized to increase the maximum monthly payments to service providers from \$350 to \$385 and to supplant State funds with patient collections to reduce the State cost of the program.

Provided, that of the above appropriation relating to Community Mental Health Centers, private gifts and donations, as well as proceeds of local fund raising activities, shall not be required to be budgeted to the Department or to the Office of Planning and Budget.

Provided that the Department is given the flexibility in the Community Mental Retardation Residential Services Program to use benefits to contract with private home providers for service or to provide small group living situations or semi-independent living situations for clients; and further provided that these residential services are available to clients residing in the community as well as those returning to their communities from the institution.

Provided that Community Mental Health Centers shall provide services to clients living within the geographic catchment area served by such centers without regard to the length of time such client has resided in such geographic catchment area if such client is otherwise eligible to receive services.

Provided, that of the above appropriation relating to Supportive Living Benefits, the Department is provided the flexibility to contract with private homeproviders for services in the home and/or to provide small group resi-

dences for clients and/or provide respite care services for clients and/or other residential services needed to support clients in the communities.

Provided, however, it is the intent of this General Assembly that no additional Youth Services group homes or community treatment centers be started with Federal Funds without prior approval by the General Assembly of Georgia.

Provided, that of the above appropriation relating to Central State Hospital, the Department is authorized to establish a unit for the severely psychiatrically regressed with existing funds and personnel.

Provided, that of the above appropriation relating to Georgia Mental Health Institute, \$20,000 is designated and committed for the purpose of a short-term training program in alcoholism and drug abuse.

Provided, however, the Department is authorized and directed to utilize \$2,500,000 of available surplus and reserves of the Georgia Building Authority (Hospital) for major renovations and construction at the Northwest Georgia Regional Hospital, and the Georgia Building Authority (Hospital) is authorized to make \$2,500,000 of surplus and reserves available for the aforementioned purposes.

Provided, however, the Department is authorized and directed to utilize \$250,000 of available surplus and reserves of the Georgia Building Authority (Hospital) for planning and preliminary work on the Boone Building renovations at Central State Hospital, and the Georgia Building Authority (Hospital) is authorized to make \$250,000 of surplus and reserves available for the aforementioned purpose.

Provided that of the above appropriation relating to Community Youth Services, \$33,750 is designated and committed for the purpose of continuing the work experience component of the Ft. Yargo Group Home Program.

Section 27. Department of Industry and Trade.

A. Budget Unit: Department of Industry and Trade	\$	9,345,589
1. Industry Budget:		
Personal Services	\$	545,206
Regular Operating Expenses	\$	11,000
Travel	\$	35,000
Motor Vehicle Equipment Purchases	\$	—0—

Publications and Printing	\$	5,400
Equipment Purchases	\$	150
Computer Charges	\$	10,622
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	250
Total Funds Budgeted	\$	607,628
State Funds Budgeted	\$	607,628
Total Positions Budgeted		17

2. Research Budget:

Personal Services	\$	353,982
Regular Operating Expenses	\$	4,800
Travel	\$	2,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	47,556
Equipment Purchases	\$	—0—
Computer Charges	\$	4,170
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	20,900
Total Funds Budgeted	\$	433,408
State Funds Budgeted	\$	433,408
Total Positions Budgeted		14

3. Tourism—Promotional Budget:

Personal Services	\$	665,361
Regular Operating Expenses	\$	73,900
Travel	\$	65,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	189,500
Equipment Purchases	\$	2,450
Computer Charges	\$	18,154
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	90,870
Historic Chattahoochee Commission Contract	\$	40,000
Total Funds Budgeted	\$	1,145,235
State Funds Budgeted	\$	1,145,235
Total Positions Budgeted		26

4. Tourist—Welcome Centers Budget:

Personal Services	\$	1,493,354
Regular Operating Expenses	\$	357,988
Travel	\$	31,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	2,000
Equipment Purchases	\$	11,775
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—

Telecommunications	\$	14,190
Per Diem, Fees and Contracts	\$	4,000
Local Welcome Centers	\$	110,000
Total Funds Budgeted	\$	2,024,307
State Funds Budgeted	\$	1,934,307
Total Positions Budgeted		94

5. Internal Administration Budget:

Personal Services	\$	648,038
Regular Operating Expenses	\$	214,670
Travel	\$	13,000
Motor Vehicle Equipment Purchases	\$	12,000
Publications and Printing	\$	35,000
Equipment Purchases	\$	500
Computer Charges	\$	3,000
Real Estate Rentals	\$	246,469
Telecommunications	\$	119,070
Per Diem, Fees and Contracts	\$	17,000
Postage	\$	147,000
Georgia Ports Authority— Authority Lease Rentals	\$	2,735,000
Georgia Ports Authority— General Obligation Bond Payments	\$	3,137,946
Atlanta Council for International Visitors	\$	25,000
Waterway Development in Georgia	\$	25,000
Georgia Music Week Promotion	\$	10,000
Georgia World Congress Center Operating Expenses	\$	500,000
International Council of Georgia, Inc.	\$	—0—
Total Funds Budgeted	\$	7,888,693
State Funds Budgeted	\$	3,661,563
Total Positions Budgeted		24

6. International Budget:

Personal Services	\$	515,798
Regular Operating Expenses	\$	42,500
Travel	\$	72,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	10,000
Equipment Purchases	\$	1,400
Computer Charges	\$	20,500
Real Estate Rentals	\$	49,000
Telecommunications	\$	20,500
Per Diem, Fees and Contracts	\$	88,250
Total Funds Budgeted	\$	820,448
State Funds Budgeted	\$	820,448
Total Positions Budgeted		15

7. Advertising Budget:

Advertising	\$	743,000
Total Funds Budgeted	\$	743,000
State Funds Budgeted	\$	743,000
Total Positions Budgeted		0

Budget Unit Object Classes:

Personal Services	\$	4,221,739
Regular Operating Expenses	\$	704,858
Travel	\$	218,500
Motor Vehicle Equipment Purchases	\$	12,000
Publications and Printing	\$	289,456
Equipment Purchases	\$	16,275
Computer Charges	\$	56,446
Real Estate Rentals	\$	295,469
Telecommunications	\$	153,760
Per Diem, Fees and Contracts	\$	221,270
Postage	\$	147,000
Local Welcome Center Contracts	\$	110,000
Advertising	\$	743,000
Georgia Ports Authority— Authority Lease Rentals	\$	2,735,000
Georgia Ports Authority— General Obligation Bond Payments	\$	3,137,946
Historic Chattahoochee Commission Contract	\$	40,000
Atlanta Council for International Visitors	\$	25,000
Waterway Development in Georgia	\$	25,000
Georgia Music Week Promotion	\$	10,000
Georgia World Congress Center Operating Expenses	\$	500,000
International Council of Georgia, Inc.	\$	—0—
Total Positions Budgeted		190
Authorized Motor Vehicles		21
B. Budget Unit: Authorities	\$	—0—

1. Georgia World Congress Budget:

Personal Services	\$	3,569,440
Regular Operating Expenses	\$	1,382,178
Travel	\$	36,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	24,000
Equipment Purchases	\$	40,000
Computer Charges	\$	600
Real Estate Rentals	\$	—0—
Telecommunications	\$	68,160
Per Diem, Fees and Contracts	\$	156,852

Atlanta Convention and Visitors Bureau	\$ 819,588
Total Funds Budgeted	\$ 6,096,818
State Funds Budgeted	\$ —0—
Total Positions Budgeted	147

2. Georgia Ports Authority Budget:

Personal Services	\$ 23,953,056
Regular Operating Expenses	\$ 7,870,228
Travel	\$ 435,207
Motor Vehicle Equipment Purchases	\$ 472,080
Publications and Printing	\$ 108,108
Equipment Purchases	\$ 3,119,000
Real Estate Rentals	\$ 99,403
Telecommunications	\$ 302,960
Repayments for Previous Capital Improvement Funding	\$ 2,089,184
Computer Charges	\$ 457,142
Per Diem, Fees and Contracts	\$ 1,211,582
Other Debt-Service Payments	\$ 696,150
Capital Outlay—Internal Operations	\$ 4,742,770
Capital Reinvestment	\$ —0—
Total Funds Budgeted	\$ 45,556,870
State Funds Budgeted	\$ —0—
Total Positions Budgeted	780

Budget Unit Object Classes:

Personal Services	\$ 27,522,496
Regular Operating Expenses	\$ 9,252,406
Travel	\$ 471,207
Motor Vehicle Equipment Purchases	\$ 472,080
Publications and Printing	\$ 132,108
Equipment Purchases	\$ 3,159,000
Computer Charges	\$ 457,742
Real Estate Rentals	\$ 99,403
Telecommunications	\$ 371,120
Per Diem, Fees and Contracts	\$ 1,368,434
Repayments for Previous Capital Improvement Funding	\$ 2,089,184
Other Debt-Service Payments	\$ 696,150
Capital Outlay—Internal Operations	\$ 4,742,770
Atlanta Convention and Visitors Bureau	\$ 819,588
Total Positions Budgeted	927
Authorized Motor Vehicles	36

It is the intent of this General Assembly that to the extent that gross income from operations exceeds the amount contemplated in this Appropriations Act, such excess may be applied toward the cost of operations and excess cost of authorized planning of new facilities, provided that budget amendments reflecting such proposed applications are provided to the Office of Planning and Budget and the Legislative Budget Office at least two weeks prior to such application of funds.

It is the intent of this General Assembly that to the greatest extent feasible, the Georgia Ports Authority utilize existing surplus funds for payments to bond trustees for unmatured issues.

Section 28. Department of Labor.

A. Budget Unit: Inspection Division \$ 805,680

Inspection Division Budget:

Personal Services	\$	683,019
Regular Operating Expenses	\$	13,259
Travel	\$	87,751
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	5,000
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	8,351
Telecommunications	\$	8,100
Per Diem, Fees and Contracts	\$	200
Total Funds Budgeted	\$	805,680
State Funds Budgeted	\$	805,680
Total Positions Budgeted		28

Budget Unit Object Classes:

Personal Services	\$	683,019
Regular Operating Expenses	\$	13,259
Travel	\$	87,751
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	5,000
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	8,351
Telecommunications	\$	8,100
Per Diem, Fees and Contracts	\$	200
Total Positions Budgeted		28

B. Budget Unit: Basic Employment, Work
Incentive, Correctional
Services and Comprehensive
Employment and Training. \$ 3,368,155

1. Basic Employment Security
and W.I.N. Budget:

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Personal Services	\$ 40,365,040
Regular Operating Expenses	\$ 3,648,918
Travel	\$ 1,025,000
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 10,200
Equipment Purchases	\$ 990,000
Computer Charges	\$ 15,000
Real Estate Rentals	\$ 1,465,096
Telecommunications	\$ 1,010,000
Per Diem, Fees and Contracts	\$ 975,000
W.I.N. Grants	\$ 226,782
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 49,731,036
State Funds Budgeted	\$ 1,360,202
Total Positions Budgeted	1,601

2. Comprehensive Employment
and Training Act (CETA) Budget:

Personal Services	\$ 10,611,379
Regular Operating Expenses	\$ 1,294,973
Travel	\$ 203,000
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 6,000
Equipment Purchases	\$ 19,000
Computer Charges	\$ 5,000
Real Estate Rentals	\$ 362,000
Telecommunications	\$ 364,000
Per Diem, Fees and	
Contracts (CETA)	\$ 12,000
CETA Direct Benefits	\$ 37,469,000
Total Funds Budgeted	\$ 50,346,352
State Funds Budgeted	\$ —0—
Total Positions Budgeted	422

3. Correctional Services Budget:

Personal Services	\$ 1,830,307
Regular Operating Expenses	\$ 47,851
Travel	\$ 20,245
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 250
Equipment Purchases	\$ 300
Computer Charges	\$ 1,000
Real Estate Rentals	\$ 63,000
Telecommunications	\$ 35,000
Per Diem, Fees and Contracts	\$ 10,000
Total Funds Budgeted	\$ 2,007,953

State Funds Budgeted	\$ 2,007,953
Total Positions Budgeted	74

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Budget Unit Object Classes:

Personal Services	\$ 52,806,726
Regular Operating Expenses	\$ 4,991,742
Travel	\$ 1,248,245
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 16,450
Equipment Purchases	\$ 1,009,300
Computer Charges	\$ 21,000
Real Estate Rentals	\$ 1,890,096
Telecommunications	\$ 1,409,000
Per Diem, Fees and	
Contracts (CETA)	\$ 12,000
Per Diem, Fees and Contracts	\$ 985,000
W.I.N. Grants	\$ 226,782
CETA Direct Benefits	\$ 37,469,000
Capital Outlay	\$ —0—
Total Positions Budgeted	2,097
Authorized Motor Vehicles	6

Section 29. Department of Law.

Budget Unit: Department of Law	\$ 4,702,091
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Attorney General's Office Budget:

Personal Services	\$ 4,085,595
Regular Operating Expenses	\$ 235,664
Travel	\$ 110,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 30,150
Equipment Purchases	\$ 2,590
Computer Charges	\$ 32,050
Books for State Library	\$ 55,000
Real Estate Rentals	\$ 311,807
Telecommunications	\$ 102,735
Per Diem, Fees and Contracts	\$ 36,500
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 5,002,091
State Funds Budgeted	\$ 4,702,091
Total Positions Budgeted	116

Budget Unit Object Classes:

Personal Services	\$ 4,085,595
Regular Operating Expenses	\$ 235,664
Travel	\$ 110,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 30,150
Equipment Purchases	\$ 2,590
Computer Charges	\$ 32,050

Real Estate Rentals	\$	311,807
Telecommunications	\$	102,735
Per Diem, Fees and Contracts	\$	36,500
Books for State Library	\$	55,000
Capital Outlay	\$	—0—
Total Positions Budgeted		116
Authorized Motor Vehicles		1

Provided, however, that of the above appropriation relative to regular operating expenses, \$38,000 is designated and committed for Court Reporter Fees.

Section 30. Department of Medical Assistance.

Budget Unit: Medicaid Services \$ 218,946,663

1. Commissioner's Office Budget:

Personal Services	\$	1,703,752
Regular Operating Expenses	\$	43,745
Travel	\$	51,360
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,200
Equipment Purchases	\$	—0—
Real Estate Rentals	\$	224,505
Telecommunications	\$	58,425
Per Diem, Fees and Contracts	\$	43,900
Total Funds Budgeted	\$	2,129,887
State Funds Budgeted	\$	1,011,236
Total Positions Budgeted		68

2. Administration Budget:

Personal Services	\$	1,098,793
Regular Operating Expenses	\$	51,635
Travel	\$	13,285
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	13,385
Equipment Purchases	\$	8,000
Computer Charges	\$	118,200
Real Estate Rentals	\$	249,555
Telecommunications	\$	24,670
Per Diem, Fees and Contracts	\$	30,000
Postage	\$	163,765
Audits Contracts	\$	568,000
Total Funds Budgeted	\$	2,339,288
State Funds Budgeted	\$	924,662
Total Positions Budgeted		43

3. Program Management Budget:

Personal Services	\$	1,521,046
Regular Operating Expenses	\$	51,830

Travel	\$	21,250
Publications and Printing	\$	33,775
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	256,292
Telecommunications	\$	58,385
Per Diem, Fees and Contracts	\$	9,287,320
Total Funds Budgeted	\$	11,229,898
State Funds Budgeted	\$	1,373,314
Total Positions Budgeted		61

4. Operations Budget:

Personal Services	\$	2,129,740
Regular Operating Expenses	\$	165,080
Travel	\$	2,200
Publications and Printing	\$	144,000
Equipment Purchases	\$	—0—
Computer Charges	\$	7,356,400
Real Estate Rentals	\$	256,290
Telecommunications	\$	94,115
Per Diem, Fees and Contracts	\$	76,000
Postage	\$	712,355
Total Funds Budgeted	\$	10,936,180
Indirect DOAS Services Funding	\$	1,400,000
Agency Funds	\$	8,084,343
State Funds Budgeted	\$	1,451,837
Total Positions Budgeted		109

5. Benefits Payments Budget:

Medicaid Benefits	\$	662,619,712
Payments to Counties for Mental Health	\$	10,845,445
Total Funds Budgeted	\$	673,465,157
State Funds Budgeted	\$	214,185,614
Total Positions Budgeted		0

Budget Unit Object Classes:

Personal Services	\$	6,453,331
Regular Operating Expenses	\$	312,290
Travel	\$	88,095
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	195,360
Equipment Purchases	\$	8,000
Computer Charges	\$	7,474,600
Real Estate Rentals	\$	986,642
Telecommunications	\$	235,595
Per Diem, Fees and Contracts	\$	9,437,220
Postage	\$	876,120
Medicaid Benefits	\$	662,619,712

Payments to Counties for		
Mental Health	\$	10,845,445
Audits Contracts	\$	568,000
Total Positions Budgeted		281
Authorized Motor Vehicles		3

Provided, that any reserve created by the State Auditor for the payment of Medicaid Benefits can be expended and otherwise treated for accounting and other purposes for Payments to Counties for Mental Health.

Section 31. Merit System of Personnel Administration.

Budget Unit: Merit System of Personnel		
Administration		
Agency Assessments	\$	5,123,731

1. Applicant Services Budget:

Personal Services	\$	924,368
Regular Operating Expenses	\$	17,525
Travel	\$	12,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	54,300
Equipment Purchases	\$	2,405
Computer Charges	\$	346,893
Real Estate Rentals	\$	—0—
Telecommunications	\$	18,900
Per Diem, Fees and Contracts	\$	5,600
Postage	\$	90,300
Total Funds Budgeted	\$	1,472,291
Agency Assessments	\$	1,472,291
Total Positions Budgeted		39

2. Classification and Compensation Budget:

Personal Services	\$	508,278
Regular Operating Expenses	\$	6,870
Travel	\$	1,265
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	5,900
Equipment Purchases	\$	320
Computer Charges	\$	137,178
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,862
Per Diem, Fees and Contracts	\$	1,000
Postage	\$	3,000
Total Funds Budgeted	\$	669,673
Agency Assessments	\$	669,673
Total Positions Budgeted		19

3. Program Evaluation and Audit Budget:

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Personal Services	\$	320,528
Regular Operating Expenses	\$	9,070
Travel	\$	1,025
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	950
Equipment Purchases	\$	1,000
Computer Charges	\$	178,332
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,199
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	1,100
Total Funds Budgeted	\$	517,204
Agency Assessments	\$	517,204
Total Positions Budgeted		13

4. Employee Training and Development Budget:

Personal Services	\$	567,770
Regular Operating Expenses	\$	28,800
Travel	\$	20,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,000
Equipment Purchases	\$	2,350
Computer Charges	\$	13,718
Real Estate Rentals	\$	—0—
Telecommunications	\$	9,150
Per Diem, Fees and Contracts	\$	177,000
Postage	\$	4,400
Total Funds Budgeted	\$	843,788
Agency Assessments	\$	843,788
Total Positions Budgeted		23

5. Health Insurance Administration Budget:

Personal Services	\$	560,228
Regular Operating Expenses	\$	10,700
Travel	\$	7,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	43,000
Equipment Purchases	\$	7,440
Computer Charges	\$	321,029
Real Estate Rentals	\$	57,985
Telecommunications	\$	48,040
Per Diem, Fees and Contracts	\$	4,166,270
Postage	\$	27,460
Total Funds Budgeted	\$	5,249,652
Other Health Insurance Agency Funds	\$	—0—

Employer and Employee Contributions	\$	5,249,652
Total Positions Budgeted		26

6. Health Insurance Claims Budget:

Personal Services	\$	—0—
Regular Operating Expenses	\$	—0—
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	8,207,788
Postage	\$	—0—
Health Insurance Claims	\$	166,471,000
Total Funds Budgeted	\$	174,678,788
Other Health Insurance Agency Funds	\$	—0—
Employer and Employee Contributions	\$	174,678,788
Total Positions Budgeted		0

7. Internal Administration Budget:

Personal Services	\$	724,859
Regular Operating Expenses	\$	19,440
Travel	\$	3,300
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	8,000
Equipment Purchases	\$	14,090
Computer Charges	\$	66,726
Real Estate Rentals	\$	—0—
Telecommunications	\$	14,440
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	6,100
Federal Sub-grants to State and Local Agencies	\$	—0—
Total Funds Budgeted	\$	856,955
Agency Assessments	\$	667,945
Employer and Employee Contributions	\$	157,100
Deferred Compensation	\$	31,910
Total Positions Budgeted		33

8. Commissioner's Office Budget:

Personal Services	\$	316,441
Regular Operating Expenses	\$	16,882
Travel	\$	9,200
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	15,000

Equipment Purchases	\$	3,760
Computer Charges	\$	—0—
Real Estate Rentals	\$	515,160
Telecommunications	\$	4,887
Per Diem, Fees and Contracts	\$	68,000
Postage	\$	3,500
Total Funds Budgeted	\$	952,830
Agency Assessments	\$	952,830
Total Positions Budgeted		8

Budget Unit Object Classes:

Personal Services	\$	3,922,472
Regular Operating Expenses	\$	109,287
Travel	\$	54,890
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	147,150
Equipment Purchases	\$	31,365
Computer Charges	\$	1,063,876
Real Estate Rentals	\$	573,145
Telecommunications	\$	106,478
Per Diem, Fees and Contracts	\$	12,625,658
Postage	\$	135,860
Federal Sub-grants to State and Local Agencies	\$	—0—
Health Insurance Claim Payments	\$	166,471,000
Total Positions Budgeted		161
Authorized Motor Vehicles		0

Provided, that it is the intent of this General Assembly that the employer contribution paid by the State for Teachers Health Insurance shall be for State allotted teachers, and the base for this payment shall be the eligible salary for teachers according to the Teacher Salary Index, before the assignment of Required Local Effort.

Section 32. Department of Natural Resources.

A. Budget Unit: Department of Natural Resources	\$	49,327,427
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1. Internal Administration Budget:

Personal Services	\$	2,167,077
Regular Operating Expenses	\$	187,936
Travel	\$	18,000
Motor Vehicle Equipment Purchases	\$	8,000
Publications and Printing	\$	192,290
Equipment Purchases	\$	500
Computer Charges	\$	162,164
Real Estate Rentals	\$	167,212
Telecommunications	\$	69,529

Per Diem, Fees and Contracts	\$ 84,200
Postage	\$ 89,586
Payments to Lake Lanier Islands Development Authority	\$ 510,000
Payments to Jekyll Island St. Park Authority	\$ —0—
Capital Outlay—Heritage Trust	\$ 75,000
Total Funds Budgeted	\$ 3,731,494
Receipts from Jekyll Island State Park Authority	\$ 50,000
State Funds Budgeted	\$ 3,656,494
Total Positions Budgeted	81

2. Game and Fish Budget:

Personal Services	\$ 12,664,974
Regular Operating Expenses	\$ 3,250,259
Travel	\$ 67,000
Motor Vehicle Equipment Purchases	\$ 830,750
Publications and Printing	\$ 74,000
Equipment Purchases	\$ 483,186
Computer Charges	\$ 44,219
Real Estate Rentals	\$ 45,438
Telecommunications	\$ 221,506
Per Diem, Fees and Contracts	\$ 77,500
Postage	\$ 62,466
Capital Outlay— Consolidated Maintenance	\$ 344,375
Capital Outlay—Heritage Trust—Wildlife Management Area Land Acquisition	\$ 350,000
Total Funds Budgeted	\$ 18,515,673
Indirect DOAS Services Funding	\$ 100,000
State Funds Budgeted	\$ 15,004,184
Total Positions Budgeted	477

3. Parks, Recreation and
Historic Sites Budget:

Personal Services	\$ 8,917,690
Regular Operating Expenses	\$ 3,705,137
Travel	\$ 75,000
Motor Vehicle Equipment Purchases	\$ 224,000
Publications and Printing	\$ 95,000
Equipment Purchases	\$ 235,000
Computer Charges	\$ 15,000
Real Estate Rentals	\$ 132,601
Telecommunications	\$ 236,456
Per Diem, Fees and Contracts	\$ 68,400
Postage	\$ 57,600
Capital Outlay	\$ —0—

Capital Outlay—Repairs and Maintenance	\$ 1,494,800
Capital Outlay—Shop Stock	\$ 300,000
Cost of Material for Resale	\$ 1,025,000
Authority Lease Rentals	\$ 2,033,000
Land and Water Conservation Grants	\$ 1,400,000
Recreation Grants	\$ 215,000
Contract—Special Olympics, Inc.	\$ 186,000
Georgia Sports Hall of Fame	\$ 50,000
Capital Outlay—User Fee Enhancements	\$ 1,314,000
Technical Assistance Contract	\$ 100,000
Total Funds Budgeted	\$ 21,879,684
Indirect DOAS Services Funding	\$ 100,000
State Funds Budgeted	\$ 12,792,751
Total Positions Budgeted	373

4. Environmental Protection Budget:

Personal Services	\$ 9,471,542
Regular Operating Expenses	\$ 679,361
Travel	\$ 235,400
Motor Vehicle Equipment Purchases	\$ 25,200
Publications and Printing	\$ 84,300
Equipment Purchases	\$ 46,046
Computer Charges	\$ 133,080
Real Estate Rentals	\$ 512,513
Telecommunications	\$ 175,592
Per Diem, Fees and Contracts	\$ 747,500
Postage	\$ 96,112
Solid Waste Grants	\$ 1,500,000
Water and Sewer Grants	\$ 6,000,000
Contract with U.S. Geological Survey for Ground Water Resources Survey	\$ 250,437
Topographic Mapping U.S. Geological Survey	\$ 125,000
Contract—Georgia Rural Water Association	\$ 10,000
Total Funds Budgeted	\$ 20,092,083
State Funds Budgeted	\$ 16,893,783
Total Positions Budgeted	311

5. Coastal Resources Budget:

Personal Services	\$ 714,670
Regular Operating Expenses	\$ 187,069
Travel	\$ 11,000
Motor Vehicle Equipment Purchases	\$ 16,100
Publications and Printing	\$ 18,690
Equipment Purchases	\$ 21,947
Computer Charges	\$ 15,000

Real Estate Rentals	\$	—0—
Telecommunications	\$	18,600
Per Diem, Fees and Contracts	\$	7,500
Postage	\$	9,639
Capital Outlay	\$	—0—
Capital Outlay—Repairs and Maintenance	\$	—0—
Capital Outlay—Buoy Maintenance	\$	20,000
Total Funds Budgeted	\$	1,040,215
State Funds Budgeted	\$	980,215
Total Positions Budgeted		25

Budget Unit Object Classes:

Personal Services	\$	33,935,953
Regular Operating Expenses	\$	8,009,762
Travel	\$	406,400
Motor Vehicle Equipment Purchases	\$	1,104,050
Publications and Printing	\$	464,280
Equipment Purchases	\$	786,679
Computer Charges	\$	369,463
Real Estate Rentals	\$	857,764
Telecommunications	\$	721,683
Per Diem, Fees and Contracts	\$	985,100
Postage	\$	315,403
Land and Water Conservation Grants	\$	1,400,000
Recreation Grants	\$	215,000
Water and Sewer Grants	\$	6,000,000
Solid Waste Grants	\$	1,500,000
Contract with U. S. Geological Survey for Ground Water Resources Survey	\$	250,437
Contract with U.S. Geological Survey for Topographic Maps	\$	125,000
Capital Outlay—Hatchery Renovation	\$	—0—
Capital Outlay	\$	—0—
Capital Outlay—Repairs and Maintenance	\$	1,494,800
Capital Outlay—Shop Stock	\$	300,000
Capital Outlay—Heritage Trust	\$	75,000
Authority Lease Rentals	\$	2,033,000
Cost of Material for Resale	\$	1,025,000
Payments to Lake Lanier Islands Development Authority	\$	510,000
Payments to Jekyll Island State Park Authority	\$	—0—
Contract—Special Olympics, Inc.	\$	186,000
Georgia Sports Hall of Fame	\$	50,000

Capital Outlay—Heritage		
Trust—Wildlife Management		
Area Land Acquisition	\$	350,000
Capital Outlay—User Fee		
Enhancements	\$	1,314,000
Capital Outlay—Buoy		
Maintenance	\$	20,000
Capital Outlay—		
Consolidated Maintenance	\$	344,375
Technical Assistance Contract	\$	100,000
Contract—Georgia Rural		
Water Association	\$	10,000
Total Positions Budgeted		1,267
Authorized Motor Vehicles		1,017

Provided, that no land shall be purchased for State park purposes from funds appropriated under this Section or from any other funds without the approval of the State Properties Control Commission, except that land specifically provided for in this Section.

Provided, however, that \$1,000,000 of the above appropriation for Water and Sewer Grants shall be available for allotment to counties and municipalities for emergency type projects, and that \$5,000,000 is designated and committed for grants to local governments for water and sewer projects utilizing a maximum State match of 50% of the total cost of each project. Provided, further that no allocation of funds for this purpose shall be made prior to the official approval thereof by the Board of Natural Resources.

Provided that to the extent State Parks and Historic Sites receipts are realized in excess of the amount of such funds contemplated in this Act, the Department of Natural Resources is authorized and directed to use the excess receipts to provide for the most immediate critical needs of the Parks, Recreation and Historic Sites Division to include repairs and maintenance of State Parks and Historic Sites facilities.

B. Budget Unit: Authorities \$ —0—

1. Lake Lanier Islands Development
Authority Budget:

Personal Services	\$	1,580,458
Regular Operating Expenses	\$	653,875
Travel	\$	5,500
Motor Vehicle Equipment Purchases	\$	30,250
Publications and Printing	\$	39,000
Equipment Purchases	\$	76,900
Computer Charges	\$	—0—

Real Estate Rentals	\$	—0—
Telecommunications	\$	42,100
Per Diem, Fees and Contracts	\$	25,500
Capital Outlay	\$	—0—
Campground Sinking Fund	\$	—0—
Promotion Expenses	\$	—0—
Total Funds Budgeted	\$	2,453,583
State Funds Budgeted	\$	—0—
Total Positions Budgeted		64

2. Jekyll Island State Park
Authority Budget:

Personal Services	\$	2,583,489
Regular Operating Expenses	\$	1,699,322
Travel	\$	24,000
Motor Vehicle Equipment Purchases	\$	58,500
Publications and Printing	\$	16,500
Equipment Purchases	\$	75,450
Computer Charges	\$	19,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	39,500
Per Diem, Fees and Contracts	\$	98,480
Mortgage Payments	\$	—0—
Capital Outlay	\$	—0—
Promotion Expenses	\$	—0—
Payments to the Department of Natural Resources	\$	50,000
Total Funds Budgeted	\$	4,664,241
State Funds Budgeted	\$	—0—
Total Positions Budgeted		165

Budget Unit Object Classes:

Personal Services	\$	4,163,947
Regular Operating Expenses	\$	2,353,197
Travel	\$	29,500
Motor Vehicle Equipment Purchases	\$	88,750
Publications and Printing	\$	55,500
Equipment	\$	152,350
Computer Charges	\$	19,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	81,600
Per Diem, Fees and Contracts	\$	123,980
Capital Outlay	\$	—0—
Promotion Expense	\$	—0—
Campground Sinking Fund	\$	—0—
Payments to the Department of Natural Resources	\$	50,000
Mortgage Payments	\$	—0—
Total Positions Budgeted		229
Authorized Motor Vehicles		100

Section 33. Department of Offender Rehabilitation.

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A. Budget Unit: Departmental Operations \$ 22,624,010

1. General Administration and
Support Budget:

Personal Services	\$ 3,778,639
Regular Operating Expenses	\$ 287,471
Travel	\$ 57,030
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 50,000
Equipment Purchases	\$ 3,800
Computer Charges	\$ 619,598
Real Estate Rentals	\$ 904,193
Telecommunications	\$ 200,000
Per Diem, Fees and Contracts	\$ 458,260
Utilities	\$ —0—
Total Funds Budgeted	\$ 6,358,991
Indirect DOAS Services Funding	\$ 450,000
State Funds Budgeted	\$ 5,908,991
Total Positions Budgeted	151

2. Adult Facilities and Programs
Budget:

Personal Services	\$ 3,677,384
Regular Operating Expenses	\$ 125,455
Travel	\$ 149,800
Motor Vehicle Equipment Purchases	\$ 66,400
Publications and Printing	\$ —0—
Equipment Purchases	\$ 30,900
Computer Charges	\$ —0—
Real Estate Rentals	\$ 3,000
Per Diem, Fees and Contracts	\$ 418,200
Telecommunications	\$ 41,600
County Subsidy	\$ 7,593,825
County Subsidy for Jails	\$ 912,500
Court Costs	\$ 264,000
Central Repair Fund	\$ 984,000
Grants for County Workcamp Construction	\$ 840,000
Grants for Local Jails	\$ 400,000
Total Funds Budgeted	\$ 15,507,064
State Funds Budgeted	\$ 15,507,064
Total Positions Budgeted	150

3. Training and Staff Development
Center Budget:

Personal Services	\$ 747,585
Regular Operating Expenses	\$ 191,370
Travel	\$ 137,000
Motor Vehicle Equipment Purchases	\$ —0—

Publications and Printing	\$	1,000
Equipment Purchases	\$	15,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	70,000
Telecommunications	\$	17,000
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	29,000
Total Funds Budgeted	\$	1,207,955
State Funds Budgeted	\$	1,207,955
Total Positions Budgeted		33

Budget Unit Object Classes:

Personal Services	\$	8,203,608
Regular Operating Expenses	\$	604,296
Travel	\$	343,830
Motor Vehicle Equipment Purchases	\$	66,400
Publications and Printing	\$	51,000
Equipment Purchases	\$	49,700
Computer Charges	\$	619,598
Real Estate Rentals	\$	977,193
Telecommunications	\$	258,600
Per Diem, Fees and Contracts	\$	876,460
Utilities	\$	29,000
County Subsidy	\$	7,593,825
County Subsidy for Jails	\$	912,500
Court Costs	\$	264,000
Central Repair Fund	\$	984,000
Grants for County		
Workcamp Construction	\$	840,000
Grants for Local Jails	\$	400,000
Total Positions Budgeted		334
Authorized Motor Vehicles		70

It is the intent of this General Assembly that funds appropriated for county subsidy may be used to either supplement or supplant county funds, at the option of each county.

Provided, that of the above appropriation relating to grants for county workcamp construction, the State shall provide no more than fifty percent of the total construction cost.

**B. Budget Unit: Correctional Institutions,
Transitional Centers, and
Support**

\$ 119,006,936

**1. Georgia Training and Development
Center Budget:**

Personal Services	\$	1,386,798
Regular Operating Expenses	\$	73,950
Travel	\$	800

Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	12,200
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	23,000
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	127,000
Total Funds Budgeted	\$	1,623,748
State Funds Budgeted	\$	1,623,748
Total Positions Budgeted		66

2. Georgia Industrial Institute
Budget:

Personal Services	\$	5,679,903
Regular Operating Expenses	\$	273,100
Travel	\$	3,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	25,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	30
Telecommunications	\$	48,600
Per Diem, Fees and Contracts	\$	2,400
Utilities	\$	550,500
Total Funds Budgeted	\$	6,582,533
State Funds Budgeted	\$	6,582,533
Total Positions Budgeted		299

3. Alto Education and Evaluation
Center Budget:

Personal Services	\$	1,353,764
Regular Operating Expenses	\$	54,175
Travel	\$	3,400
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	17,340
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	4,490
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	—0—
Total Funds Budgeted	\$	1,433,169
State Funds Budgeted	\$	1,190,596
Total Positions Budgeted		50

4. Georgia Diagnostic and
Classification Center Budget:

Personal Services	\$	5,928,002
Regular Operating Expenses	\$	283,560
Travel	\$	1,500

Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	29,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	47,600
Per Diem, Fees and Contracts	\$	3,300
Utilities	\$	634,000
Total Funds Budgeted	\$	6,926,962
State Funds Budgeted	\$	6,926,962
Total Positions Budgeted		321

5. Georgia State Prison Budget:

Personal Services	\$	13,189,943
Regular Operating Expenses	\$	606,444
Travel	\$	12,250
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	100,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	120,900
Per Diem, Fees and Contracts	\$	7,800
Utilities	\$	1,444,000
Total Funds Budgeted	\$	15,481,337
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	15,456,337
Total Positions Budgeted		739

6. Consolidated Branches Budget:

Personal Services	\$	9,691,856
Regular Operating Expenses	\$	455,235
Travel	\$	10,415
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	64,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	120,000
Per Diem, Fees and Contracts	\$	15,360
Utilities	\$	1,090,000
Total Funds Budgeted	\$	11,446,866
State Funds Budgeted	\$	11,323,866
Total Positions Budgeted		515

7. Middle Georgia Correctional Institution Budget:

Personal Services	\$	12,352,921
Regular Operating Expenses	\$	503,710

Travel	\$	4,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	85,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	5,440
Telecommunications	\$	133,000
Per Diem, Fees and Contracts	\$	4,800
Utilities	\$	334,000
Payments to Central State Hospital for Utilities	\$	726,500
Total Funds Budgeted	\$	14,149,371
State Funds Budgeted	\$	14,149,371
Total Positions Budgeted		680

8. Jack T. Rutledge Correctional Institution Budget:

Personal Services	\$	2,946,489
Regular Operating Expenses	\$	115,450
Travel	\$	1,200
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	3,200
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	14,100
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	272,500
Total Funds Budgeted	\$	3,352,939
State Funds Budgeted	\$	3,352,939
Total Positions Budgeted		156

9. Central Correctional Institution Budget:

Personal Services	\$	2,495,255
Regular Operating Expenses	\$	94,600
Travel	\$	1,575
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	4,500
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	19,900
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	251,835
Total Funds Budgeted	\$	2,867,665
State Funds Budgeted	\$	2,867,665
Total Positions Budgeted		135

10. Metro Correctional
Institution Budget:

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Personal Services	\$	3,293,039
Regular Operating Expenses	\$	122,900
Travel	\$	2,300
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	3,075
Computer Charges	\$	—0—
Real Estate Rentals	\$	9,100
Telecommunications	\$	41,000
Per Diem, Fees and Contracts	\$	10,000
Utilities	\$	324,100
Total Funds Budgeted	\$	3,805,514
State Funds Budgeted	\$	3,805,514
Total Positions Budgeted		184

11. Coastal Correctional
Institution Budget:

Personal Services	\$	3,115,493
Regular Operating Expenses	\$	125,160
Travel	\$	2,100
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	4,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	6,000
Telecommunications	\$	52,000
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	307,000
Total Funds Budgeted	\$	3,611,753
State Funds Budgeted	\$	3,556,753
Total Positions Budgeted		173

12. Central Funds Budget:

Personal Services	\$	2,153,304
Regular Operating Expenses	\$	3,967,683
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	365,000
Publications and Printing	\$	69,100
Equipment Purchases	\$	296,375
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	—0—
Authority Lease Rentals	\$	440,000
Capital Outlay	\$	350,000
Inmate Release Funds	\$	595,000
Total Funds Budgeted	\$	8,236,462

State Funds Budgeted	\$ 8,046,462
Total Positions Budgeted	0

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13. D.O.T. Work Details Budget:

Personal Services	\$ 471,479
Regular Operating Expenses	\$ 14,200
Travel	\$ —0—
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ —0—
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ —0—
Per Diem, Fees and Contracts	\$ —0—
Utilities	\$ —0—
Total Funds Budgeted	\$ 485,679
State Funds Budgeted	\$ —0—
Total Positions Budgeted	27

14. Food Processing and
Distribution Budget:

Personal Services	\$ 3,142,640
Regular Operating Expenses	\$ 4,862,600
Travel	\$ 7,500
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 165,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 10,000
Per Diem, Fees and Contracts	\$ —0—
Utilities	\$ —0—
Capital Outlay	\$ —0—
Payments to Central State Hospital for Meals	\$ 2,205,880
Payments to Central State Hospital for Utilities	\$ 53,000
Total Funds Budgeted	\$ 10,446,620
State Funds Budgeted	\$ 9,820,510
Total Positions Budgeted	192

15. Farm Operations Budget:

Personal Services	\$ 688,780
Regular Operating Expenses	\$ 3,568,300
Travel	\$ —0—
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ —0—
Equipment Purchases	\$ 63,800
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—

Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	49,900
Utilities	\$	—0—
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	4,370,780
State Funds Budgeted	\$	4,330,780
Total Positions Budgeted		33

16. Dodge Correctional
Institution Budget:

Personal Services	\$	2,155,160
Regular Operating Expenses	\$	87,900
Travel	\$	1,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	6,900
Telecommunications	\$	27,000
Per Diem, Fees and Contracts	\$	35,520
Utilities	\$	215,000
Total Funds Budgeted	\$	2,528,980
State Funds Budgeted	\$	2,528,980
Total Positions Budgeted		136

17 Transitional Centers Budget:

Personal Services	\$	2,313,740
Regular Operating Expenses	\$	171,000
Travel	\$	4,800
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	13,460
Computer Charges	\$	—0—
Real Estate Rentals	\$	194,000
Telecommunications	\$	36,900
Per Diem, Fees and Contracts	\$	5,800
Utilities	\$	275,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	3,014,700
State Funds Budgeted	\$	3,014,700
Total Positions Budgeted		119

18. Augusta Correctional and
Medical Institution Budget:

Personal Services	\$	3,986,581
Regular Operating Expenses	\$	205,100
Travel	\$	3,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—

Real Estate Rentals	\$	9,300
Telecommunications	\$	32,000
Per Diem, Fees and Contracts	\$	4,800
Utilities	\$	329,000
Total Funds Budgeted	\$	4,569,781
State Funds Budgeted	\$	4,569,781
Total Positions Budgeted		245

19. Health Care Budget:

Personal Services	\$	4,910,749
Regular Operating Expenses	\$	952,510
Travel	\$	—0—
Motor Vehicle Equipment		
Purchases	\$	—0—
Publications and Printing	\$	—0—
Equipment Purchases	\$	49,700
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	—0—
Per Diem, Fees and Contracts	\$	—0—
Utilities	\$	—0—
Payments to the Medical		
Association of Georgia for		
Jail and Prison Health		
Care Certification	\$	40,480
Payments to Jails for State		
Prisoner Medical Costs	\$	200,000
Health Service Purchases	\$	9,706,000
Total Funds Budgeted	\$	15,859,439
State Funds Budgeted	\$	15,859,439
Total Positions Budgeted		237

Budget Unit Object Classes:

Personal Services	\$	81,255,896
Regular Operating Expenses	\$	16,537,577
Travel	\$	59,340
Motor Vehicle Equipment		
Purchases	\$	365,000
Publications and Printing	\$	69,100
Equipment Purchases	\$	935,650
Computer Charges	\$	—0—
Real Estate Rentals	\$	230,770
Telecommunications	\$	730,490
Per Diem, Fees and Contracts	\$	139,680
Utilities	\$	6,153,935
Payments to Central State		
Hospital for Meals	\$	2,205,880
Payments to Central State		
Hospital for Utilities	\$	779,500
Payments to Jails for State		
Prisoner Medical Costs	\$	200,000
Inmate Release Funds	\$	595,000
Health Service Purchases	\$	9,706,000

Payments to the Medical Association of Georgia for Jail and Prison Health Care Certification	\$	40,480
Authority Lease Rentals	\$	440,000
Capital Outlay	\$	350,000
Total Positions Budgeted		4,307
Authorized Motor Vehicles		375

It is the intent of this General Assembly that, with respect to the Legal Services Program for inmates, lawyers, law students and/or employees be prohibited from soliciting for filing of writs.

It is the intent of this General Assembly that the department not start any new community center programs with Federal funds without the prior approval of the General Assembly of Georgia.

Provided, however, the Department is authorized to cause funds previously appropriated for the design of a prison in Ware County, to be redirected to the design of a prison in Atkinson County.

C. Budget Unit: Board of Pardons and Paroles \$ 9,045,764

Board of Pardons and Paroles Budget:

Personal Services	\$	7,332,900
Regular Operating Expenses	\$	252,248
Travel	\$	371,650
Motor Vehicle Equipment Purchases	\$	53,265
Publications and Printing	\$	25,724
Equipment Purchases	\$	249,542
Computer Charges	\$	20,000
Real Estate Rentals	\$	468,155
Telecommunications	\$	197,730
Per Diem, Fees and Contracts	\$	19,800
County Jail Subsidy	\$	54,750
Total Funds Budgeted	\$	9,045,764
State Funds Budgeted	\$	9,045,764
Total Positions Budgeted		385

Budget Unit Object Classes:

Personal Services	\$	7,332,900
Regular Operating Expenses	\$	252,248
Travel	\$	371,650
Motor Vehicle Equipment Purchases	\$	53,265
Publications and Printing	\$	25,724
Equipment Purchases	\$	249,542
Computer Charges	\$	20,000
Real Estate Rentals	\$	468,155

Telecommunications	\$	197,730
Per Diem, Fees and Contracts	\$	19,800
County Jail Subsidy	\$	54,750
Total Positions Budgeted		385
Authorized Motor Vehicles		22

D. Budget Unit: Georgia Correctional Industries \$ —0—

Georgia Correctional Industries Budget:

Personal Services	\$	1,649,836
Regular Operating Expenses	\$	570,700
Travel	\$	48,000
Motor Vehicle Equipment Purchases	\$	102,500
Publications and Printing	\$	8,000
Equipment Purchases	\$	60,000
Computer Charges	\$	1,955
Real Estate Rentals	\$	30,500
Telecommunications	\$	58,000
Per Diem, Fees and Contracts	\$	234,700
Cost of Sales	\$	4,573,000
Repayment of Prior Year's Appropriations	\$	84,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	7,421,191
State Funds Budgeted	\$	—0—
Total Positions Budgeted		66

Budget Unit Object Classes:

Personal Services	\$	1,649,836
Regular Operating Expenses	\$	570,700
Travel	\$	48,000
Motor Vehicle Equipment Purchases	\$	102,500
Publications and Printing	\$	8,000
Equipment Purchases	\$	60,000
Computer Charges	\$	1,955
Real Estate Rentals	\$	30,500
Telecommunications	\$	58,000
Per Diem, Fees and Contracts	\$	234,700
Cost of Sales	\$	4,573,000
Repayment of Prior Year's Appropriations	\$	84,000
Capital Outlay	\$	—0—
Total Positions Budgeted		66
Authorized Motor Vehicles		16

E. Budget Unit: Probation Field Operations \$ 19,827,578

1. Probation Operations Budget:

Personal Services	\$	13,957,692
Regular Operating Expenses	\$	407,891

Travel	\$	237,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	20,000
Equipment Purchases	\$	70,386
Computer Charges	\$	—0—
Real Estate Rentals	\$	297,800
Telecommunications	\$	196,250
Utilities	\$	5,650
Per Diem Fees and Contracts	\$	3,000
Grants for Independent Probation Systems	\$	427,000
Total Funds Budgeted	\$	15,622,669
State Funds Budgeted	\$	15,622,669
Total Positions Budgeted		664

2. Diversion Centers Budget:

Personal Services	\$	3,674,066
Regular Operating Expenses	\$	299,155
Travel	\$	20,350
Motor Vehicle Equipment Purchases	\$	19,000
Publications and Printing	\$	—0—
Equipment Purchases	\$	146,153
Computer Charges	\$	—0—
Real Estate Rentals	\$	246,895
Telecommunications	\$	57,000
Utilities	\$	234,000
Per Diem, Fees and Contracts	\$	—0—
Capital Outlay	\$	240,000
Total Funds Budgeted	\$	4,936,619
State Funds Budgeted	\$	4,204,909
Total Positions Budgeted		187

Budget Unit Object Classes:

Personal Services	\$	17,631,758
Regular Operating Expenses	\$	707,046
Travel	\$	257,350
Motor Vehicle Equipment Purchases	\$	19,000
Publications and Printing	\$	20,000
Equipment Purchases	\$	216,539
Computer Charges	\$	—0—
Real Estate Rentals	\$	544,695
Telecommunications	\$	253,250
Utilities	\$	239,650
Per Diem, Fees and Contracts	\$	3,000
Capital Outlay	\$	240,000
Grants for Independent Probation Systems	\$	427,000

Total Positions Budgeted	851
Authorized Motor Vehicles	93

Provided, that of the above appropriation relating to Grants to Independent Probation Systems, the Department shall, for disbursement purposes, compute the State cost per probationer on a state-wide basis pursuant to the formula used by the Office of Planning and Budget and make payments to the independent county probation systems utilizing this State cost per probationer.

Section 34. Department of Public Safety.

Budget Unit: Department of Public Safety	\$ 56,152,209
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1. Office of Highway Safety Budget:

Personal Services	\$ 305,436
Regular Operating Expenses	\$ 23,319
Travel	\$ 15,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 3,500
Equipment Purchases	\$ —0—
Computer Charges	\$ 13,506
Real Estate Rentals	\$ 35,203
Telecommunications	\$ 18,000
Per Diem, Fees and Contracts	\$ —0—
Postage	\$ 4,000
Total Funds Budgeted	\$ 417,964
State Funds Budgeted	\$ 208,982
Total Positions Budgeted	12

2. Administration Budget:

Personal Services	\$ 3,542,043
Regular Operating Expenses	\$ 1,545,920
Travel	\$ 96,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 72,000
Equipment Purchases	\$ 42,128
Computer Charges	\$ —0—
Real Estate Rentals	\$ —0—
Telecommunications	\$ 115,000
Per Diem, Fees and Contracts	\$ 77,000
Postage	\$ 40,000
Total Funds Budgeted	\$ 5,530,091
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 5,497,273
Total Positions Budgeted	156

3. Driver Services Budget:

Personal Services	\$ 5,977,782
Regular Operating Expenses	\$ 265,469
Travel	\$ 3,500
Motor Vehicle Equipment	
Purchases	\$ —0—
Publications and Printing	\$ 237,000
Equipment Purchases	\$ 57,923
Computer Charges	\$ 2,748,707
Real Estate Rentals	\$ 3,960
Telecommunications	\$ 66,000
Per Diem, Fees and Contracts	\$ 500
Postage	\$ 565,000
Conviction Reports	\$ 180,000
Capital Outlay	\$ 75,000
Driver License Processing	\$ 714,000
Total Funds Budgeted	\$ 10,894,841
Indirect DOAS Services Funding	\$ 1,500,000
State Funds Budgeted	\$ 9,394,841
Total Positions Budgeted	318

4. Field Operations Budget:

Personal Services	\$ 26,800,466
Regular Operating Expenses	\$ 4,776,927
Travel	\$ 19,000
Motor Vehicle Equipment	
Purchases	\$ 4,465,609
Publications and Printing	\$ 134,000
Equipment Purchases	\$ 236,051
Computer Charges	\$ —0—
Real Estate Rentals	\$ 2,729
Telecommunications	\$ 356,200
Per Diem, Fees and Contracts	\$ 5,000
Postage	\$ 36,000
Capital Outlay	\$ —0—
Total Funds Budgeted	\$ 36,831,982
Indirect DOAS Services Funding	\$ 150,000
State Funds Budgeted	\$ 36,681,982
Total Positions Budgeted	996

5. Georgia Peace Officer Standards
and Training Budget:

Personal Services	\$ 710,900
Regular Operating Expenses	\$ 81,103
Travel	\$ 28,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 16,000
Equipment Purchases	\$ —0—
Computer Charges	\$ 55,000
Real Estate Rentals	\$ 47,500
Telecommunications	\$ 19,000

Per Diem, Fees and Contracts	\$	12,250
Postage	\$	5,300
Peace Officers Training Grants	\$	1,591,659
Total Funds Budgeted	\$	2,566,712
State Funds Budgeted	\$	2,566,712
Total Positions Budgeted		25

6. Police Academy:

Personal Services	\$	484,694
Regular Operating Expenses	\$	130,200
Travel	\$	6,300
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	9,000
Equipment Purchases	\$	3,500
Computer Charges	\$	7,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	16,723
Per Diem, Fees and Contracts	\$	138,541
Postage	\$	2,400
Total Funds Budgeted	\$	798,358
State Funds Budgeted	\$	773,058
Total Positions Budgeted		16

7. Fire Academy:

Personal Services	\$	309,603
Regular Operating Expenses	\$	53,200
Travel	\$	12,000
Motor Vehicle Equipment Purchases	\$	11,940
Publications and Printing	\$	2,800
Equipment Purchases	\$	14,000
Computer Charges	\$	48,000
Real Estate Rentals	\$	15,182
Telecommunications	\$	10,000
Per Diem, Fees and Contracts	\$	85,000
Postage	\$	5,500
Total Funds Budgeted	\$	567,225
State Funds Budgeted	\$	527,225
Total Positions Budgeted		13

8. Georgia Firefighter Standards and Training Council Budget:

Personal Services	\$	125,329
Regular Operating Expenses	\$	7,940
Travel	\$	8,700
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	2,000
Equipment Purchases	\$	2,000
Computer Charges	\$	33,500
Real Estate Rentals	\$	3,500
Telecommunications	\$	3,700
Per Diem, Fees and Contracts	\$	2,000

Postage	\$	1,100
Total Funds Budgeted	\$	189,769
State Funds Budgeted	\$	189,769
Total Positions Budgeted		4

9. Organized Crime Prevention
Council Budget:

Personal Services	\$	121,854
Regular Operating Expenses	\$	15,520
Travel	\$	9,500
Motor Vehicle Equipment Purchases	\$	9,000
Publications and Printing	\$	1,500
Equipment Purchases	\$	17,900
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	3,000
Per Diem, Fees and Contracts	\$	18,840
Postage	\$	700
Total Funds Budgeted	\$	197,814
State Funds Budgeted	\$	197,814
Total Positions Budgeted		3

10. Georgia Public Safety
Training Facility Budget:

Personal Services	\$	97,053
Regular Operating Expenses	\$	3,400
Travel	\$	3,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	200
Equipment Purchases	\$	600
Computer Charges	\$	800
Real Estate Rentals	\$	3,500
Telecommunications	\$	3,000
Per Diem, Fees and Contracts	\$	2,500
Postage	\$	500
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	114,553
State Funds Budgeted	\$	114,553
Total Positions Budgeted		3

Budget Unit Object Classes:

Personal Services	\$	38,475,160
Regular Operating Expenses	\$	6,902,998
Travel	\$	201,000
Motor Vehicle Equipment Purchases	\$	4,486,549
Publications and Printing	\$	478,000
Equipment Purchases	\$	374,102
Computer Charges	\$	2,906,513
Real Estate Rentals	\$	111,574
Telecommunications	\$	610,623

Per Diem, Fees and Contracts	\$	341,631
Postage	\$	660,500
Conviction Reports	\$	180,000
Peace Officers Training Grant	\$	1,591,659
Driver License Processing	\$	714,000
Capital Outlay	\$	75,000
Total Positions Budgeted		1,546
Authorized Motor Vehicles		1,099

Provided, that the Director of the Department of Public Safety is hereby authorized to pay dues for Georgia's portion of the cost of the membership in the Vehicle Equipment Safety Compact, the American Association of Motor Vehicle Administrators, and the International Association of Chiefs of Police (State and Provincial Police).

Provided, however, that of the above appropriation for Conviction Reports, payment for conviction reports is not to exceed \$.25 per conviction report.

Provided that to the extent that Federal Funds are realized in excess of the amounts of such funds contemplated in the Georgia Peace Officers Standards and Training Activity of this Act, the Office of Planning and Budget is authorized and directed to supplant State Funds appropriated herein. Provided further that such supplantation shall not be implemented if so doing would cause any portion of the anticipated Federal Funds not to be realized. This provision shall not apply to project grants.

It is the intent of this General Assembly that for the purpose of purchasing Police Pursuit Motor Vehicles, the Department of Public Safety is hereinafter authorized to develop and establish specifications for said purchases of Police Pursuit Vehicles when such purchases are made by the State of Georgia, or otherwise placed a part of a State of Georgia Contract. Provided, further, that the development of said specifications shall be submitted to the Purchasing Division of the Department of Administrative Services by November 1 of each year. Provided, further, the Department of Administrative Services is hereby instructed to complete said specifications and place to bid for the letting of contracts by December 1 of such fiscal year.

Section 35. Public School Employees' Retirement System.

Budget Unit: Public School Employees' Retirement System	\$	11,991,350
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Departmental Operations Budget:

Payments to Employees'	
Retirement System	\$ 173,250
Employer Contributions	\$ 11,818,100
Total Funds Budgeted	\$ 11,991,350
State Funds Budgeted	\$ 11,991,350

Budget Unit Object Classes:

Payments to Employees'	
Retirement System	\$ 173,250
Employer Contributions	\$ 11,818,100

Section 36. Public Service Commission.

Budget Unit: Public Service Commission	\$ 4,241,916
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1. Administration Budget:

Personal Services	\$ 780,083
Regular Operating Expenses	\$ 39,200
Travel	\$ 8,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 1,200
Equipment Purchases	\$ 1,600
Computer Charges	\$ 2,500
Real Estate Rentals	\$ 74,733
Telecommunications	\$ 33,000
Per Diem, Fees and Contracts	\$ 5,500
Total Funds Budgeted	\$ 945,816
State Funds Budgeted	\$ 944,816
Total Positions Budgeted	22

2. Transportation Budget:

Personal Services	\$ 1,093,256
Regular Operating Expenses	\$ 181,539
Travel	\$ 38,079
Motor Vehicle Equipment Purchases	\$ 62,424
Publications and Printing	\$ 9,500
Equipment Purchases	\$ 4,020
Computer Charges	\$ 72,750
Real Estate Rentals	\$ 60,623
Telecommunications	\$ 28,980
Per Diem, Fees and Contracts	\$ —0—
Total Funds Budgeted	\$ 1,551,171
State Funds Budgeted	\$ 1,551,171
Total Positions Budgeted	47

3. Utilities Budget:

Personal Services	\$ 1,469,930
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Regular Operating Expenses	\$ 48,914
Travel	\$ 57,794
Motor Vehicle Equipment Purchases	\$ 7,776
Publications and Printing	\$ 2,300
Equipment Purchases	\$ 5,640
Computer Charges	\$ 20,251
Real Estate Rentals	\$ 76,849
Telecommunications	\$ 33,000
Per Diem, Fees and Contracts	\$ 100,045
Total Funds Budgeted	\$ 1,822,499
State Funds Budgeted	\$ 1,745,929
Total Positions Budgeted	50

Budget Unit Object Classes:

Personal Services	\$ 3,343,269
Regular Operating Expenses	\$ 269,653
Travel	\$ 103,873
Motor Vehicle Equipment Purchases	\$ 70,200
Publications and Printing	\$ 13,000
Equipment Purchases	\$ 11,260
Computer Charges	\$ 95,501
Real Estate Rentals	\$ 212,205
Telecommunications	\$ 94,980
Per Diem, Fees and Contracts	\$ 105,545
Total Positions Budgeted	119
Authorized Motor Vehicles	26

Section 37. Regents, University System of Georgia.

A. Budget Unit: Resident Instruction and University System Institutions	\$ 540,252,940
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1. Resident Instruction Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 424,387,796
Sponsored Operations	\$ 56,737,000
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 121,483,900
Sponsored Operations	\$ 59,327,000
Office of Minority Business Enterprise	\$ 277,773
Special Desegregation Programs	\$ 268,646
Satellite Medical Facility Program	\$ —0—
Teachers' Retirement	\$ 54,415,184
Authority Lease Rentals	\$ 16,370,000
Capital Outlay	\$ 600,000
Total Funds Budgeted	\$ 733,867,299
Less Agency Funds:	
Departmental Income	\$ 14,600,000

Sponsored Income	\$ 116,064,000
Other Funds	\$ 138,573,000
Auxiliary Income	\$ —0—
Indirect Communication Charges	\$ 3,027,300
State Funds Budgeted	\$ 461,602,999
Total Positions Budgeted	17,002

Provided, that from appropriated funds in this budget unit, the amount of \$16,370,000 is designated and committed to guarantee payment of lease rental contracts as a first charge on such funds.

Provided, none of the funds herein appropriated for construction shall be available for the purchase of any books whatsoever.

Provided, that the State Board of Regents shall, within the first 30 days of the fiscal year, make an apportionment of funds to the various units of the University System from all funds available in the amounts necessary in the Fiscal Year to pay the annual lease contract commitments for the acquisition of property as provided for in the provision of the State Constitution. The Board of Regents shall immediately report the same to the State Budget authorities for approval, whose approval shall be evidenced in writing.

Provided, that where personnel are paid in whole or in part from funds other than State appropriations, the fund sources from which such salary is paid shall pay the pro rata cost of any employer contribution applicable to such salary to the Teachers' Retirement System.

No funds realized by the State Board of Regents of the University System or any college or university, from the State General fund, from the Federal Government, or from any other source, shall be available for use or expenditure for educational and general or plant purposes until made available by written approval of the Office of Planning and Budget, in accordance with the provisions of the Budget Act, as amended.

Provided, further, that unanticipated revenue from contract and grant overhead shall be available for use by the University System.

Provided, that revenue from student fees which exceeds the original budget estimates of student fees by \$2,000,000 shall not be available for operations unless prior approval is granted by the Fiscal Affairs Subcommittees of the House and Senate, except that student fee revenue derived from increased rates authorized by the State Board of Regents shall not be subject to this limitation. Provided, further, that revenue from sales and ser-

vices shall be classified as restricted funds and shall be available for use by the unit of the University System generating such income.

Provided, further, it is the intent of this General Assembly that the 1½% Personal Services continuation factor incorporated into the Resident Instruction appropriation in this Appropriations Act be utilized to provide 2½% merit-type increases.

Provided, the Board of Regents is authorized to transfer other object class surpluses to Capital Outlay and Equipment Purchases without approval of the Office of Planning and Budget or the Fiscal Affairs Sub-Committees.

2. Marine Resources Extension
Center Budget:

Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	618,350
Sponsored Operations	\$	—0—
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	242,010
Sponsored Operations	\$	—0—
Total Funds Budgeted	\$	860,360
Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	—0—
Other Funds	\$	135,000
Indirect DOAS Services Funding	\$	9,800
State Funds Budgeted	\$	715,560
Total Positions Budgeted		27

3. Skidaway Institute of
Oceanography Budget:

Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	785,180
Sponsored Operations	\$	800,000
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	551,070
Sponsored Operations	\$	943,750
Total Funds Budgeted	\$	3,080,000
Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	1,743,750
Other Funds	\$	400,000
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	936,250
Total Positions Budgeted		35

4. Marine Institute Budget:

www.libtool.com.cn
 Personal Services:

Educ., Gen., and Dept. Svcs.	\$	359,840
Sponsored Operations	\$	162,487
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	185,290
Sponsored Operations	\$	126,263
Total Funds Budgeted	\$	833,880

Less Agency Funds:

Departmental Income	\$	—0—
Sponsored Income	\$	288,750
Other Funds . . .	\$	—0—
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	545,130
Total Positions Budgeted		19

5. Engineering Experiment
Station Budget:

Personal Services:

Educ., Gen., and Dept. Svcs.	\$	9,302,473
Sponsored Operations	\$	23,700,742
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	6,963,345
Sponsored Operations	\$	19,739,840
Agricultural Research .	\$	425,270
Total Funds Budgeted	\$	60,131,670

Less Agency Funds:

Departmental Income	\$	—0—
Sponsored Income	\$	43,440,582
Other Funds . . .	\$	11,414,375
Indirect DOAS Services Funding	\$	117,600
State Funds Budgeted	\$	5,159,113
Total Positions Budgeted		313

6. Engineering Extension
Division Budget:

Personal Services:

Educ., Gen., and Dept. Svcs.	\$	1,104,796
Sponsored Operations	\$	35,000
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	691,585
Sponsored Operations	\$	15,000
Advanced Technology		
Development Center	\$	515,041
Total Funds Budgeted	\$	2,361,422

Less Agency Funds:

Departmental Income	\$	—0—
Sponsored Income	\$	50,000
Other Funds .	\$	1,257,767

Indirect DOAS Services Funding	\$	12,200
State Funds Budgeted	\$	1,041,455
Total Positions Budgeted		38
7 Agricultural Experiment Station Budget:		
Personal Services:		
Educ., Gen., and Dept. Svcs. .	\$	18,844,595
Sponsored Operations	\$	3,700,000
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	7,777,649
Sponsored Operations	\$	2,000,000
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	32,322,244
Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	5,700,000
Other Funds . . .	\$	6,839,745
Indirect DOAS Services Funding	\$	95,900
State Funds Budgeted	\$	19,686,599
Total Positions Budgeted		855
8. Cooperative Extension Service Budget:		
Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	21,474,800
Sponsored Operations	\$	4,590,000
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	3,278,889
Sponsored Operations	\$	2,010,000
Total Funds Budgeted	\$	31,353,689
Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	6,600,000
Other Funds .	\$	5,460,000
Indirect DOAS Services Funding	\$	126,700
State Funds Budgeted	\$	19,166,989
Total Positions Budgeted		960
9. Eugene Talmadge Memorial Hospital Budget:		
Personal Services:		
Educ., Gen., and Dept. Svcs. .	\$	47,328,326
Sponsored Operations	\$	2,660,000
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	21,396,914
Sponsored Operations	\$	670,000
Capital Outlay—ETMH		
Renovations	\$	2,100,000
Total Funds Budgeted	\$	74,155,240

Less Agency Funds:	
Departmental Income	\$ 1,150,000
Sponsored Income	\$ 3,330,000
Other Funds	\$ 43,201,453
Board of Corrections	\$ 1,548,498
Indirect DOAS Services Funding	\$ 193,500
State Funds Budgeted	\$ 24,731,789
Total Positions Budgeted	3,022

10. Veterinary Medicine Experiment
Station Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 907,540
Sponsored Operations	\$ —0—
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 425,498
Sponsored Operations	\$ —0—
Agricultural Research	\$ 312,350
Disease Research	\$ —0—
Fire Ant Research	\$ 150,000
Total Funds Budgeted	\$ 1,795,388

Less Agency Funds:	
Departmental Income	\$ —0—
Sponsored Income	\$ —0—
Other Funds	\$ —0—
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 1,795,388
Total Positions Budgeted	45

11. Veterinary Medicine Teaching
Hospital Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 668,147
Sponsored Operations	\$ —0—
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 972,000
Sponsored Operations	\$ —0—
Total Funds Budgeted	\$ 1,640,147

Less Agency Funds:	
Departmental Income	\$ —0—
Sponsored Income	\$ —0—
Other Funds	\$ 1,324,178
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 315,969
Total Positions Budgeted	53

12. Family Practice Residency

Program Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 114,843
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 94,634
Capitation Contracts for	
Family Practice Residency	\$ 2,000,000
Residency Capitation Grants	\$ 1,785,000
New Program Development Contracts	
for Family Practice Residency	\$ 150,000
Student Preceptorships	\$ 185,000
Total Funds Budgeted	\$ 4,329,477
State Funds Budgeted	\$ 4,329,477
Total Positions Budgeted	4

Provided, that of the above appropriation, \$185,000 is designated and committed for contracts with medical schools for a student preceptorship program. Provided, further, that each student participating in the program shall receive \$500 and each family physician shall receive \$500.

Provided, that of the funds appropriated for Capitation Grants for Family Practice, it is permissible that any funds not committed to existing programs may be used to begin a Family Practice Program at Emory University School of Medicine.

13. Georgia Radiation Therapy

Center Budget:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 585,680
Sponsored Operations	\$ —0—
Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 307,041
Sponsored Operations	\$ —0—
Total Funds Budgeted	\$ 892,721
Less Agency Funds:	
Departmental Income	\$ —0—
Sponsored Income	\$ —0—
Other Funds	\$ 666,499
Indirect DOAS Services Funding	\$ —0—
State Funds Budgeted	\$ 226,222
Total Positions Budgeted	34

Budget Unit Object Classes:

Personal Services:	
Educ., Gen., and Dept. Svcs.	\$ 526,482,366
Sponsored Operations	\$ 92,385,229

Operating Expenses:	
Educ., Gen., and Dept. Svcs.	\$ 164,369,825
Sponsored Operations	\$ 84,831,853
Office of Minority	
Business Enterprise	\$ 277,773
Special Desegregation Programs	\$ 268,646
Satellite Medical Facility	
Program	\$ —0—
Fire Ant Research	\$ 150,000
Agricultural Research	\$ 737,620
Disease Research	\$ —0—
Advanced Technology	
Development Center	\$ 515,041
Capitation Contracts for	
Family Practice Residency	\$ 2,000,000
New Program Development	
Contracts for Family	
Practice Residency	\$ 150,000
Residency Capitation Grants	\$ 1,785,000
Student Preceptorships	\$ 185,000
Teachers' Retirement	\$ 54,415,184
Authority Lease Rentals	\$ 16,370,000
Capital Outlay—ETMH	
Renovations	\$ 2,100,000
Capital Outlay	\$ 600,000
Total Positions Budgeted	22,407
 B. Budget Unit: Regents Central Office	 \$ 18,092,922

Regents Central Office Budget:

Personal Services	\$ 2,802,331
Operating Expenses	\$ 609,139
SREB Payments	\$ 6,667,400
Medical Scholarships	\$ 547,500
Regents Opportunity Grants	\$ 500,000
Regents Scholarships	\$ 200,000
Grants to Junior Colleges	\$ 6,576,552
Rental Payments to Georgia	
Military College	\$ 190,000
Central Savannah River Area	
Business League	\$ —0—
Total Funds Budgeted	\$ 18,092,922
State Funds Budgeted	\$ 18,092,922
Total Positions Budgeted	100

Budget Unit Object Classes:

Personal Services	\$ 2,802,331
Operating Expenses	\$ 609,139
SREB Payments	\$ 6,667,400
Medical Scholarships	\$ 547,500
Regents Opportunity Grants	\$ 500,000
Regents Scholarships	\$ 200,000
Grants to Junior Colleges	\$ 6,576,552

Rental Payments to Georgia		
Military College	\$	190,000
Central Savannah River Area		
Business League	\$	—0—
Total Positions Budgeted		100
Authorized Motor Vehicles		0

Provided, that of the above appropriation relative to Grants to Junior Colleges, payments are to be based on a rate of \$796 per EFT student. Furthermore, 50 quarter credit hours shall be used in the calculation of an equivalent full-time student.

C. Budget Unit: Georgia Public		
Telecommunications		
Commission	\$	3,906,409
Public Telecommunications		
Commission Budget:		
Personal Services:		
Educ., Gen., and Dept. Svcs.	\$	3,009,630
Sponsored Operations	\$	—0—
Operating Expenses:		
Educ., Gen., and Dept. Svcs.	\$	2,854,558
Sponsored Operations	\$	—0—
Total Funds Budgeted	\$	5,864,188
Less Agency Funds:		
Departmental Income	\$	—0—
Sponsored Income	\$	—0—
Other Funds . . .	\$	1,957,779
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	3,906,409
Total Positions Budgeted		137

Budget Unit Object Classes:

Personal Services	\$	3,009,630
Operating Expenses .	\$	2,854,558
Total Positions Budgeted		137
Authorized Motor Vehicles		14

Section 38. Department of Revenue.

Budget Unit: Department of Revenue	\$	36,765,075
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1. Departmental Administration
Budget:

Personal Services	\$	1,057,256
County Tax Officials/Retirement and FICA .	\$	854,618

Regular Operating Expenses	\$	168,563
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	21,900
Publications and Printing	\$	12,600
Equipment Purchases	\$	11,796
Computer Charges	\$	9,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	23,777
Per Diem, Fees and Contracts	\$	3,000
Postage	\$	150
Total Funds Budgeted	\$	2,162,660
Indirect Georgia Building		
Authority Rents	\$	—0—
State Funds Budgeted	\$	2,162,660
Total Positions Budgeted		32

2. Motor Vehicle Administration
Budget:

Personal Services	\$	4,914,450
Regular Operating Expenses	\$	483,950
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	10,000
Publications and Printing	\$	315,000
Equipment Purchases	\$	37,947
Computer Charges	\$	2,438,162
Real Estate Rentals	\$	—0—
Telecommunications	\$	95,459
Per Diem, Fees and Contracts	\$	157,258
Motor Vehicle Tag Purchases	\$	750,000
Motor Vehicle Decal Purchases	\$	311,400
Postage	\$	—0—
Total Funds Budgeted	\$	9,513,626
Indirect DOAS Services Funding	\$	1,689,168
State Funds Budgeted	\$	7,824,458
Total Positions Budgeted		242

Provided, that of the above appropriated amount relating to motor vehicle tag purchases, \$750,000 is designated and committed for use in contracting with the Department of Offender Rehabilitation for the production of at least 750,000 motor vehicle tags, and for this purpose only.

Any such contract may provide for partial, advance payment from the Department of Revenue to Georgia Correctional Industries during tag production.

3. Property Tax Budget:

Personal Services	\$	1,282,859
Regular Operating Expenses	\$	64,770
Travel	\$	68,000

Motor Vehicle Equipment Purchases	\$	21,900
Publications and Printing	\$	151,000
Equipment Purchases	\$	3,775
Computer Charges	\$	244,847
Real Estate Rentals	\$	—0—
Telecommunications	\$	21,063
Per Diem, Fees and Contracts	\$	145,000
Grants to Counties/Appraisal		
Staff	\$	1,430,000
Postage	\$	12,300
Total Funds Budgeted	\$	3,445,514
Repayment of Loans to		
Counties/Property Revaluation	\$	—0—
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	3,445,514
Total Positions Budgeted		55

4. Sales Taxation Budget:

Personal Services	\$	1,569,787
Regular Operating Expenses	\$	20,550
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	75,470
Equipment Purchases	\$	6,012
Computer Charges	\$	506,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	29,113
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	100,500
Total Funds Budgeted	\$	2,307,432
Indirect DOAS Services Funding	\$	350,600
State Funds Budgeted	\$	1,956,832
Total Positions Budgeted		83

5. Motor Fuel Taxation Budget:

Personal Services	\$	741,230
Regular Operating Expenses	\$	5,450
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	49,524
Equipment Purchases	\$	1,514
Computer Charges	\$	263,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	14,793
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	—0—
Total Funds Budgeted	\$	1,075,511
Indirect DOAS Services Funding	\$	—0—
State Funds Budgeted	\$	1,075,511
Total Positions Budgeted		36

6. Income Taxation Budget:

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Personal Services	\$	2,717,419
Regular Operating Expenses	\$	50,700
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	397,000
Equipment Purchases	\$	10,170
Computer Charges	\$	2,475,469
Real Estate Rentals	\$	—0—
Telecommunications	\$	44,249
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	388,354
Total Funds Budgeted	\$	6,083,361
Indirect DOAS Services Funding	\$	1,715,232
State Funds Budgeted	\$	4,368,129
Total Positions Budgeted		128

7. Central Audit Budget:

Personal Services	\$	2,536,610
Regular Operating Expenses	\$	16,040
Travel	\$	518,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	3,200
Equipment Purchases	\$	3,200
Computer Charges	\$	4,000
Real Estate Rentals	\$	—0—
Telecommunications	\$	19,754
Per Diem, Fees and Contracts	\$	1,500
Postage	\$	75
Total Funds Budgeted	\$	3,102,379
State Funds Budgeted	\$	3,102,379
Total Positions Budgeted		82

8. Field Audit Services Budget:

Personal Services	\$	7,023,128
Regular Operating Expenses	\$	203,240
Travel	\$	297,000
Motor Vehicle Equipment Purchases	\$	58,400
Publications and Printing	\$	47,200
Equipment Purchases	\$	21,000
Computer Charges	\$	119,825
Real Estate Rentals	\$	326,098
Telecommunications	\$	217,096
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	68,034
Total Funds Budgeted	\$	8,381,021
Indirect DOAS Services Funding	\$	90,000
State Funds Budgeted	\$	8,291,021
Total Positions Budgeted		306

9. Internal Administration Budget:

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Personal Services	\$	1,464,336
Regular Operating Expenses	\$	182,270
Travel	\$	—0—
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	360,000
Equipment Purchases	\$	14,438
Computer Charges	\$	71,000
Real Estate Rentals	\$	997,603
Telecommunications	\$	14,700
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	1,434,224
Total Funds Budgeted	\$	4,538,571
Indirect Georgia Building Authority Rents	\$	—0—
State Funds Budgeted	\$	4,538,571
Total Positions Budgeted		69

Budget Unit Object Classes:

Personal Services	\$	23,307,075
County Tax Officials/Retirement and FICA	\$	854,618
Regular Operating Expenses	\$	1,195,533
Travel	\$	883,000
Motor Vehicle Equipment Purchases	\$	112,200
Publications and Printing	\$	1,410,994
Equipment Purchases	\$	109,852
Computer Charges	\$	6,131,303
Real Estate Rentals	\$	1,323,701
Telecommunications	\$	480,004
Per Diem, Fees and Contracts	\$	306,758
Loans to Counties/Property Reevaluation	\$	—0—
Grants to Counties/Appraisal Staff	\$	1,430,000
Motor Vehicle Tag Purchases	\$	750,000
Motor Vehicle Decal Purchases	\$	311,400
Postage	\$	2,003,637
Total Positions Budgeted		1,033
Authorized Motor Vehicles		60

Section 39. Secretary of State.

A. Budget Unit: Secretary of State \$ 13,264,902

1. Internal Administration Budget:

Personal Services	\$	864,019
Regular Operating Expenses	\$	77,866
Travel	\$	4,624
Motor Vehicle Equipment Purchases	\$	—0—

Publications and Printing	\$	47,663
Equipment Purchases	\$	4,000
Computer Charges	\$	6,640
Real Estate Rentals	\$	106,944
Telecommunications	\$	28,788
Per Diem, Fees and Contracts	\$	25
Postage	\$	24,000
Total Funds Budgeted	\$	1,164,569
State Funds Budgeted	\$	1,164,569
Total Positions Budgeted		35

2. Archives and Records Budget:

Personal Services	\$	1,949,275
Regular Operating Expenses	\$	243,595
Travel	\$	22,782
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	14,600
Equipment Purchases	\$	56,000
Computer Charges	\$	—0—
Real Estate Rentals	\$	32,103
Telecommunications	\$	56,204
Per Diem, Fees and Contracts	\$	2,000
Postage	\$	20,000
Authority Lease Rentals	\$	1,276,000
Total Funds Budgeted	\$	3,672,559
State Funds Budgeted	\$	3,632,559
Total Positions Budgeted		82

3. Corporations Regulation Budget:

Personal Services	\$	583,105
Regular Operating Expenses	\$	22,467
Travel	\$	263
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	15,539
Equipment Purchases	\$	6,579
Computer Charges	\$	67,417
Real Estate Rentals	\$	120,854
Telecommunications	\$	47,832
Per Diem, Fees and Contracts	\$	—0—
Postage	\$	36,000
Total Funds Budgeted	\$	900,056
State Funds Budgeted	\$	900,056
Total Positions Budgeted		31

4. Elections and Campaign
Disclosure Budget:

Personal Services	\$	188,900
Regular Operating Expenses	\$	18,005
Travel	\$	315
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	3,000

Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	5,700
Per Diem, Fees and Contracts	\$	75,350
Postage	\$	3,000
Election Expenses	\$	300,000
Total Funds Budgeted	\$	594,270
State Funds Budgeted	\$	594,270
Total Positions Budgeted		8

5. General Services Budget

Personal Services	\$	648,264
Regular Operating Expenses	\$	36,530
Travel	\$	2,257
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	110,860
Equipment Purchases	\$	8,775
Computer Charges	\$	2,351
Real Estate Rentals	\$	47,818
Telecommunications	\$	16,320
Per Diem, Fees and Contracts	\$	200
Postage	\$	20,000
Total Funds Budgeted	\$	893,375
State Funds Budgeted	\$	893,375
Total Positions Budgeted		29

6. Securities Regulation Budget:

Personal Services	\$	523,278
Regular Operating Expenses	\$	37,354
Travel	\$	7,110
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,000
Equipment Purchases	\$	2,300
Computer Charges	\$	10,000
Real Estate Rentals	\$	101,122
Telecommunications	\$	13,835
Per Diem, Fees and Contracts	\$	2,100
Postage	\$	400
Total Funds Budgeted	\$	701,499
State Funds Budgeted	\$	701,499
Total Positions Budgeted		18

7. Drugs and Narcotics Budget:

Personal Services	\$	468,859
Regular Operating Expenses	\$	42,303
Travel	\$	24,550
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	700
Equipment Purchases	\$	800
Computer Charges	\$	—0—

Real Estate Rentals	\$	10,764
Telecommunications	\$	8,800
Per Diem, Fees and Contracts	\$	1,745
Postage	\$	2,500
Total Funds Budgeted	\$	561,021
State Funds Budgeted	\$	561,021
Total Positions Budgeted		16

8. State Campaign and Financial
Disclosure Commission Budget:

Personal Services	\$	86,177
Regular Operating Expenses	\$	5,050
Travel	\$	1,730
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	4,357
Equipment Purchases	\$	—0—
Computer Charges	\$	—0—
Real Estate Rentals	\$	11,025
Telecommunications	\$	2,699
Per Diem, Fees and Contracts	\$	3,860
Postage	\$	2,000
Total Funds Budgeted	\$	116,898
State Funds Budgeted	\$	116,898
Total Positions Budgeted		3

9. Occupational Certification Budget:

Personal Services	\$	2,950,097
Regular Operating Expenses	\$	731,659
Travel	\$	85,172
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	75,000
Equipment Purchases	\$	16,023
Computer Charges	\$	92,294
Real Estate Rentals	\$	241,010
Telecommunications	\$	98,022
Per Diem, Fees and Contracts	\$	271,378
Postage	\$	140,000
Total Funds Budgeted	\$	4,700,655
State Funds Budgeted	\$	4,700,655
Total Positions Budgeted		133

Occupational Certification Functional Budgets

	Board Costs	Cost of Operations
Accounting	\$ 126,327	\$ 250,674
Architect	\$ 61,584	\$ 128,472
Athletic Trainers	\$ 174	\$ 1,335
Auctioneers	\$ 3,209	\$ 42,210
Barbers	\$ 6,055	\$ 177,894
Chiropractic	\$ 7,869	\$ 52,253

Construction Industry	\$	42,299	\$	243,248
Cosmetology	\$	15,648	\$	523,555
Dentistry	\$	38,418	\$	190,496
Engineers	\$	48,130	\$	254,757
Forestry	\$	2,700	\$	25,401
Funeral Service	\$	8,549	\$	102,741
Geology	\$	2,700	\$	14,154
Hearing Aid	\$	2,922	\$	13,338
Landscape Architect	\$	5,390	\$	14,525
Librarians	\$	2,122	\$	14,482
Medical Examiners	\$	184,382	\$	758,997
Nursing Home				
Administrators	\$	8,678	\$	21,445
Board of Nursing	\$	88,398	\$	655,361
Dispensing Opticians	\$	5,852	\$	24,551
Optometry	\$	4,501	\$	22,750
Occupational Therapy	\$	1,654	\$	7,599
Pest Control	\$	7,455	\$	67,139
Pharmacy	\$	58,769	\$	320,993
Physical Therapy	\$	5,219	\$	14,741
Podiatry	\$	1,649	\$	16,790
Polygraph Examiners	\$	1,235	\$	12,715
Practical Nursing	\$	80,535	\$	411,896
Private Detective	\$	20,322	\$	209,274
Psychologists	\$	9,585	\$	37,542
Recreation	\$	1,789	\$	18,726
Sanitarian	\$	4,264	\$	18,490
Speech Pathology	\$	1,839	\$	15,071
Used Car Dealers	\$	8,083	\$	168,069
Used Car Parts	\$	3,263	\$	20,537
Veterinary	\$	17,966	\$	66,442
Wastewater	\$	5,044	\$	46,914
Well Water	\$	3,770	\$	23,098
Total	\$	898,348	\$	5,008,675

Budget Unit Object Classes:

Personal Services	\$	8,261,974
Regular Operating Expenses	\$	1,214,829
Travel	\$	148,803
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	275,719
Equipment Purchases	\$	94,477
Computer Charges	\$	178,702
Real Estate Rentals	\$	671,640
Telecommunications	\$	278,200
Per Diem, Fees and Contracts	\$	356,658
Election Expenses	\$	300,000
Postage	\$	247,900
Authority Lease Rentals	\$	1,276,000
Total Positions Budgeted		355
Authorized Motor Vehicles		71

Provided, however, that the Secretary of State is hereby authorized to expend up to \$24,176 of Elections Expense for Real Estate Rentals.

B. Budget Unit: Real Estate Commission . \$ 891,913

Real Estate Commission Budget:

Personal Services	\$	550,322
Regular Operating Expenses	\$	118,291
Travel	\$	12,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	25,000
Equipment Purchases	\$	5,000
Computer Charges	\$	54,000
Real Estate Rentals	\$	33,600
Telecommunications	\$	17,400
Per Diem, Fees and Contracts	\$	76,300
Total Funds Budgeted	\$	891,913
State Funds Budgeted	\$	891,913
Total Positions Budgeted		27

Real Estate Commission Functional Budget

	State Funds	Cost of Operations	Pos.
Real Estate Commission .	\$ 891,913	\$ 932,863	27

Budget Unit Object Classes:

Personal Services	\$	528,962
Regular Operating Expenses	\$	118,291
Travel . .	\$	12,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	25,000
Equipment Purchases	\$	5,000
Computer Charges	\$	54,000
Real Estate Rentals	\$	33,600
Telecommunications	\$	17,400
Per Diem, Fees and Contracts	\$	76,300
Total Positions Budgeted		27
Authorized Motor Vehicles		11

Section 40. Georgia Student Finance Commission.

Budget Unit: Georgia Student Finance Commission \$ 16,566,130

1. Internal Administration Activity Budget:

Personal Services	\$	2,126,410
Regular Operating Expenses	\$	276,780

Travel	\$	48,400
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	55,000
Equipment Purchases	\$	17,310
Telecommunications	\$	66,220
Per Diem, Fees and Contracts	\$	87,690
Total Funds Budgeted	\$	2,677,810
State Funds Budgeted	\$	—0—
Total Positions Budgeted		94

2. Higher Education Assistance
Corporation Budget:

Payment of Interest and Fees	\$	320,000
Total Funds Budgeted	\$	320,000
State Funds Budgeted	\$	253,000
Total Positions Budgeted		0

3. Georgia Student Finance
Authority Budget:

Guaranteed Educational Loans	\$	3,410,000
Tuition Equalization Grants	\$	11,120,000
Student Incentive Grants	\$	3,740,505
North Georgia College ROTC Grants	\$	135,000
Law Enforcement Personnel Dependents' Grants	\$	28,000
Georgia Military Scholarship Grants	\$	70,910
Total Funds Budgeted	\$	18,504,415
State Funds Budgeted	\$	16,313,130
Total Positions Budgeted		0

Budget Unit Object Classes:

Personal Services	\$	2,126,410
Regular Operating Expenses	\$	276,780
Travel	\$	48,400
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	55,000
Equipment Purchases	\$	17,310
Telecommunications	\$	66,220
Per Diem, Fees and Contracts	\$	87,690
Payment of Interest and Fees	\$	320,000
Guaranteed Educational Loans	\$	3,410,000
Tuition Equalization Grants	\$	11,120,000
Student Incentive Grants	\$	3,740,505
Law Enforcement Personnel Dependents' Grants	\$	28,000
North Georgia College ROTC Grants	\$	135,000

Georgia Military Scholarship		
Grants	\$	70,910
Total Positions Budgeted		94
Authorized Motor Vehicles		1

Provided, that of the above appropriated amount relative to Educational Loans an amount not to exceed \$14,000 may be used to provide stipends for training recruitment, teacher and counselor personnel in health career fields and other fields for which funds are provided herein for the making of cancellable loans to students.

Provided, that the above appropriated amount relative to Educational Loans shall otherwise be used to provide loans to students as provided for in Code Sections 20-3-370 through 20-3-375. Provided further, however, that of said appropriated amount, the amounts designated below shall to the greatest extent possible be used to provide cancellable loans to students as designated below pursuant to provisions of Code Section 20-3-374, to wit: (a) an amount not less than \$1,435,000 is designated and committed for the purpose of providing cancellable loans to students in paramedical and other professional and educational fields of study; (b) an amount not to exceed \$100,000 is designated and committed for the purpose of providing cancellable loans to students who are eligible members of the Georgia National Guard; (c) an amount not to exceed \$225,000 is designated and committed for the purpose of providing cancellable loans to classroom teachers seeking special education training; (d) an amount not to exceed \$30,000 is designated and committed for the purpose of providing cancellable loans to students who are to become agricultural teachers; and (e) an amount not to exceed \$135,000 is designated and committed for the purpose of providing cancellable loans to students who are to become mathematics or science teachers.

Provided, that the above appropriated amount relative to Student Incentive Grants provides for payment of need-based grants to undergraduate students as provided for in Code Sections 20-3-390 and 20-3-391.

Provided, that the above appropriated amount relative to Tuition Equalization Grants provides for payment of grants of \$700 per academic year, and for payment of grants for the summer school quarter or semester, to undergraduate students attending private colleges as provided for in Code Sections 20-3-410 through 20-3-416.

Provided, that the above appropriated amount relative to North Georgia College ROTC Grants provides for

payment of grants to eligible students as provided for in Code Sections 20-3-430 through 20-3-436.

Provided, that the above appropriated amount relative to Law Enforcement Personnel Dependents' Grants provides for payment of grants to eligible students as provided for in Code Sections 20-3-450 through 20-3-455.

Provided, that the above appropriated amount relative to North Georgia College Military Scholarships provides for payment of scholarships to select recipients as provided for in Code Sections 20-3-420 through 20-3-437.

Provided, that the above appropriated amount relative to Payment of Interest and Fees is designated and committed for the purpose of enabling the Georgia Higher Education Assistance Corporation to make state interest subsidy payments to lenders as provided for in Code Section 20-3-273, and loan discount fee payments to lenders as provided for in Code Section 20-3-274.

Provided, that from any of the above appropriated amounts any available funds may be utilized by the Georgia Higher Education Assistance Corporation for the purpose of making timely payments of interest and special allowances to lenders as provided for in Code Section 20-3-272 and Code Section 20-3-319.

Provided, however, the Department is authorized and directed to provide 29 more Tuition Equalization Grants than were authorized in S.F.Y. 1984 Budget Report.

Section 41. Soil and Water Conservation Committee.

Budget Unit: Soil and Water Conservation Committee	\$	880,559
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1. Soil and Water Conservation
Central Office Budget:

Personal Services	\$	434,877
Regular Operating Expenses	\$	41,444
Travel	\$	43,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	12,369
Equipment Purchases	\$	4,150
Computer Charges	\$	—0—
Real Estate Rentals	\$	21,765
Telecommunications	\$	11,000
Per Diem, Fees and Contracts	\$	132,785
Total Funds Budgeted	\$	701,390

State Funds Budgeted	\$	701,390
Total Positions Budgeted		12

2. Soil and Water Conservation
Dam Safety Budget:

Personal Services	\$	141,033
Regular Operating Expenses	\$	13,395
Travel	\$	8,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	400
Equipment Purchases	\$	500
Computer Charges	\$	6,500
Real Estate Rentals	\$	4,141
Telecommunications	\$	3,200
Per Diem, Fees and Contracts	\$	2,000
Total Funds Budgeted	\$	179,169
State Funds Budgeted	\$	179,169
Total Positions Budgeted		5

Budget Unit Object Classes:

Personal Services	\$	575,910
Regular Operating Expenses	\$	54,839
Travel	\$	51,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	12,769
Equipment Purchases	\$	4,650
Computer Charges	\$	6,500
Real Estate Rentals	\$	25,906
Telecommunications	\$	14,200
Per Diem, Fees and Contracts	\$	134,785
Total Positions Budgeted		17
Authorized Motor Vehicles		3

Section 42. Teachers' Retirement System.

Budget Unit: Teachers' Retirement System	\$	2,319,000
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Departmental Operations Budget:

Personal Services	\$	1,551,407
Regular Operating Expenses	\$	74,800
Travel	\$	21,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	48,825
Equipment Purchases	\$	12,600
Computer Charges	\$	231,315
Real Estate Rentals	\$	111,000
Telecommunications	\$	53,485
Per Diem, Fees and Contracts	\$	189,000
Postage	\$	80,000

Cost of Living Increases for Local Retirement System Members.	\$	1,015,000
Floor Fund for Local Retirement Systems	\$	1,304,000
Total Funds Budgeted	\$	4,693,032
State Funds Budgeted	\$	2,319,000
Total Positions Budgeted		63

Budget Unit Object Classes:

Personal Services	\$	1,551,407
Regular Operating Expenses	\$	74,800
Travel	\$	21,600
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	48,825
Equipment Purchases	\$	12,600
Computer Charges	\$	231,315
Real Estate Rentals	\$	111,000
Telecommunications	\$	53,485
Per Diem, Fees and Contracts	\$	189,000
Postage	\$	80,000
Cost of Living Increases for Local Retirement System Members	\$	1,015,000
Floor Fund for Local Retirement Systems	\$	1,304,000
Total Positions Budgeted		63
Authorized Motor Vehicles		1

Section 43. Department of Transportation.

Budget Unit: Department of Transportation	\$	411,439,745
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**1. Planning and Construction
Budget:**

Personal Services	\$	74,799,806
Regular Operating Expenses	\$	4,904,656
Travel	\$	1,128,888
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	258,201
Equipment Purchases	\$	58,233
Computer Charges	\$	—0—
Real Estate Rentals	\$	28,295
Telecommunications	\$	1,011,196
Per Diem, Fees and Contracts	\$	6,862,995
Capital Outlay	\$	389,519,894
Geodetic Control	\$	310,884
Capital Outlay—Paving State and Local Schools and State Institutions	\$	750,000

Capital Outlay—Paving State Parks and Historic Sites.	\$ 500,000
Total Funds Budgeted	\$ 480,133,048
State Funds Budgeted	\$ 184,404,768
Total Positions Budgeted	3,023
2. Maintenance and Betterments Budget:	
Personal Services	\$ 57,668,922
Regular Operating Expenses	\$ 39,779,079
Travel	\$ 366,773
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 17,509
Equipment Purchases	\$ —0—
Computer Charges	\$ —0—
Real Estate Rentals	\$ 5,400
Telecommunications	\$ 158,747
Per Diem, Fees and Contracts	\$ 1,029,175
Capital Outlay	\$ 63,123,001
Total Funds Budgeted	\$ 162,148,606
State Funds Budgeted	\$ 159,348,606
Total Positions Budgeted	3,564
3. Facilities and Equipment Budget:	
Motor Vehicle Equipment Purchases	\$ 1,000,000
Equipment Purchases	\$ 2,163,420
Capital Outlay	\$ 131,200
Total Funds Budgeted	\$ 3,294,620
State Funds Budgeted	\$ 3,194,620
4. Assistance to Counties Budget:	
Grants to Counties	\$ 9,317,013
Total Funds Budgeted	\$ 9,317,013
State Funds Budgeted	\$ 9,317,013
5. Administration Budget:	
Personal Services	\$ 8,908,788
Regular Operating Expenses	\$ 960,097
Travel	\$ 95,000
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 510,149
Equipment Purchases	\$ —0—
Computer Charges	\$ 599,500
Real Estate Rentals	\$ 1,058,245
Telecommunications	\$ 275,766
Per Diem, Fees and Contracts	\$ 245,974
Authority Lease Rentals	\$ 24,710,358
State of Georgia General Obligation Debt Sinking Fund	\$ 3,712,000

Total Funds Budgeted	\$	41,075,877
State Funds Budgeted	\$	40,795,877
Total Positions Budgeted		321

Appropriation of State funds in the foregoing Department of Transportation budgets shall be in conformity with and pursuant to Article III, Section IX, Paragraph VI, subsection (b) of the State Constitution, and shall be in an amount at least equal to all money derived from motor fuel taxes received by the Fiscal Division of the Department of Administrative Services in the immediately preceding year, less the amount of refunds, rebate and collection costs authorized by law. The fiscal officers of the State are hereby directed, as of July 1 of each fiscal year, to determine the net collection of motor fuel tax received by the Fiscal Division of the Department of Administrative Services in the immediately preceding fiscal year and enter the full amount so determined on the records of the State as being the appropriation payable in lieu of the amount appropriated herein.

Provided, however, that objects for Activities financed by Motor Fuel Tax including Planning and Construction, Maintenance and Betterments, Authority Lease Rentals, General Obligation Debt Sinking Fund Payments, Administration, and Grants to Counties, may be adjusted for any additional appropriations and/or balances appropriated and brought forward from previous years as requested by the Department of Transportation and approved by the Office of Planning and Budget.

For general administrative cost of operating the Department of Transportation, including equipment and compensation claims.

For State matching participation in costs of construction, reconstruction, improvement in highways, and highway planning, in cooperation with the Federal Government, including all cost items incident thereto. For the cost of road and bridge construction and surveys, maintenance and improving the State Highway System of roads and bridges, and the costs incident thereto provided all expenditures for country contracts shall be in accordance with and on the basis of average prices authorized by law. Provided, however, that funds shall be allocated to matching all Federal aid funds prior to the allocation of any funds for other works, and the Department of Transportation may add, delete and substitute Federal aid projects to secure the full benefit of the Federal aid program. Provided, further, that in order to meet the requirements of the Interstate System, the Office of Planning and Budget is hereby authorized and directed to give advanced budgetary authorization for the letting and

execution of highway contracts essential to and included in such Interstate Program not to exceed the amount of State Motor Fuel Tax Revenues actually paid into the Fiscal Division of the Department of Administrative Services and constitutionally appropriated to the Department of Transportation.

For lease rental obligations of the Department of Transportation to the Georgia Highway Authority and the Georgia Building Authority in accordance with lease rental contracts now in existence and for appropriations to the "State of Georgia General Obligation Debt Sinking Fund" for the specific purpose of paying annual debt service requirements on new General Obligation debt to finance the construction or reconstruction of public roads and bridges approved by the Department of Transportation.

For grants to counties for aid in county road construction and maintenance to be distributed and disbursed to various counties of the State by the Fiscal Division of the Department of Administrative Services in the same proportional basis to each county as the proportion of each county's total public road mileage is to the total public road mileage in the State, as such mileage information is furnished by the Department of Transportation.

Provided, further, that a member of the governing authority of the county, designated by such authority, shall submit to the State Auditor a copy of its regular annual audit not later than six months after the end of the fiscal year for which such audit is made. The State Auditor shall compare the amount of funds distributed to each county in such year under the provisions of Code Section 48-14-3 against the amount of funds expended by each county in such year for the purposes authorized by said Section.

Provided further, it is the intent of this General Assembly that the Department of Transportation is authorized to use interstate rehabilitation funds for four-laning and passing lanes.

Provided that State Funds appropriated for on-system Resurfacing, Four-Laning and Passing Lanes in the foregoing activities may be used to match additional Federal Aid resulting from the increase in the Federal Motor Fuel Tax.

Appropriations for the foregoing activities include an appropriation that shall be utilized for the specific purpose and amounts as shown below:

Planning and Construction	
Geodetic Control	\$ 310,884

Capital Outlay—Paving State and Local Schools and State Institutions	\$	750,000
Paving State Parks and Historic Sites	\$	500,000

This appropriation shall be accounted for separately from all other appropriations to the Department of Transportation, and shall be in addition to appropriations of an amount equivalent to motor fuel tax revenue required under Article III, Section IX, Paragraph VI, subsection (b) of the State Constitution.

6. Assistance to Municipalities
Budget:

Grants to Municipalities	\$	9,317,000
Total Funds Budgeted	\$	9,317,000
State Funds Budgeted	\$	9,317,000

For grants to municipalities for Capital Outlay in accordance with an Act approved March 31, 1965 (Ga. Laws 1965, p. 458), as amended (Code Sections 36-40-41 through 36-40-45).

Provided, further, that a member of the governing authority of the municipality, designated by such authority, shall execute an affidavit annually that funds received under this Section have been expended in accordance with the law and the Constitution, and file the same with the Fiscal Division of the Department of Administrative Services. At the request of the Governor or the Office of Planning and Budget or the Director of the Department of Transportation, the State Auditor shall cause an audit to be made of any municipality to determine the use of such funds. The expense of such audit shall be deducted from funds granted to such municipality in any future year.

Provided, further, that the above sums shall be distributed and disbursed to the various municipalities on a quarterly basis, such payments to be made on the last day of each quarter.

7. Air Transportation Budget:

Personal Services .	\$	519,133
Regular Operating Expenses	\$	512,900
Travel	\$	11,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	200
Equipment Purchases	\$	363,000
Computer Charges	\$	—0—

Real Estate Rentals	\$	1
Telecommunications	\$	6,222
Per Diem, Fees and Contracts	\$	500
Capital Outlay	\$	—0—
Total Funds Budgeted	\$	1,412,956
State Funds Budgeted	\$	1,028,583
Total Positions Budgeted		16

**8. Inter-Modal Transfer Facilities
Budget:**

Personal Services	\$	680,935
Regular Operating Expenses	\$	49,500
Travel	\$	16,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	22,000
Equipment Purchases	\$	400
Computer Charges	\$	—0—
Real Estate Rentals	\$	—0—
Telecommunications	\$	20,718
Per Diem, Fees and Contracts	\$	700,000
Capital Outlay—Airport Development	\$	700,000
Capital Outlay—Airport Operational Improvements	\$	1,000,000
Capital Outlay—Airport Approach Aid	\$	100,000
Mass Transit Grants	\$	2,016,475
Total Funds Budgeted	\$	5,306,028
State Funds Budgeted	\$	3,469,278
Total Positions Budgeted		22

9. Harbor Maintenance Budget:

Harbor Maintenance Payments	\$	564,000
Capital Outlay—Land Acquisition	\$	—0—
Total Funds Budgeted	\$	564,000
State Funds Budgeted	\$	564,000

Budget Unit Object Classes:

Personal Services	\$	142,577,584
Regular Operating Expenses	\$	46,206,232
Travel	\$	1,617,661
Motor Vehicle Equipment Purchases	\$	1,000,000
Publications and Printing	\$	808,059
Equipment Purchases	\$	2,585,053
Computer Charges	\$	599,500
Real Estate Rentals	\$	1,091,941
Telecommunications	\$	1,472,649
Per Diem, Fees and Contracts	\$	8,838,644
Capital Outlay	\$	452,774,095
Mass Transit Grants	\$	2,016,475

Grants to Municipalities	\$ 9,317,000
Harbor Maintenance Payments	\$ 564,000
Grants to Counties	\$ 9,317,013
Authority Lease Rentals	\$ 24,710,358
Capital Outlay—Airport Development	\$ 700,000
State of Georgia General Obligation Debt Sinking Fund	\$ 3,712,000
Capital Outlay—Airport Operational Improvements	\$ 1,000,000
Capital Outlay—Airport Approach Aid	\$ 100,000
Geodetic Control	\$ 310,884
Capital Outlay—Paving State and Local Schools and State Institutions	\$ 750,000
Capital Outlay—Paving State Parks and Historic Sites	\$ 500,000
Total Positions Budgeted	6,946
Authorized Motor Vehicles	4,800

For the general administrative expenses of airport development, mass transit planning and development, the promotion of aviation safety, the provision of air transportation services, and for contractual expense for harbor maintenance.

Provided, that the Department of Transportation is authorized to retain such portion of its Air Transportation service income as is required to maintain and upgrade the quality of its equipment.

Provided, that the Department of Transportation is authorized to utilize State Airport Development Funds to finance up to but not exceeding one-half ($\frac{1}{2}$) of the Non-federal share when matching both Federal and Local Funds, and 50% of an individual airport project when matching Local Funds only with no Federal Fund participation. Provided, further, that the Department of Transportation is authorized to utilize State Airport Development Funds at 100% of the total cost of an individual airport project for airports owned by the State of Georgia.

Provided, that \$564,000 of the above allocation for harbor maintenance payments is designated and committed for payment for harbor maintenance and improvements at Savannah.

Provided, further, that the Department of Transportation is authorized and directed to transfer to Personal Services from other object classes such funds as are re-

quired to fund the increased Personal Services costs contemplated in this Act, subject only to approval by the Office of Planning and Budget.

Provided that the Department of Transportation is authorized to retain its Bus Rental Income to operate, maintain, and upgrade the department-owned buses.

Section 44. Department of Veterans Service.

Budget Unit: Department of Veterans Service	\$ 12,767,928
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1. Veterans Assistance Budget:

Personal Services	\$ 3,212,792
Regular Operating Expenses	\$ 68,486
Travel	\$ 84,500
Motor Vehicle Equipment Purchases	\$ —0—
Publications and Printing	\$ 17,000
Equipment Purchases	\$ 4,000
Computer Charges	\$ —0—
Real Estate Rentals	\$ 188,768
Telecommunications	\$ 55,500
Per Diem, Fees and Contracts	\$ 5,000
Postage	\$ 32,200
Total Funds Budgeted	\$ 3,668,246
State Funds Budgeted	\$ 3,421,717
Total Positions Budgeted	142
Authorized Motor Vehicles	1

2. Veterans Home and Nursing Facility— Milledgeville Budget:

Capital Outlay	\$ —0—
Equipment Purchase	\$ 27,865
Regular Operating Expenses for Projects	\$ 18,185
Operating Expenses/Payments to Central State Hospital	\$ 7,948,115
Total Funds Budgeted	\$ 7,994,165
State Funds Budgeted	\$ 6,600,960

3. Veterans Nursing Home— Augusta Budget:

Capital Outlay	\$ —0—
Equipment Purchases	\$ 11,960
Regular Operating Expenses for Projects	\$ —0—
Operating Expense/Payments to Medical College of Georgia	\$ 3,515,011
Total Funds Budgeted	\$ 3,526,971
State Funds Budgeted	\$ 2,745,251

Budget Unit Object Classes:

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Personal Services	\$	3,212,792
Regular Operating Expenses	\$	68,486
Travel	\$	84,500
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	17,000
Equipment Purchases	\$	43,825
Computer Charges	\$	—0—
Real Estate Rentals	\$	188,768
Telecommunications	\$	55,500
Per Diem, Fees and Contracts	\$	5,000
Capital Outlay	\$	—0—
Postage	\$	32,000
Operating Expense/Payments to Central State Hospital	\$	7,948,115
Operating Expense/Payments to Medical College of Georgia	\$	3,515,011
Regular Operating Expenses for Projects.	\$	18,185
Total Positions Budgeted		142
Authorized Motor Vehicles		1

Section 45. Workers' Compensation Board.

Budget Unit: Workers' Compensation Board	\$	4,577,244
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**1. Workers' Compensation
Administration Budget:**

Personal Services	\$	3,228,395
Regular Operating Expenses	\$	85,784
Travel	\$	40,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	34,000
Equipment Purchases	\$	12,000
Computer Charges	\$	225,420
Real Estate Rentals	\$	376,596
Telecommunications	\$	75,000
Per Diem, Fees and Contracts	\$	40,716
Postage	\$	51,800
Total Funds Budgeted	\$	4,169,711
State Funds Budgeted	\$	4,154,711
Total Positions Budgeted		127

2. Vocational Rehabilitation Budget:

Personal Services	\$	344,257
Regular Operating Expenses	\$	8,830
Travel	\$	10,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	2,000
Equipment Purchases	\$	350

Computer Charges	\$	—0—
Real Estate Rentals	\$	29,896
Telecommunications	\$	8,200
Per Diem, Fees and Contracts	\$	12,500
Postage	\$	6,500
Total Funds Budgeted	\$	422,533
State Funds Budgeted	\$	422,533
Total Positions Budgeted		15

Budget Unit Object Classes:

Personal Services	\$	3,572,652
Regular Operating Expenses	\$	94,614
Travel	\$	50,000
Motor Vehicle Equipment Purchases	\$	—0—
Publications and Printing	\$	36,000
Equipment Purchases	\$	12,350
Computer Charges	\$	225,420
Real Estate Rentals	\$	406,492
Telecommunications	\$	83,200
Per Diem, Fees and Contracts	\$	53,216
Postage	\$	58,300
Total Positions Budgeted		142
Authorized Motor Vehicles		1

Section 46. State of Georgia General Obligation Debt Sinking Fund.

A. Budget Unit: State of Georgia General Obligation Debt Sinking Fund (Issued)	\$ 114,051,180
B. Budget Unit: State of Georgia General Obligation Debt Sinking Fund (New).	\$ 33,050,420

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$910,000 is specifically appropriated for the purpose of financing the construction and equipping of buildings and facilities under the control of the State Board of Regents at the University System through the issuance of not more than \$3,500,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$15,739,360 is specifically appropriated for the purpose of financing a school construction program throughout the State of Georgia, which will consist of the construction and equipping of school buildings and facilities, including vocational education comprehensive high schools, through the issuance of not more than

\$60,540,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$8,975,200 is specifically appropriated for the purpose of financing the expansion of facilities under the control of the Georgia Ports Authority through the issuance of not more than \$34,520,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$2,600,000 is specifically appropriated for the purpose of financing the equipping of the Georgia World Congress Center through the issuance of not more than \$10,000,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$390,000 is specifically appropriated for the purpose of constructing and equipping a Regional Youth Development Center through the issuance of not more than \$1,500,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$3,499,860 is specifically appropriated for the purpose of financing the construction and equipping the Georgia Public Safety Training Academy in Monroe County, Georgia through the issuance of not more than \$13,465,000 in principal amount of General Obligation Debt.

Provided, that from the above appropriated amount for the State of Georgia General Obligation Debt Sinking Fund, \$936,000 is specifically appropriated for the purpose of financing the acquisition and clearing land for the deposit of spoilage in connection with harbor maintenance by the Department of Transportation through the issuance of not more than \$3,600,000 in principal amount of General Obligation Debt.

Section 47. In addition to all other appropriations for the State fiscal year ending June 30, 1984, there is hereby appropriated \$2,000,000 to be allocated to various state agencies for the purpose of paying unemployment compensation payments to former employees. Funds are to be distributed to the various agencies according to the method developed by the Office of Planning and Budget, the Department of Administrative Services and the Legislative Budget Office.

Section 48. There is hereby appropriated \$17,000,000 for the payment of the State cost of 1.2% increase in the employer contribution rate in the State Employees Health Insurance Plan and a .75% increase for the Teachers Plan to be effective July 1, 1983. The Office of Planning and Budget is authorized and directed to transfer funds from this Section to appropriate budget units for the purpose of making such payments.

Section 49. Cost-of-Living Increases. In addition to all other appropriations for the State fiscal year ending June 30, 1984, there is hereby appropriated \$80,800,000 for the purposes described herein: 1) For a 5% increase on the current salary schedule for teachers, public librarians and other instructional and support personnel, with first and second year teachers to be paid as those with two years of experience and with resumption of annual increments after completion of one year of experience and permanent certification, effective the following month, effective September 1, 1983; 2) For certificated personnel having 16 or more years creditable service the addition of a 16th year on the teacher salary schedule as a longevity increment based on the existing indexing factors being extended one step for each certificate on the present teacher salary schedule, effective September 1, 1983; 3) For school bus drivers, a 5% salary increase, effective July 1, 1983; 4) For university system employees, a 5% salary increase, to be effective September 1, 1983 for academic contracted personnel; 5) A 5% salary increase, effective July 1, 1983, for non-academic personnel, and fiscal year contracted personnel of the university system and employees of the Athens and Tifton Veterinary Laboratories, the Poultry Veterinary Diagnostic Laboratories, the Cooperative Extension Service and the Agricultural Experiment Stations. This General Assembly has distributed to and included in the agency appropriations listed hereinbefore State funds in the amount of \$34,200,000 for the purpose of providing an increase of 4% with a minimum of \$400 per annum for full-time employees of the executive, judicial and legislative branches of government, effective July 1, 1983, and an increase of 4% for State officials whose salary is set by Act 755 (H. B. 262) of the 1978 Regular Session of the Georgia General Assembly, as authorized in said Act as amended, Code Section 45-7-4, and for secretaries for whom salaries are set by Act 279 (H. B. 360) of the 1977 Regular Session of the Georgia General Assembly, Code Sections 15-6-25 and 15-18-17, effective July 1, 1983.

Section 50. In addition to all other appropriations for the State fiscal year ending June 30, 1984 there is hereby appropriated \$2,800,000 for the purpose of providing funds for the operation of regional farmers' markets in the Department of Agriculture, and there is

hereby appropriated \$6,571,795 for the purpose of providing operating funds for the State physical health laboratories (\$175,000 Budget Unit "A") and for State mental health/mental retardation institutions (\$6,396,795 Budget Unit "C") in the Department of Human Resources. Provided, further, the Office of Planning and Budget is hereby authorized to transfer funds from this section to the appropriate departmental budgets on a quarterly basis in amounts equal to those of departmental remittances to the Fiscal Division of the Department of Administrative Services from agency fund collections.

Section 51. It is the intent of this General Assembly that appropriations to the object class "Authority Lease Rentals" shall be used entirely for payment to debt-sinking funds, and that no funds be withdrawn from debt-sinking funds except for the purpose of paying principal, interest and trustees fees, or for transfer to another sinking fund.

Section 52. It is the intent of this General Assembly that each and every agency, board, commission and authority receiving appropriations in this Act shall develop and enforce stringent regulations relating to the use of motor vehicles owned, leased or rented by the State, including provisions that employees authorized to utilize State vehicles for commuting to and from work shall not use such vehicles except for official State business.

Provided, further, it is the intent of this General Assembly that each State agency utilizing xerographic reproducing equipment maintain a log for each unit of equipment indicating the date, number of copies and such other data determined to be appropriate to control the utilization of such equipment. It is the further intent of this General Assembly that each State agency implement procedures to control usage of long-distance, GIST and credit card telephone calls, in order to mitigate the State's cost therefor.

Section 53. It is the intent of this General Assembly that to the extent to which Federal funds become available in amounts in excess of those contemplated in this Appropriations Act, such excess Federal funds shall be applied as follows, whenever feasible:

First, to supplant State funds which have been appropriated to supplant Federal funds, which such supplanted State funds shall thereupon be removed from the annual operating budgets; and

Second, to further supplant State funds to the extent necessary to maintain the effective matching ratio exper-

iened in the immediately preceding fiscal year, which such supplanted State funds shall thereupon be removed from the annual operating budgets.

It is the further intent of this General Assembly that the Office of Planning and Budget utilize its budgetary and fiscal authority so as to accomplish the above-stated intent to the greatest degree feasible; and that at the end of this fiscal year, said Office of Planning and Budget provide written notice to the members of the Appropriations Committees of the Senate and House of Representatives of the instances of noncompliance with the stated intent of this Section.

Section 54. It is the intent of this General Assembly that each agency for which an appropriation is authorized herein shall maintain financial records in such a fashion as to enable the State Auditor to readily determine by Object Class the expenditures of each activity contained in this Appropriations Act.

Section 55. In addition to all other appropriations, there is hereby appropriated as needed, a specific sum of money equal to each refund authorized by law, which is required to make refund of taxes and other monies collected in error, farmer gasoline tax refund and any other refunds specifically authorized by law.

Section 56. No State appropriations authorized under this Act shall be used to continue programs currently funded by 100% Federal funds.

Section 57. Provided further that no State funds in this appropriation shall be paid to or on behalf of Georgia Indigent Legal Services or its affiliates, nor shall any State facilities be made available for their use, including but not limited to the Georgia Interactive Statewide Telecommunications Network either directly or indirectly.

Section 58. In accordance with the requirements of Article IX, Section VI, Paragraph 1a of the Constitution of the State of Georgia, as amended, there is hereby appropriated payable to each department, agency, or institution of the State sums sufficient to satisfy the payments required to be made in each year, under lease contracts now in existence or as provided for in this Appropriations Act between any department, agency, or institution of the State, and any authority created and activated at the time of the effective date of the aforesaid constitutional provision, as amended, or appropriated for the State fiscal year addressed within this Act, and for each and every fiscal year thereafter, until all payments required under lease contracts have been paid in full, and if for any reason any of the sums herein provided under any other pro-

vision of this Act are insufficient in any year to make the required payments in full, there shall be taken from other funds appropriated to the department, agency or institution involved, an amount sufficient to satisfy such deficiency in full and the lease payment constitutes a first charge on all such appropriations.

The General Assembly declares that the sums hereby appropriated for lease rentals are to pay the general obligations of the State incurred under valid lease contracts and such appropriations are to be paid from the general funds of the State as a first charge upon General Funds.

Section 59. All expenditures and appropriations made and authorized under this Act shall be according to the programs and activities as specified in the Governor's recommendations contained in the Budget Report submitted to the General Assembly at the 1983 regular session, except as otherwise specified in this Act; provided, however, the Director of the Budget is authorized to make internal transfers within a budget unit between objects, programs, and activities subject to the conditions that no funds whatsoever shall be transferred for use in initiating or commencing any new program or activity not currently having an appropriation of State funds, nor which would require operating funds or capital outlay funds beyond the fiscal year to which this appropriations Act applies, and provided, further, that no funds whatsoever shall be transferred between objects without the prior approval of at least eleven (11) members of the Fiscal Affairs Subcommittees in a meeting called to consider said transfers. This Section shall apply to all funds of each budget unit from whatever source derived. The State Auditor shall make an annual report to the Appropriations Committees of the Senate and House of Representatives of all instances revealed in his audit in which the expenditures by object class of any department, bureau, board, commission, institution or other agency of this State are in violation of this Section or in violation of any amendments properly approved by the Director of the Budget. In those cases in which the aforesaid Budget Report contains no recommendation by the Governor of expenditures as to objects, the Director of the Budget, except as to the Legislative and Judicial Branches of the Government, is authorized to allocate as to object such funds as he deems proper, but he shall not approve any operating budget containing any such allocation until such shall be submitted and approved in the same manner and under the same conditions provided hereinbefore for transfers.

Section 60. Wherever in this Act the term "Budget Unit Object Classes" is used, it shall mean that the ob-

ject classification following such term shall apply to the total expenditures within the Budget Unit, and shall supersede the object classification shown in the Governor's Budget Report.

Section 61. It is the intent of the General Assembly that for the purposes of this Act,

(1) Authorized motor vehicles are defined as sedans, pick-up trucks, vans, station wagons and any other such vehicles for street and highway use, and

(2) The number of authorized motor vehicles indicated for each budget unit shall include leased vehicles and State-owned vehicles, and

(3) The Departments are not authorized to accept vehicles from surplus property to increase the number authorized in this Act unless specifically approved by this General Assembly.

Section 62. The Office of Planning and Budget is hereby directed to economize wherever possible and in the event any part of the appropriations provided in the foregoing Section of this Act shall be in excess of the actual approved budget allotments for the fiscal year, the amounts so in excess, as determined by the Office of Planning and Budget, shall cease to be an obligation of the State.

Section 63. TOTAL STATE FUND APPROPRIATIONS

State F.Y 1984	\$ 4,018,000,000.
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Section 64. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 65. All laws and parts of laws in conflict with this Act are hereby repealed.

Senator Holloway of the 12th moved that the Senate adopt the Conference Committee report on HB 163.

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

Those voting in the affirmative were Senators:

Allgood
Barker

Barnes
Bond

Bowen
Brantley

Broun of 46th	Gillis	McGill
Brown of 47th	Greene	McKenzie
Bryant	Harris	Peevy
Burton	Harrison	Perry
Cobb	Hill	Phillips
Coggin	Hine	Scott of 2nd
Coleman	Holloway	Scott of 36th
Coverdell	Horton	Scott of 43rd
Dawkins	Howard	Starr
Deal	Hudgins	Stumbaugh
Dean	Huggins	Tate
English	Kennedy	Thompson
Engram	Kidd	Timmons
Fincher	Land	Trulock
Foster	Lester	Turner
Garner	Littlefield	Walker

Voting in the negative was Senator Tysinger.

Not voting was Senator Brannon.

On the motion, the yeas were 54, nays 1; the motion prevailed, and the Senate adopted the Conference Committee report on HB 163.

The following report of the Committee on Enrolling and Journals was read by the Secretary:

Mr. President:

The Committee on Enrolling and Journals has read and examined the following Senate bill and has instructed me to report the same back to the Senate as correct and ready for transmission to the Governor:

SB 219.

Respectfully submitted,
/s/ Ed Barker, Chairman
Senator, District 18

Serving as doctor of the day today was Dr. Gordon Davis of Sylvester, Georgia.

Senator Allgood of the 22nd moved that the Senate do now adjourn until 9:00 o'clock A.M. tomorrow, and the motion prevailed.

At 7:40 o'clock P.M., the President announced the Senate adjourned until 9:00 A.M. o'clock tomorrow.

Senate Chamber, Atlanta, Georgia

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Friday, March 4, 1983

Fortieth Legislative Day

The Senate met pursuant to adjournment at 9:00 o'clock A.M. today and was called to order by the President.

Senator Barker of the 18th reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House has agreed to the senate substitutes to the following bills of the House:

HB 580. By Representatives Chambless of the 133rd, Snow of the 1st, Horne of the 103rd and others:

A bill to amend Chapter 2 of Title 15 of the Official Code of Georgia Annotated, relating to the Supreme Court, so as to provide that the Supreme Court may extend its terms by rule or order.

HB 507. By Representatives Richardson of the 52nd, Burruss of the 20th, Marcus of the 26th and others:

A bill to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals and health care facilities, so as to authorize medical facilities or institutions to grant staff membership and clinical privileges to certain licensed psychologists.

HB 505. By Representatives Walker of the 115th and Evans of the 84th:

A bill to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions of the State and counties, so as to provide that earned-time allowances shall not be awarded to certain inmates.

- HB 310. By Representatives Parham of the 105th, Atkins of the 21st and Thomas of the 69th:

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A bill to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to regulate third-party prescription programs.

- HB 537. By Representatives Jackson of the 83rd and Evans of the 84th:

A bill to amend an Act creating a new board of commissioners of Columbia County, so as to change the composition of districts from which members are elected.

- HB 538. By Representatives Jackson of the 83rd and Evans of the 84th:

A bill to amend an Act providing for the election of members of the board of education of Columbia County, so as to change the composition of education districts.

- HB 424. By Representatives Snow of the 1st, Evans of the 84th, Lawson of the 9th and Lambert of the 66th:

A bill to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to provide for the exercise of the powers of an elected constitutional executive office during the period of temporary disability of the person holding such office.

- HB 145. By Representatives Thomas of the 69th, Darden of the 20th, Karrh of the 109th and others:

A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for uniformity among the state courts with regard to certain aspects of such courts.

The House has adopted the report of the Committee of Conference on the following bill of the House:

- HB 163. By Representatives Murphy of the 18th, McDonald of the 12th, Walker of the 115th and others:

A bill to make and provide appropriations for the State fiscal year beginning July 1, 1983, and ending June 30, 1984.

The House has adopted the report of the Committee of Conference on the following bill of the Senate:

- SB 32. By Senator Kidd of the 25th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to minimum salaries for judges of the probate courts.

The House has agreed to the Senate amendments to the following bills of the House: www.libtool.com.cn

HB 297. By Representatives Murphy of the 18th, Ross of the 82nd, Moody of the 153rd and others:

A bill to amend Code Section 20-2-187 of the Official Code of Georgia Annotated, relating to the amount and use of funds for pupil transportation under the "Adequate Program for Education in Georgia Act," so as to change the provisions relating to minimum salaries for school bus drivers.

HB 12. By Representative Phillips of the 125th:

A bill to amend Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to certain filing fees charged by superior courts, so as to change certain fees; to amend Code Section 11-9-40 of the Official Code of Georgia Annotated, relating to termination statements in secured transactions, so as to change certain filing fees charged by superior courts.

HB 707. By Representative Groover of the 99th:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to laws applicable to the General Assembly, so as to recognize certain constitutional principles.

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

SB 195. By Senator Land of the 16th:

A bill to amend Code Section 21-1-1 of the Official Code of Georgia Annotated, relating to the placement of campaign material, so as to remove the restriction against placing certain campaign material on property zoned for particular uses.

SB 237. By Senators Garner of the 30th and Engram of the 34th:

A bill to amend Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, so as to provide for presentence or postsentence investigations or psychological evaluations of convicted persons compiled by probation personnel to be forwarded to certain offices within the Department of Offender Rehabilitation under certain conditions.

The House has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 83. By Senators Starr of the 44th and Horton of the 17th:

A resolution authorizing the conveyance of certain real property located in Clayton County, Georgia.

The House recedes from its position in disagreeing to amendment number one to the following bill of the House:

HB 365. By Representatives Horne of the 103rd, Dunn of the 73rd, Isakson of the 21st and others:

A bill to amend an Act entitled "An Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens," so as to change the effective date.

The House recedes from its position in substituting the following bill of the Senate:

SB 225. By Senator Engram of the 34th:

A bill to amend Chapter 9 of Title 31 of the Official Code of Georgia Annotated, relating to consent for surgical or medical treatment, so as to provide that a patient or any person or entity designated by the patient may be provided with the patient's health records.

The House insists on its position in disagreeing to the Senate substitute and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 530. By Representative Couch of the 40th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to application for homestead exemption, so as to change the date for filing application for homestead exemption.

The Speaker has appointed on the part of the House:

Representatives Couch of the 40th, Sizemore of the 136th and Aaron of the 56th.

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

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

The House has disagreed to the Senate amendment to the following bill of the House: www.libtool.com.cn

HB 374. By Representatives Snow of the 1st, Karrh of the 109th, Ginsberg of the 122nd and others:

A bill to provide for legislative intent; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions regarding the General Assembly, so as to define "population bill" and to prohibit the General Assembly from passing any population bill, with certain exceptions.

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

SB 277. By Senators Gillis of the 20th, Kennedy of the 4th and Walker of the 19th:

A bill to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to authority and procedure for state purchasing, so as to provide for preferential treatment of domestic lumber products in the awarding of public works contracts by the state and its boards, departments, institutions, and political subdivisions.

SB 121. By Senators Greene of the 26th, Lester of the 23rd, Holloway of the 12th and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for policy and purpose; to provide for definitions; to provide for a Health Policy Council and its functions and for the compensation and allowances of its members.

SB 220. By Senators Barnes of the 33rd, Dean of the 31st and Trulock of the 10th:

A bill to amend Chapter 17 of Title 50 of the Official Code of Georgia Annotated, relating to state debt, investment, and depositories, so as to change the requirement that at least one signature on public securities be manually subscribed.

The following resolution of the Senate was introduced, read the first time and referred to committee:

SR 228. By Senators Coverdell of the 40th and Stumbaugh of the 55th:

A resolution requesting the Senate Human Resources Committee to conduct a study relative to an intermediate care program for troubled children.

Referred to Committee on Human Resources.

The following report of a standing committee was read by the secretary:

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Mr. President:

The Committee on Federal, State and Community Affairs has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 847.	Do pass.	HB 852.	Do pass.
HB 848.	Do pass.	HB 853.	Do pass.
HB 849.	Do pass.	HB 857.	Do pass.
HB 850.	Do pass.	HB 858.	Do pass.
HB 851.	Do pass.	HB 862.	Do pass.

Respectfully submitted,

Senator Scott of the 43rd District, Chairman

The following bills of the House were read the second time:

HB 847. By Representative Mullinax of the 81st:

A bill to amend an Act creating a Small Claims Court of Troup County, so as to change the salary of the judge.

HB 848. By Representative Mullinax of the 81st:

A bill to amend an Act creating the State Court of Troup County (formerly the Civil and Criminal Court of Troup County), so as to change the compensation of the judge and solicitor.

HB 849. By Representative Mullinax of the 81st:

A bill to amend an Act providing compensation for specified officers in Troup County, so as to change the salary of the sheriff, clerk of the superior court, tax commissioner, and judge of the probate court.

HB 850. By Representative Mullinax of the 81st:

A bill to amend an Act to change the compensation of the coroner of Troup County, so as to change the salary of the coroner.

HB 851. By Representatives Athon, Alford and Mangum of the 57th:

A bill to provide a homestead exemption from all ad valorem taxation by the City of Conyers for residents who are 62 years of age or over or who are totally disabled.

HB 852. By Representatives Dobbs of the 74th and Lambert of the 66th:

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A bill to amend an Act relating to the board of education of Newton County, so as to change the composition of the districts from which members of the board are elected.

HB 853. By Representatives Dobbs of the 74th and Lambert of the 66th:

A bill to amend an Act creating a board of commissioners of Newton County, so as to change the composition of the districts from which members of the board are elected.

HB 857. By Representative Jackson of the 65th:

A bill to amend an Act reincorporating the City of Loganville and creating a new charter for said city, so as to change the qualifications of the recorder.

HB 858. By Representatives Byrd and Moody of the 153rd:

A bill to amend an Act relating to the election of members of the board of education of Wayne County, so as to change the number of members of the board of education.

HB 862. By Representative Coleman of the 118th:

A bill to provide for an appointee school superintendent of the board of education of Dodge County; to provide for vacancies; to provide for a referendum.

The following local, uncontested bills and resolution of the House, favorably reported by the committee, were read the third time and put upon their passage:

HB 338. By Representatives Isakson, Aiken and Wilder of the 21st and others:

A bill to amend an Act creating the board of commissioners of Cobb County, so as to change the powers, duties, authority, and compensation of the chairman of the board of commissioners.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 388. By Representatives Connell of the 87th, Padgett of the 86th, Barnes of the 90th and others:

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A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment Number 74.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 483. By Representatives Robinson of the 58th, Aaron of the 56th and Williams of the 54th:

A bill to amend an Act revising, superseding and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, so as to change the provisions of said amendatory Act relating to the powers and duties of the governing authority of DeKalb County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 508. By Representatives Buck of the 95th, Smyre of the 92nd, Hirsch of the 96th and others:

A bill to amend an Act providing a charter for the county-wide government of Columbus, Georgia, so as to redefine the tort liability of the government.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 550. By Representative Daugherty of the 33rd:

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A bill to amend an Act creating the State Court of Fulton County, so as to provide terms of courts.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the yeas were 52, nays 0.

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

HB 569. By Representative Connell of the 87th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment Number 65 ., which amendment exempts from City of Augusta ad valorem taxes certain capital improvements of commercial and business establishments.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 609. By Representative Bolster of the 30th:

A bill to provide for the appointment of magistrates of Fulton County to serve in the Magistrate Court of Fulton County which will be created July 1, 1983, under the Constitution of 1982.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 629. By Representative Bolster of the 30th:

A bill to provide for urban enterprise zones in the City of Atlanta.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 662. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment (Res. Act 94), duly ratified at the 1958 General Election and proclaimed by the Governor to be a part of the Constitution of 1945.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 663. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to amend Code Section 48-5-149 of the Official Code of Georgia Annotated, relating to rate of interest and penalty on delinquent taxes in certain counties, so as to change certain population brackets and the census year upon which the brackets are based.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 665. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to provide for authority; to continue in force and effect as part of the Constitution ratified at the General Election in 1982 that Constitutional Amendment (Res. Act 605), duly ratified at the 1952 General Election and proclaimed by the Governor to be a part of the Constitution of 1945, and

subsequently made a part of the Constitution of 1976, which amendment authorized a combined Board of Health for the City of Augusta and Richmond County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 666. By Representatives Barnes of the 90th and Padgett of the 86th:

A bill to amend an Act establishing the compensation of certain officials in Richmond County, so as to change the compensation of certain officials; to provide for the payment of such compensation.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 687. By Representative Darden of the 20th:

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, so as to change the compensation of said judge.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 689. By Representative Darden of the 20th:

A bill to amend an Act creating a new charter for the City of Marietta in Cobb County, so as to grant to the mayor a veto power.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 692. By Representative Darden of the 20th:

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the clerk of the court; to change the compensation of the chief deputy clerk.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 693. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change compensation of the clerk of the Probate Court of Cobb County.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 694. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County, from the fee system to the salary system, so as to change the provisions relating to the compensation of the clerk of the superior court and the deputy clerk of the superior court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

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HB 695. By Representatives Darden and Thompson of the 20th:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the provisions relating to the supplement to be paid to each of the judges of the superior court of said circuit.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 697. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the judge of the probate court.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 712. By Representatives Thomas of the 69th and Johnson of the 70th:

A bill to amend an Act establishing the State Court of Carroll County, so as to change the compensation of the judge and solicitor.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 740. By Representatives Childs of the 53rd, Morton of the 47th, Richardson of the 52nd and others:

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A bill to amend an Act creating and establishing a new charter for the City of Decatur, so as to change, enlarge, and extend the corporate limits of the City of Decatur.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 784. By Representative Selman of the 32nd:

A bill to amend an Act providing a new charter for the City of Palmetto, so as to annex into the city limits of the City of Palmetto that property generally located northeast of the present city limits and lying between Roosevelt Highway and the northern land lot line of Land Lot 124 to the east.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 806. By Representatives Isakson, Atkins and Johnson of the 21st and others:

A bill to amend an Act entitled "An Act to amend an Act creating the State Court of Cobb County (formerly the Civil and Criminal Court of Cobb County)", so as to create an office of magistrate.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 825. By Representatives Randall of the 101st, Lucas of the 102nd, Pinkston of the 100th and Groover of the 99th:

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A bill to amend an Act establishing the Board of Public Education and Orphanage for Bibb County, so as to change the composition of the Education Districts from which members of the board are elected.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 834. By Representatives Jones of the 78th and Dunn of the 73rd:

A bill to amend an Act creating a new charter for the City of Locust Grove, so as to change provisions relating to officers of the city dealing with the city.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 837. By Representatives Colwell and Twiggs of the 4th:

A bill to create the Bald Mountain Water and Sewer Authority.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 838. By Representatives Lane of the 111th and Godbee of the 110th:

A bill to amend an Act creating a new charter for the City of Statesboro, so as to change the maximum amount of fines which may be imposed by the court.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, the yeas were 52, nays 0.

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

HB 841. By Representative Ross of the 82nd:

A bill to amend an Act amending, revising, consolidating, and superseding the Act incorporating the Town of Norwood, so as to change the term of the mayor and councilmen of said town and provide for biennial elections therefor.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 843. By Representative Darden of the 20th:

A bill to amend an Act creating the board of commissioners of Cobb County, so as to authorize the board to delay until October 1, 1983, the effective date of any salary increase provided for by an Act of the 1983 General Assembly which is to be paid from county funds.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 690. By Representative Darden of the 20th:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation provisions relating to the sheriff, the chief deputy sheriff, the deputy sheriffs, and the chief investigator.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 807. By Representatives Pinkston of the 100th, Groover of the 99th and Horne of the 103rd:

A bill to authorize the creation of an intergovernmental relations study commission by the governing authorities of Bibb County and the City of Macon.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 360. By Representative Couch of the 40th:

A bill to amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to the legal defense of indigents, so as to provide for a public defender in all counties having a population of 550,000 or more according to the 1980 United States decennial census or any future such census.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to **HB 360**:

A BILL TO BE ENTITLED AN ACT

To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions applicable to the ad valorem taxation of property, so as to provide additional requirements relative to the preferential assessment of property which is devoted to bona fide agricultural purposes in all counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census; to provide for other matters relative to the foregoing; 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 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions applicable to the ad valorem taxation of property, is amended by adding immediately following Code Section 48-5-7.1, relating to the preferential assessment of property

which is devoted to bona fide agricultural purposes, a new Code Section 48-5-7.2 to read as follows:

“48-5-7.2. (a) This Code section shall be applicable only to those counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census.

(b) In addition to the requirements set forth in Code Section 48-5-7.1, in counties in which this Code section is applicable, the following requirements shall apply to the preferential assessment of property provided for in said Code Section 48-5-7.1:

(1) Except for that property devoted to the production of timber for bona fide commercial purposes, no property shall qualify for preferential assessment unless the owner demonstrates that sales of farm products derived from the farming operations conducted on the land so assessed have resulted in gross sales of at least \$100.00 per acre from the farming operations in at least three of the preceding five years. Proof of such sales shall be required at the time of initial application for the preferential assessment. In years subsequent to the initial application for preferential assessment for those lands devoted to the production of agricultural products, the owner shall file an annual affidavit with the taxing authority which affirms that the lands so assessed continue to meet the requirements set forth above. In no event shall property qualify for said preferential assessment unless the property consists of at least 100 acres of continuous lands devoted to bona fide agricultural purposes;

(2) For those lands devoted to the production of timber for bona fide commercial purposes, the owner at the time of initial application for preferential assessment shall file an affidavit with the taxing authority which affirms that his lands are used for bona fide commercial timber production. In years subsequent to the initial application for preferential assessment for those lands devoted to the production of timber, the owner shall file an annual affidavit with the taxing authority which affirms that the lands so assessed remain in good faith commercial production of timber. In no event shall property qualify for preferential assessment unless the property consists of at least 250 acres of contiguous lands devoted to bona fide agricultural purposes; and

(3) In no event shall any land qualify for preferential assessment if said land is zoned for commercial, industrial, or residential development on lots of 20,000 square feet or less.

(c) In the event any property subject to this Code section ceases to be classified as property used for bona fide agricultural purposes, the owner at that time shall be deemed responsible for the following penalty which shall be imposed: the difference between the property tax paid as land devoted to bona fide agricultural purposes and the amount of the property tax otherwise due and payable for the seven years last past had the land not been so classified, plus interest upon the amounts of such additional tax paid at the prime rate of interest, plus 4 percent as existed for each year in which the preferential assessment was granted.”

Section 2. This Act shall become effective upon its approval by the

Governor or upon its becoming law without his approval and shall apply to all tax years beginning on or after January 1, 1984.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 52, nays 0, and the 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, the yeas were 52, nays 0.

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

HB 480. By Representatives Horne of the 103rd, Groover of the 99th, Pinkston of the 100th and others:

A bill to repeal an Act entitled "An Act to amend an Act approved February 6, 1873 appearing on Page 219 et. seq. of the published Acts of The General Assembly of Georgia 1873, and captioned, 'An Act to establish a county board of commissioners for the County of Bibb; to define its duties; and for other purposes therein named'" and subsequent Acts amendatory thereof.

The Senate Committee on Federal, State and Community Affairs offered the following amendment:

Amend HB 480 by adding between the word "any" and the word "presently" on line 16 of Page 1 the following:

"judge of the Civil Court of Bibb County who was in office on January 1, 1983, or any"

By striking Section 2 on Page 2 in its entirety and substituting in lieu thereof a new Section 2 to read as follows:

"Section 2. Nothing contained in this Act shall be deemed to affect the status, retirement pay, or compensation of any judge of the Civil Court of Bibb County who was in office on January 1, 1983, or any presently retired or emeritus judge of the Civil Court of Bibb County."

On the adoption of the amendment, the yeas were 52, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 481. By Representatives Horne of the 103rd, Groover of the 99th, Pinkston of the 100th and others:

A bill to repeal an Act entitled "An Act to amend an Act approved March 3, 1955, codifying all former Acts of the General Assembly of the State of Georgia, relating to and dealing with the Municipal Court of the City of Macon and its successor in name, jurisdiction and powers, the Civil Court of Bibb County, which Acts abolished justice courts and the office of justice of the peace and notary public; and for other purposes.", so as to provide that such repeal will not affect the status, retirement pay, or compensation of any presently retired or emeritus judge of the Civil Court of Bibb County.

The Senate Committee on Federal, State and Community Affairs offered the following amendment:

Amend HB 481 by adding between the word "any" and the word "presently" on line 19 of Page 1 the following:

"judge of the Civil Court of Bibb County who was in office on January 1, 1983, or any"

By striking Section 2 on Page 2 in its entirety and substituting in lieu thereof a new Section 2 to read as follows:

"Section 2. Nothing contained in this Act shall be deemed to affect any judge of the Civil Court of Bibb County who was in office on January 1, 1983, or any emeritus or retired judge of the Civil Court of Bibb County so as to affect either his status or his retirement pay or compensation provided by the Act repealed in Section 1 of this Act."

On the adoption of the amendment, the yeas were 52, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

The bill, having received the requisite constitutional majority, was passed as amended. www.libtool.com.cn

HB 534. By Representatives Walker of the 85th, Barnes of the 90th, Cheeks of the 89th and Brown of the 88th:

A bill to amend an Act creating the board of commissioners of Richmond County, so as to change the composition of the board and the qualifications for, terms of, and manner of electing members and chairman of the board.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HB 534:

A BILL TO BE ENTITLED AN ACT

To provide that the governing authority of Richmond County shall be a board of commissioners consisting of nine members; to provide that the board of commissioners shall also exercise the rights, powers, and duties of the City of Augusta as the governing authority of said city; to designate the board as the commission-council of Richmond County and the City of Augusta; to designate the members of the board as commissioners-councilmen; to provide for the election of the members of the commission-council; to provide for commission-council districts; to provide for qualifications of commissioners-councilmen; to define the term "House District"; to provide for the election of the members of the commission-council by a majority vote of the voters voting within each respective commission-council district; to provide for the terms of office of certain members of the board of commissioners of Richmond County for the period beginning January 1, 1985, and ending December 31, 1986; to provide that no election shall be conducted in 1986 or thereafter to elect members of the board of commissioners of Richmond County; to provide for the terms of office of members of the City Council of Augusta for the periods beginning January 1, 1985, and January 1, 1986, and ending December 31, 1986; to provide that no election shall be conducted in 1986 or thereafter to elect members of the City Council of Augusta; to provide that the mayor of Augusta elected at the regular municipal election in 1984 shall serve for a term of office beginning January 1, 1985, and ending December 31, 1987; to provide that no election shall be conducted in 1986 or thereafter to elect a mayor of the City of Augusta; to provide for the election of a chairman of the commission-council who shall serve until a mayor-chairman is elected; to create the office of mayor-chairman of the commission-council; to provide for the election and term of office of the mayor-chairman; to provide that the mayor-chairman shall be the chief executive officer of Richmond County and the City of Augusta; to provide for the executive and administrative powers and duties of the mayor-chairman; to provide for filling vacancies in the office of commissioner-councilman; to provide for filling a vacancy in the office of mayor-chairman; to provide for a quorum; to provide for the payment of bonded indebtedness of the City of Augusta and Richmond County; to continue in full force and effect certain Acts of the General Assembly except as modified by this Act; to provide that the commission-council shall constitute the governing authority of both Richmond County and the City of Augusta; to create an Urban

Services District and a Suburban Services District; to provide that such districts shall continue in existence until the commission-council modifies or abolishes such districts by ordinance; to provide for the continuation of existing ordinances and resolutions of the board of commissioners of Richmond County; to provide for the continuation of existing ordinances and resolutions of the City Council of Augusta; to provide for a budget and tax levy by the board of commissioners of Richmond County and the City Council of Augusta for calendar year 1987; to provide that tax assessments made by the board of tax assessors of Richmond County and the City of Augusta shall constitute the basis for the assessment and collection of taxes of the commission-council for calendar year 1987; to provide that the 1987 tax levy for the City of Augusta shall be levied by the commission-council only within the Urban Services District; to provide for amendments to the budget for calendar year 1987; to provide for that any special services district existing in Richmond County or the City of Augusta in 1986 shall continue to exist until modified or abolished by the commission-council; to provide for the retention of pension rights; to provide that this Act shall not result with and shall not be implemented to result with the termination of any employees of Richmond County or the City of Augusta; to provide that the sheriff of Richmond County shall be the chief law enforcement officer of the commission-council; to provide for equal opportunities for employment and promotion to all persons regardless of race, sex, religion, creed, color, or national origin; to create a transition task force; to provide for the duties and responsibilities of the transition task force; to provide for cooperation of all officers, officials, and employees of Richmond County and the City of Augusta with the transition task force; to provide for the examination of all records, files, and other data of Richmond County and the City of Augusta by the transition task force; to provide that the transition task force shall be authorized to receive and expend appropriations from the board of commissioners of Richmond County and from the mayor and City Council of Augusta; to provide that members of the transition task force shall receive no compensation for their services as such members; to provide for construction of certain Acts; to provide for other matters relative to the foregoing; to provide for a referendum; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. The governing authority of Richmond County shall be a board of commissioners of said county consisting of nine members. In addition to exercising the rights, powers, and duties of Richmond County as the governing authority of said county, the board shall also exercise the rights, powers, and duties of the City of Augusta as the governing authority of said city. Said board is designated the Commission-Council of Richmond County and the City of Augusta, hereinafter referred to as the commission-council, and the members of said board are designated as commissioners-councilmen. The commission-council shall be elected as provided in Section 2 of this Act and shall become the governing authority of Richmond County and the City of Augusta on January 1, 1987.

Section 2. (a) For the purpose of electing members of the commission-council, Richmond County is divided into nine commission-council districts as follows:

Commission-Council District 1 That portion of Richmond County lying within House District 85.

Commission-Council District 2 - That portion of Richmond County lying within House District 86.

Commission-Council District 3 - That portion of Richmond County lying within House District 87.

Commission-Council District 4 - That portion of Richmond County lying within House District 88.

Commission-Council District 5 - That portion of Richmond County lying within House District 89.

Commission-Council District 6 That portion of Richmond County lying within House District 90.

Commission-Council District 7 That portion of Richmond County lying within House Districts 85 and 88.

Commission-Council District 8 That portion of Richmond County lying within House Districts 86 and 89.

Commission-Council District 9 That portion of Richmond County lying within House Districts 87 and 90.

(b) No person shall be eligible to serve as a commissioner-councilman unless he or she: (1) has been a resident of the commission-council district from which elected for a period of one year immediately prior to the date of the election; (2) continues to reside within the commission-council district from which elected during his or her term of office; (3) is a registered and qualified elector of Richmond County; and (4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

(c) As used in subsection (a) of this section, "House District" means representative districts of the Georgia House of Representatives specified in Code Section 28-2-1 of the O.C.G.A., as such Code section existed on July 1, 1983.

Section 3. (a) At the general election conducted in November of 1986, nine members of the commission-council shall be elected. The members of the commission-council elected to represent commission-council districts 1, 3, 5, 7, and 9 shall be elected for terms of office of four years each beginning on January 1, 1987, and until their successors are elected and qualified. The members of the commission-council elected to represent commission-council districts 2, 4, 6, and 8 shall be elected for initial terms of office of two years each beginning on January 1, 1987, and until their successors are elected and qualified. Thereafter, successors to members of the commission-council shall be elected at the general election immediately preceding the expiration of their respective terms of office and shall take office on the first day of January immediately following their election for terms of office of four years each and until their successors are elected and qualified.

(b) Each member of the commission-council shall be elected by a majority of the voters voting within each respective commission-council district. All members of the commission-council shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

(c) The members of the board of commissioners of Richmond County who are elected at the general election in 1984 pursuant to an Act creating a board of commissioners for the County of Richmond, approved August 19, 1907 (Ga. L. 1907, p. 324), as amended, shall each serve for a term of office beginning January 1, 1985, and ending December 31, 1986. No election shall be conducted in 1986 or thereafter pursuant to said Act to elect members of the board of commissioners of Richmond County, and effective January 1, 1987, the board of commissioners of Richmond County heretofore existing pursuant to said Act shall stand abolished.

(d) The members of the City Council of Augusta who are elected at the regular municipal elections in 1984 pursuant to an Act chartering the City of Augusta as the "City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended, shall each serve for a term of office beginning January 1, 1986, and ending December 31, 1986. No election shall be conducted in 1986 or thereafter pursuant to said Act to elect members of the City Council of Augusta, and effective January 1, 1987, the city council of the City of Augusta heretofore existing pursuant to said Act shall stand abolished.

Section 4. (a) The mayor of the City of Augusta elected at the regular municipal election in 1984 shall serve for a term of office beginning January 1, 1985, and ending December 31, 1987. For the period beginning on January 1, 1987, and ending on December 31, 1987, the mayor of the City of Augusta shall continue to serve in that capacity. No election shall be conducted in 1986 or thereafter pursuant to an Act chartering the City of Augusta as the "City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended, to elect a mayor of the City of Augusta, and effective January 1, 1988, the office of mayor heretofore existing pursuant to said Act shall stand abolished.

(b) At the first regular meeting of the commission-council held in January, 1987, the commission-council shall elect from among its members a chairman who shall serve until a mayor-chairman is elected as provided in Section 5 of this Act. The chairman shall be elected by majority vote of the full membership of the commission-council.

Section 5. (a) There is created the office of mayor-chairman of the commission-council. Said officer shall serve as the mayor of the City of Augusta and as chairman of the board of commissioners of Richmond County. The mayor-chairman shall be elected from among the membership of the commission-council by a majority vote of the full membership of the commission-council as hereinafter provided in this section. The mayor-chairman shall be a full voting member of the commission-council.

(b) The first mayor-chairman shall be elected at the first regular meeting of the commission-council held in January, 1988. The mayor-chairman so elected shall serve until a successor is elected at the first regular meeting

of the commission-council which is held in January, 1989. Beginning with the mayor-chairman elected in January, 1989, the mayor-chairman shall serve for a term of office of two years and until a successor is elected at the first regular meeting of the commission-council which is held in January of each odd-numbered year.

Section 6. The mayor-chairman who is elected at the first regular meeting of the commission-council held in January, 1988, and successors in that office shall be the chief executive officer of Richmond County and the City of Augusta. The mayor-chairman shall possess and exercise the following executive and administrative powers and duties:

- (1) To preside at all meetings of the commission-council;
- (2) To serve as the official head of Richmond County and the City of Augusta for the service of process and for ceremonial purposes;
- (3) To administer oaths and to take affidavits;
- (4) To sign all written contracts entered into by the commission-council on behalf of Richmond County and the City of Augusta and all other contracts and instruments executed by the county and city which by law are required to be in writing;
- (5) To ensure that all laws, ordinances, and resolutions of Richmond County and the City of Augusta are faithfully executed; and
- (6) To exercise such other powers and perform such other duties as may be required by ordinance or resolution of the commission-council.

Section 7. (a) A vacancy which occurs in the membership of the commission-council by death, resignation, removal from the commission-council district, or for any other reason shall be filled by the remaining members of the commission-council appointing a qualified person to serve for the unexpired term, unless the unexpired term exceeds 28 calendar months, in which event, the commission-council shall appoint a qualified person to serve until a successor is elected to serve for the unexpired term as hereinafter provided. When the unexpired term exceeds 28 calendar months, a special election shall be held on the same date as the next succeeding general election to elect a successor for the unexpired term. Any such special election shall be called, held, and conducted in accordance with the applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

(b) No person shall fill a vacancy for an unexpired term by appointment of the commission-council unless that person receives a majority of the votes of the full commission-council.

(c) In the event the office of commissioner-councilman who serves as mayor-chairman becomes vacant for any reason, the commission-council shall elect from its own membership a successor to serve for the unexpired term. The election to fill such vacancy shall be by the affirmative vote of at least five members of the commission-council. The vacancy in the office of the commissioner-councilman who was serving as mayor-chairman shall be filled as provided in this section.

Section 8. Five members of the commission-council shall constitute a quorum for the transaction of ordinary business, but the affirmative vote of at least five members shall be required for the commission-council to take official action. Official action of the commission-council shall be entered upon its minutes. Any member of the commission-council shall have the right to request a roll-call vote.

Section 9. (a) The bonded indebtedness of the City of Augusta which is outstanding on January 1, 1987, shall become the debt and obligation of a special tax district which shall correspond to and be coterminous with the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1986. The ad valorem taxes imposed by the City of Augusta prior to January 1, 1987, to retire such bonded indebtedness shall continue to be imposed by the commission-council within the special tax district in the same manner and to the same extent that such ad valorem taxes were heretofore imposed by the City of Augusta in accordance with the terms of the obligations of such bonded indebtedness. The commission-council, as the governing authority of the City of Augusta, shall be the successor to the heretofore existing governing authority of the City of Augusta for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

(b) The bonded indebtedness of Richmond County outstanding on January 1, 1987, shall not be affected by this Act, and the commission-council, as the governing authority of Richmond County, shall become the successor to the heretofore existing governing authority of Richmond County for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

Section 10. (a) The following Acts of the General Assembly of Georgia are continued in full force and effect except as modified by the provisions of Sections 1, 2, 3, and 4 of this Act:

(1) An Act creating a board of commissioners for the County of Richmond, approved August 19, 1907 (Ga. L. 1907, p. 324), as amended.

(2) An Act chartering the City of Augusta as the "City Council of Augusta," approved January 31, 1798 (Marbury's Digest, p. 136), as amended.

(b) The commission-council shall constitute the governing authority of both Richmond County and the City of Augusta for all purposes under the Acts continued in force and effect by subsection (a) of this section. The commission-council shall exercise and be subject to all of the rights, powers, duties, and obligations heretofore or hereafter applicable to the governing authorities of Richmond County and the City of Augusta by the Acts continued in force and effect by subsection (a) of this section and by any general laws, local laws, or constitutional provisions applicable to or effective within Richmond County and the City of Augusta.

Section 11. (a) There is created an Urban Services District which shall correspond to and be coterminous with the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1986.

(b) There is created a Suburban Services District which shall correspond to and be coterminous with the unincorporated area of Richmond County as the unincorporated area of Richmond County existed on December 31, 1986. In addition, the Suburban Services District shall also include the territory embraced within the corporate limits of Hephzibah and the corporate limits of Blythe, exclusive of any territory in Burke County lying and being in the Town of Blythe, as said corporate limits existed on December 31, 1986.

(c) The Urban Services District and the Suburban Services District created by this section shall continue in existence until the commission-council modifies or abolishes such districts by ordinance duly adopted by the commission-council.

Section 12. (a) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments or agencies thereof not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the commission-council and as rules and regulations of the appropriate department or agency thereof until they are modified or repealed.

(b) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments and agencies of Richmond County which, by their terms or by their operation, were applicable prior to January 1, 1987, throughout the territorial limits of Richmond County shall continue to be effective throughout the territorial limits of Richmond County until such time as the commission-council, by resolution or ordinance, modifies or repeals such ordinances, resolutions, or regulations.

(c) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments and agencies of Richmond County which, by their terms or by their operation, were applicable prior to January 1, 1987, only within the unincorporated area of Richmond County shall be effective only in the suburban services district described in subsection (b) of Section 11 of this Act until such time as the commission-council, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations.

(d) Existing ordinances and resolutions of the City Council of Augusta which are not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the commission-council until they are modified or repealed.

(e) Existing ordinances and resolutions of the City Council of Augusta and existing rules and regulations of departments and agencies of the City of Augusta shall be applicable only within the urban services district described in subsection (a) of Section 11 of this Act until such time as the commission-council, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations.

Section 13. (a) The budget and tax levy of the board of commissioners of Richmond County and the City Council of Augusta, adopted for calendar year 1987, shall serve as the budget and tax levy of the commission-council for calendar year 1987.

(b) The tax assessments made by the board of tax assessors of Richmond County and the City of Augusta as of January 1, 1987, shall constitute the basis for the assessment and collection of taxes of the commission-council for calendar year 1987

(c) Amendments to the budget for calendar year 1987 provided by subsection (a) of this section may be made by resolution or ordinance duly adopted by the commission-council during calendar year 1987

(d) Any special services district existing in Richmond County or the City of Augusta in 1986 shall continue to exist until it is modified or abolished by the commission-council.

(e) In assessing ad valorem taxes, the commission-council shall assess within the Urban Services District such additional millage as the governing body shall determine, and which shall be imposed on account of governmental services available therein that are not furnished in the Suburban Services District. As the commission-council shall from time to time expand these governmental services to areas within the Suburban Services District, such areas shall be included in the Urban Services District and taxed accordingly.

(f) For purposes of this section, governmental services shall include fire protection of a higher class, garbage pickup, city water and sewer services, and such other services as may be provided only in the Urban Services District.

(g) The commission-council may further divide the Suburban Services District into special service districts wherever additional governmental service or services are furnished but not to the extent as in the Urban Services District. Property within said special services districts shall be assessed with such additional ad valorem taxes as the commission-council may determine on account of said services.

(h) It is the purpose of this section that property shall be subject to taxation in relation to services received or available.

Section 14. (a) All employees and former employees of Richmond County and the City of Augusta and of every agency, instrumentality, commission, or authority thereof shall retain those pension rights which had accrued to them prior to January 1, 1987, under any pension plan adopted by law or by ordinance or resolution by the board of commissioners of Richmond County or the mayor and City Council of Augusta. The commission-council shall assume on January 1, 1987, all obligations arising under all such pension plans, but the assumption of such obligations by the commission-council shall not create any obligation on the part of the commission-council or create any right which did not exist prior to January 1, 1987.

(b) This Act shall not result with and shall not be implemented to result with the termination of employment of any employees of Richmond County or the City of Augusta or of any agency, instrumentality, commission, or authority thereof, but this limitation shall not create or be construed to create any right to continued employment or create any employment contract which did not exist prior to January 1, 1987

Section 15. The chief law enforcement officer of the commission-council shall be the sheriff of Richmond County.

Section 16. The commission-council shall afford equal opportunities for employment and promotion to all persons regardless of race, sex, religion, creed, color, or natural origin. No reorganization of the delivery of services shall be undertaken that results in reduced employment or employment opportunities for any minority group.

Section 17. (a) After their election but prior to their taking office on January 1, 1987, the first commissioner-councilmen elected under Section 3 of this Act and the mayor of the City of Augusta shall constitute a transition task force for the purpose of planning and preparing for the assumption of governmental powers by the commission-council on January 1, 1987. The mayor of the City of Augusta shall serve as the chairman of the transition task force. The transition task force shall meet on the call of its chairman for the purpose of planning for and scheduling the initial organization of the government in accordance with the applicable provisions of this Act.

(b) The transition task force shall be authorized to make such recommendations as it deems appropriate for the assumption of governmental powers by the commission-council on January 1, 1987. The transition task force is specifically charged with the responsibility of developing proposed ordinances, including ordinances relating to the creation of special service tax districts, which should be considered for adoption by the commission-council at its first regular meeting held in January, 1987, or at a regular meeting of the commission-council held as soon thereafter as practicable.

(c) All officers, officials, and employees of Richmond County and the City of Augusta shall cooperate with and assist the transition task force. The transition task force shall be entitled to examine all records, files, and other data in the possession of Richmond County and the City of Augusta and all officers, officials, and employees and departments thereof. Richmond County and the City of Augusta shall, to the extent possible, provide working areas and facilities for the transition task force.

(d) The transition task force shall be authorized to receive and expend appropriations from the board of commissioners of Richmond County and from the mayor and City Council of Augusta for the purpose of carrying out its duties, but members of the transition task force shall receive no compensation for their services as such members.

Section 18. Nothing contained in this Act shall be construed so as to amend, modify, or repeal an Act incorporating the Town of Blythe, Georgia, approved August 3, 1920 (Ga. L. 1920, p. 748), or an Act creating a new charter for the City of Hephzibah, approved April 13, 1982 (Ga. L. 1982, p. 4801).

Section 19. After the date of the approval of this Act by the Governor, or after it otherwise becomes law, it shall be the duty of the election superintendent of Richmond County to issue the call for an election for the purpose of submitting this Act to the electors of Richmond County for approval or rejection. The superintendent shall set the date of such election for Tuesday, May 3, 1983. The superintendent shall issue the call for such election at least 30 days but not more than 60 days prior to the date of the

election. 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 Richmond County. The ballot shall have written or printed thereon the words:

“[] YES Shall the Act providing for a unified government for the City of Augusta and Richmond County be approved?”
[] NO

All persons desiring to vote for approval of the Act shall vote “Yes,” and those persons desiring to vote for rejection of the Act shall vote “No.” If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect; otherwise it shall be void and of no force and effect.

The expense of such election shall be borne by Richmond County. It shall be the duty of the superintendent to hold and conduct such election. It shall be his further duty to certify the result thereof to the Secretary of State.

Section 20. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 52, nays 0, and the 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, the yeas were 52, nays 0.

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

HB 570. By Representatives Pinkston of the 100th, Groover of the 99th, Lucas of the 102nd and Horne of the 103rd:

A bill to amend an Act creating the State Court of Bibb County, so as to provide for warrant officers of said court and their selection, compensation, and duties.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HB 570:

A BILL TO BE ENTITLED AN ACT

To amend an Act creating the State Court of Bibb County, approved August 14, 1885 (Ga. L. 1884-85, p. 470), as amended, so as to provide for

a warrant officer to serve said court and other appropriate courts in Bibb County; to provide for the selection, compensation, qualifications, and duties of the warrant officer; to provide for all related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act creating the State Court of Bibb County, approved August 14, 1885 (Ga. L. 1884-85, p. 470), as amended, is amended by adding a new Section 7.1 immediately after Section 7 to read as follows:

“Section 7.1. There shall be a warrant officer of Bibb County who shall serve the State Court of Bibb County and other appropriate courts in Bibb County. The powers and duties of the warrant officer shall consist of the hearing of applications for and the issuance of arrest warrants. The warrant officer provided herein shall issue peace warrants, felony warrants, and misdemeanor warrants returnable to the appropriate court in Bibb County. The warrant officer shall be appointed by and serve at the pleasure of the judge of the State Court of Bibb County. The compensation of the warrant officer shall be fixed by the board of commissioners of Bibb County and paid from funds of Bibb County. The warrant officer shall be qualified and trained in legal matters relevant to his duties but shall not be required to be an attorney.”

Section 2. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 52, nays 0, and the 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, the yeas were 52, nays 0.

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

HB 596. By Representatives Thompson and Darden of the 20th:

A bill to amend an Act creating the State Court of Cobb County, so as to change the jurisdiction of said court.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HB 596:

**A BILL TO BE ENTITLED
AN ACT**

To amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved March 23, 1977 (Ga. L. 1977, p. 3188), an Act approved April 11, 1979 (Ga. L. 1979, p. 3481), an Act approved January 19, 1981 (Ga. L. 1981, p. 4759), and an Act approved April 6, 1981 (Ga. L. 1981, p. 4196), so as to change the jurisdiction of said court; to change certain provisions relating to the docket of criminal cases known as the dead docket; to change the compensation of the judges and the solicitor of said court; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved March 23, 1977 (Ga. L. 1977, p. 3188), an Act approved April 11, 1979 (Ga. L. 1979, p. 3481), an Act approved January 19, 1981 (Ga. L. 1981, p. 4759), and an Act approved April 6, 1981 (Ga. L. 1981, p. 4196), is amended by striking the first paragraph of Section 2 of said Act, which reads as follows:

“The State Court of Cobb County shall have all the jurisdiction as to subject matter now exercised by justices of the peace and justice courts in Georgia throughout Cobb County. In addition thereto, said Court shall have jurisdiction to try and dispose of all civil and misdemeanor cases regardless of their nature, except cases involving injury to the reputation, concurrent with the superior courts, including but not limited to cases of injury to the person, in which cases the Court shall have civil jurisdiction unlimited in amount, and including not only suits as are commenced by petition and process or summons, but also all other kinds of suits or proceedings which are now or may hereafter be in use in the superior court of this county or justice courts, either under the common law or by statute, of which jurisdiction is not vested exclusively in other courts by the Constitution of the State of Georgia, and except extraordinary remedies as are defined in Chapters 64-101, 64-201, and 64-301 of the Code of Georgia of 1933, and habeas corpus proceedings, and the practice and procedure in cases involving three hundred (\$300.00) dollars principle or less shall be and remain the same as that now in force in the justice courts of Georgia, except as otherwise herein provided, and the practice and procedure in cases involving over three hundred (\$300.00) dollars shall be and remain the same as that now in force in the superior courts of Georgia, except as otherwise herein provided. Any case brought in the State Court of Cobb County over which such Court has jurisdiction, notwithstanding the provisions of this Section, may be transferred to the Superior Court of Cobb County when justice requires and upon motion of either party.”,

and inserting in lieu thereof a new paragraph to read as follows:

“The State Court of Cobb County shall have all the jurisdiction as

to subject matter now exercised by justices of the peace and justice courts in Georgia throughout Cobb County. In addition thereto, said Court shall have jurisdiction to try and dispose of all civil and misdemeanor cases regardless of their nature, except cases involving injury to the reputation, concurrent with the superior courts, including but not limited to cases of injury to the person, in which cases the Court shall have civil jurisdiction unlimited in amount, and including not only suits as are commenced by petition and process or summons, but also all other kinds of suits or proceedings which are now or may hereafter be in use in the superior court of this county or justice courts, either under the common law or by statutes, of which jurisdiction is not vested exclusively in other courts by the Constitution of the State of Georgia, and except extraordinary remedies as are defined in Articles 2, 3 and 4 of Chapter 6 of Title 9 of the Official Code of Georgia Annotated, and habeas corpus proceedings, and the practice and procedure in cases involving one thousand (\$1,000.00) dollars principal or less shall be and remain the same as that now in force in the justice courts of Georgia, except as otherwise herein provided, and the practice and procedure in cases involving over one thousand (\$1,000.00) dollars shall be and remain the same as that now in force in the superior courts of Georgia, except as otherwise herein provided. Any case brought in the State Court of Cobb County over which such Court has jurisdiction, notwithstanding the provisions of this Section, may be transferred to the Superior Court of Cobb County when justice requires and upon motion of either party."

Section 2. Said Act is further amended by striking from Section 38 the following:

"Any provision of this section to the contrary notwithstanding, there is hereby created for the State Court of Cobb County a docket of criminal cases, to be known as the dead docket, to which cases shall be transferred at the discretion of the solicitor, and which shall only be called at his pleasure. When a case is thus transferred, all witnesses who may have been subpoenaed therein shall be released from further attendance until resubpoenaed.",

so that when so amended Section 38 shall read as follows:

"Section 38. The judges of the State Court of Cobb County, in transacting the business of said Court and in performing their duties and responsibilities, shall share, divide and allocate the work and duties to be performed by each judge. In the event of disagreement between said judges, the decision of a majority of the judges shall be controlling. The judges of the State Court of Cobb County shall have, and they are hereby clothed with, full powers, authority and discretion to determine, from time to time and term to term, the manner of calling the dockets and of fixing the calendars and order of business in said Court. They may assign the hearing of trials by jury for a term to one of said judges, and the hearing of all other matters not requiring a trial by a jury to any other judge, and they may rotate such order of business at the next term. Each of said judges may conduct trials by jury at the same time, or any of them may hear business in chambers and motions at the same time within said Court. They may provide, in all respects, for holding the State Court so as to facilitate the hearing and determination of all busi-

ness of said Court pending at any time and ready for trial or hearing. In all such matters relating to the manner of fixing, arranging for and disposing of the business of said Court, and making appointments as authorized by law where the judges of said Court cannot agree, the opinion of the majority of such judges shall control.”

Section 3. Said Act is further amended by striking from Section 23 the following:

“The salary of the judges of the State Court of Cobb County shall be \$38,709.00 per annum; provided, however, such salary shall be increased by 8 percent to \$41,806.00 per annum, effective January 1, 1982.”,

and inserting in lieu thereof the following:

“The salary of the judges of the State Court of Cobb County shall be \$44,315.00 per annum.”

Section 4. Said Act is further amended by striking paragraph (1) of subsection (b) of Section 27 which reads as follows:

“(1) The compensation of the solicitor shall be \$30,100.00 per annum, payable in equal monthly installments from the funds of Cobb County. Said compensation shall be increased by 8 percent effective January 1, 1982.”,

and inserting in lieu thereof a new paragraph (1) to read as follows:

“(1) The compensation of the solicitor shall be \$32,508.00 per annum; provided, however, such salary shall be increased to \$41,806.00 per annum, effective April 1, 1983. Said compensation shall be payable in equal monthly installments from the funds of Cobb County.”

Section 5. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 52, nays 0, and the 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, the yeas were 52, nays 0.

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

HB 658. By Representative Bolster of the 30th:

~~www.billtool.com on~~
A bill to amend an Act providing for the establishment of a county-wide library system in Fulton County, so as to except from the operation of certain provisions of the Act that part of the City of Atlanta within DeKalb County.

The Senate Committee on Federal, State and Community Affairs offered the following amendment:

Amend HB 658 as follows:

By inserting in line 7 on Page 1 between the word and semicolon "governments;" and the word "to" the following:

"to vest the management, control, and administration of the county-wide library system in the library board of trustees; to provide for a librarian appointed by the board of trustees; to provide for other personnel;"

By redesignating Sections 2 and 3 as Sections 3 and 4, respectively, and by adding a new Section 2 to read as follows:

"Section 2. Said Act is further amended by adding at the end of Section 4 a new subsection (c) to read as follows:

'(c) The library board of trustees provided for in this section shall be vested with the management, control, and administration of the county-wide library system provided for in this Act. Said board of trustees shall have power to make reasonable rules and regulations for the operation of the county-wide library system and may establish branches and stations wherever deemed advisable and may carry on other forms of library extension service. Said board of trustees shall create the office of librarian and fix the term and compensation of said office, and said office shall be filled by a person with professional library training and experience who shall be appointed by the board of trustees. Notwithstanding the provisions of Section 2 of this Act, the librarian shall not be subject to the civil service laws and regulations of Fulton County. Other employees of the board of trustees shall be subject to the civil service laws and regulations of Fulton County as provided in Section 2 of this Act, but such employees shall be under the supervision and control of the board of trustees and the librarian as authorized by the board of trustees. The board of trustees shall have the power to contract within the limits of funds made available to it by appropriations or taxation by Fulton County and the City of Atlanta or by bequest or donation or from other sources; provided, however, appropriations shall be in accordance with county budgetary regulations.'"

On the adoption of the amendment, the yeas were 52, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HB 715. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act creating the office of commissioner of Carroll County, so as to change the compensation of the commissioner of Carroll County.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HB 715:

A BILL TO BE ENTITLED AN ACT

To create the office of commissioner of Carroll County; to provide that the newly created office shall be the successor to all the rights, powers, duties, and obligations of the heretofore existing office of commissioner of Carroll County; to provide that the office of commissioner shall be subject to all constitutional and statutory provisions relating to boards of commissioners of counties; to provide for the election and term of office of the commissioner; to provide for filling vacancies; to provide for an oath and bond; to provide for the compensation of the commissioner; to provide for meetings of the commissioner; to authorize the commissioner to appoint a clerk; to provide for purchasing procedures; to authorize the commissioner to appoint a superintendent of roads and bridges; to provide for audits; to provide for powers and duties of the commissioner; to authorize the commissioner to receive contributions; to provide for other matters relative to the foregoing; to repeal a specific Act of the General Assembly; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Office of commissioner of Carroll County created. (a) There is created in and for the County of Carroll the office of commissioner of Carroll County. The commissioner of Carroll County shall constitute the governing authority of said county, and he shall exercise the powers, duties, and responsibilities vested in said office.

(b) The office of commissioner of Carroll County created by this Act shall be the successor to all the rights, powers, duties, and obligations of the heretofore existing office of commissioner of Carroll County and shall be subject to all constitutional and statutory provisions relating to boards of commissioners of counties.

Section 2. Election and term of office of commissioner of Carroll County. The present commissioner of Carroll County shall continue to serve until December 31, 1984. An election for commissioner of Carroll County

shall be conducted in 1984 and every four years thereafter on the date of the general election, and said commissioner shall assume office on January 1 immediately succeeding the election and he shall hold office for four years and until his successor is elected and qualified.

Section 3. Vacancies. (a) In the event of a vacancy in the office of commissioner of Carroll County for any reason other than expiration of a term of office, it shall be the duty of the judge of the Probate Court of Carroll County to issue the call for a special election, within five days after the occurrence of the vacancy, to fill said vacancy. The special election shall be conducted in accordance with the "Georgia Election Code," as now or hereafter amended.

(b) The judge of the Probate Court of Carroll County shall exercise the powers, duties, and responsibilities of the commissioner of Carroll County until such time as a successor is elected to fill the office of commissioner of Carroll County.

Section 4. Oath and bond. Before entering upon the discharge of his duties, the commissioner shall subscribe an oath before the judge of the Probate Court of Carroll County for the true and faithful performance of his duties and that he is not the holder of public funds unaccounted for. In addition, the commissioner shall further give a satisfactory surety bond approved by and payable to the judge of the Probate Court of Carroll County and filed in the office of the judge of the probate court, in the sum of \$25,000.00, conditioned upon the faithful performance of the duties of his office. The cost of the bond shall be paid from the funds of Carroll County.

Section 5. Compensation of commissioner. The commissioner of Carroll County shall be compensated in the amount of \$35,000.00 per annum to be paid in equal monthly installments from the funds of Carroll County. The county shall furnish the commissioner with an appropriate automobile to be used by him in carrying out the official duties of his office. The cost of such automobile and the replacement cost thereof from time to time, as well as the costs necessary to maintain and operate such automobile, shall be paid from the funds of Carroll County. The commissioner shall be compensated in the sum of \$3,000.00 from the funds of Carroll County for expenses incurred by him in carrying out his official duties.

Section 6. Meetings of commissioner. The commissioner of Carroll County shall hold at least one regular meeting each month, and the meeting shall be conducted on the first Tuesday of each month so that the public will be able and may appear before the commissioner for any purpose. The commissioner may conduct special meetings at any time.

Section 7. Clerk. The commissioner of Carroll County is authorized to appoint a clerk who shall be covered under the civil service system of Carroll County. Any citizen of said county, other than the commissioner, shall be eligible to hold said office of clerk of said commissioner and shall receive a salary for his services to be fixed by said commissioner, which salary shall be paid in equal monthly installments. Said clerk before entering upon his duties shall give bond, with some responsible surety company authorized to do business in Georgia, as his surety, in the sum of \$15,000.00, to be approved by said commissioner, the premium on said bond to be paid by the

county, payable to the judge of the probate court of said county and his successors in office and conditioned upon the faithful performance of his duties as such clerk and to account for any and all funds, property, or effects which may come into his hands as such clerk or otherwise, which said bond shall be filed with the judge of the probate court of said county and recorded on his minutes and may be sued on in like manner as the bond of said commissioner. He shall keep minutes of all meetings of said commissioner, an inventory of all properties, and such books and records as may be required of him by said commissioner and do such other acts and things as may be required of him by law or by said commissioner.

Section 8. Purchasing. The commissioner of Carroll County, either himself or his appointed agents, shall purchase all equipment, material, and supplies necessary for said county, of such kind and quality and in such quantities as may be needed, and, wherever practicable, purchases of all equipment, materials, and supplies shall be by competitive bids, which bids shall be kept on file in the office of the commissioner and subject to inspection by the grand jury or other interested citizens. Purchases shall be charged to Carroll County; and, before bills therefor are submitted to the commissioner for approval, they shall be audited and payment therefor recommended by the parties making such purchase. The commissioner shall pay approved bills.

Section 9. Warden of county correctional institution. The commissioner may, at his discretion and when he deems it necessary, appoint a warden of the county correctional institution. The warden shall devote his entire time to his duties as such warden and shall not engage in any other business. He shall receive such salary as may be fixed by the commissioner and shall hold his position under the civil service system of Carroll County. The warden shall have entire control of the prisoners sentenced to work upon the roads or works of said county by the proper authorities of the state assigned to the county by the proper authorities of the state and shall so employ them according to law and under such plans of working, building, repairing, and maintaining the public roads, bridges, and works of said county as may now or hereafter be adopted or enforced by law in said county.

Section 10. Audits. The commissioner may have the books and accounts of the tax commissioner, custodian of all county funds, sheriff, superintendent of schools, commissioner, and such other officers as may be necessary audited annually by a certified public accountant of this state who shall be paid from county funds. Said audits shall be filed in the office of said commissioner of said county and shall at all times be subject to inspection by any citizen or taxpayer of said county. A summary of said audit shall be published in the official organ of Carroll County within 30 days after it shall have been completed.

Section 11. Powers and duties of the commissioner. (a) The said commissioner shall have and he is vested with exclusive jurisdiction and control over the following, to wit: in directing, controlling, conveying, and caring for all the property of the county according to law; in levying taxes according to law; in establishing, altering, and abolishing public roads, private roads, private ways, bridges, and ferries according to law; in establishing, abolishing, or changing election precincts and militia districts according to law; in examining the tax commissioner's books; in allowing the insolvent lists for said

county according to law; in settling all claims against the county; examining and auditing all claims and accounts of officers having the care, management, keeping, collecting, or disbursement of money belonging to the county or appropriating for its use or benefit and bringing them to settlement; frequently examining and auditing the books of all officers through whose hands any county funds must pass; he may require from all such officers, subject to an examination, such reports as may be necessary to keep such commissioner fully informed at all times of the financial condition of the county; in controlling, caring for, and managing the convicts of the county according to law; in making rules, regulations, and provisions for the support of the poor of the county according to law; in promoting and preserving the public health of the county, with authority to quarantine against contagious diseases and epidemics, according to law; in regulating and fixing license fees as may be provided by law; to sue and be sued in the name of Carroll County; to exercise the power of eminent domain in the manner described by law; and generally to have and exercise all powers and to exercise such other powers as are granted by law or as may be indispensable to the jurisdiction over county matters or county finance; in selecting and appointing all minor officers of the county whose election or appointment is not otherwise fixed by law, such as superintendent and guards and public work forces, janitor of the courthouse, county physician and health officer, tax assessors and county policemen, and other officers and guards as needed and authorized by law; and such commissioner shall have the authority to employ a competent attorney at law, resident of the county, as county attorney to advise the commissioner and represent the county in such matters as the commissioner may direct, who shall be paid such salary or compensation as the commissioner may direct, out of the regular funds of the county, with authority of said commissioner to fix his term of office or to discharge him at any time; in regulating peddling licenses according to law.

(b) The commissioner is authorized to exercise all of the powers and authority heretofore vested by law in the judge of the probate court when sitting for county purposes, together with the powers and authority which may now exist or may hereafter be delegated by law to the governing authority of the county, by whatever name designated.

Section 12. Receipt of contributions. The commissioner may receive contributions for the improvement of the public roads or bridges of the county from persons who own property along the right of way, or from any other person or persons or from the state government or from the United States government or from any corporation or firm who may be interested in the improvement of the roads and bridges, and such contributions when received shall be used for the improvement of the roads or bridges designated by the contributor.

Section 13. Specific repealer. An Act creating the office of commissioner of Carroll County, approved February 21, 1951 (Ga. L. 1951, p. 3310), as amended, is repealed in its entirety.

Section 14. General repealer. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 52, nays 0, and the substitute was adopted. www.libtool.com.cn

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, the yeas were 52, nays 0.

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

HB 779. By Representatives Chambless of the 133rd, White of the 132nd, Balkcom of the 140th and Young of the 134th:

A bill to amend an Act creating the Small Claims Court of Dougherty County, so as to change a certain designation.

Senator Holloway of the 12th offered the following substitute to HB 779:

A BILL TO BE ENTITLED AN ACT

To amend an Act creating the Small Claims Court of Dougherty County, approved March 24, 1976 (Ga. L. 1976, p. 3164), as amended, so as to comply with Article VI of the Constitution of the State of Georgia; to provide for the appointment, terms, qualifications, and compensation of a chief magistrate and magistrates; to provide for the filling of vacancies in the office of chief magistrate and magistrate; to provide that the sheriff of Dougherty County shall be constable of the magistrate court; to provide that the clerk of the Superior Court of Dougherty County shall be clerk of the magistrate court; to provide for recordkeeping, costs, and fees of the magistrate court; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act creating the Small Claims Court of Dougherty County, approved March 24, 1976 (Ga. L. 1976, p. 3164), as amended, is amended by striking Sections 1 through 24 of said Act and inserting in their place the following:

“Section 1. The Small Claims Court of Dougherty County existing on June 30, 1983, shall be continued after such date as the Magistrate Court of Dougherty County, pursuant to Article 1 of Chapter 10 of Title 15 of the O.C.G.A.

Section 2. The term of office of any person serving as judge of the Small Claims Court of Dougherty County immediately prior to July 1, 1983, shall expire upon that date. On and after July 1, 1983, there shall be three part-time magistrates to serve as judges of the Magistrate Court

of Dougherty County. These magistrates shall be appointed by the chief judge of the State Court of Dougherty County, who shall designate one of them to be chief magistrate.

Section 3. Magistrates first appointed under Section 2 of this Act shall take office July 1, 1983, for an initial term which shall expire December 31, 1984, and upon the appointment and qualification of their respective successors. Thereafter magistrates shall be appointed to take office on January 1 for a term of two years and until their respective successors are appointed and qualified.

Section 4. Vacancies in the office of magistrate shall be filled by appointment by the chief judge of the State Court of Dougherty County. Such appointments shall be for the remainder of the unexpired term of office and until the appointment and qualification of a successor.

Section 5. The compensation of magistrates shall be determined by resolution of the county governing authority. Such compensation shall not be decreased during a magistrate's term of office.

Section 6. In addition to other requirements of law, a magistrate shall have been an active member of the State Bar of Georgia for three years at the time of his appointment.

Section 7. The clerk of the Superior Court of Dougherty County shall be clerk of the Magistrate Court of Dougherty County.

Section 8. An accurate record of all costs, fees, forfeitures, and charges in the magistrate court shall be kept by the clerk of the court, and all costs, fees, and charges of every kind collected by any of the officers of the court shall be immediately turned over to the clerk of the court and entered at once by the clerk on his records. On or before the tenth day of each month, it shall be the duty of the clerk to furnish the county governing authority a complete, accurate, and sworn statement of all such costs, charges, fees, and collections and to pay over all of the moneys collected to which the county is entitled to the treasury of Dougherty County. Such moneys received from the clerk of court shall be held to the credit of the county and paid out on warrant of the county governing authority.

Section 9. A docket for the magistrate court shall be maintained in which every proceeding and ruling had in each case shall be indicated.

Section 10. Law library fees may be charged at the time of filing a case or at the time of assessing costs, according to such procedure and amounts as may be fixed by order of the chief judge of superior courts for the Dougherty Judicial Circuit.

Section 11. The deposit of filing fees shall be established by court rule consistent with general law.

Section 12. The sheriff of Dougherty County or his lawful deputies shall act as bailiff and constable for the Magistrate Court of Dougherty County. Such officers shall be subject to rule in said court as sheriffs are subject to rule in the superior courts. Such officers shall, in addition to

the powers conferred on them as sheriffs, have any and all powers and duties provided by law for constables in magistrate courts of this state.”

Section 2. This Act shall become effective on July 1, 1983, upon the condition that House Bill 121 of the 1983 regular session of the General Assembly is passed into law. If House Bill 121 is not enacted into law on or before July 1, 1983, this Act shall be null and void.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 52, nays 0, and the substitute was adopted.

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, the yeas were 52, nays 0.

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

HB 780. By Representatives Chambless of the 133rd, White of the 132nd, Balkcom of the 140th and Young of the 134th:

A bill to amend an Act creating the State Court of Dougherty County, so as to change a certain designation.

Senator Holloway of the 12th offered the following substitute to HB 780:

A BILL TO BE ENTITLED AN ACT

To amend an Act creating the State Court of Dougherty County, formerly known as the City Court of Albany, approved December 16, 1897 (Ga. L. 1897, p. 408), as amended, so as to provide for the continuation of the court; to provide for a full-time judge; to provide the compensation, term, and duties of the judge; to provide for a selection of a judge pro hac vice; to provide for a clerk, solicitor, bailiff, and constable for the court and the duties of such officers; to provide for jury selection and procedure; to provide for costs and fees; to provide for court terms; to provide for matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act creating the State Court of Dougherty County, formerly known as the City Court of Albany, approved December 16, 1897

(Ga. L. 1897, p. 408), as amended, is amended by striking Sections 2 through 30 of said Act and inserting in their place the following:

“Section 2. The State Court of Dougherty County, formerly known as the City Court of Albany, is continued as the State Court of Dougherty County on and after July 1, 1983.

Section 3. There shall be one judge of the State Court of Dougherty County, such position to be a full-time judgeship. The judge in office on June 30, 1983, shall serve out his term of office which shall expire on January 1, 1985, and upon the election and qualification of a successor. That successor and all subsequent successors to the office of judge shall be elected at the general election immediately preceding the expiration of the term of the incumbent and shall take office on January 1 immediately following such election for the term provided by law and until the election and qualification of a successor.

Section 4. The judge of the state court shall receive an annual salary in the amount of \$40,000.00. The governing authority of the county is authorized to supplement the salary thus fixed. Such salary and supplement shall be paid in equal monthly installments from the funds of Dougherty County.

Section 5. It shall be the duty of the judge of the state court to see that the officers of the court are diligent in the collection of costs, and to this end he shall call the issue docket of the court on some fixed day in each month and shall adopt such measures and rules as will ensure the payment of costs by the party or parties liable for the same.

Section 6. It shall be the duty of the judge of the state court to have his office open during the usual business hours for five days of each week.

Section 7. In the event the judge of the state court is unable or disqualified to preside in the court, then a judge pro hac vice may be selected by the parties to any cause pending in the court in the same manner as the parties might select a judge pro hac vice in the superior court. In the event the parties fail to select by agreement a judge pro hac vice, then the clerk of the State Court of Dougherty County, or in his absence the deputy clerk, shall select a judge pro hac vice in the same manner as provided by law for such cases in the superior courts.

Section 8. The district attorney for the Dougherty Judicial Circuit shall serve as solicitor for the State Court of Dougherty County. Assistant district attorneys of such circuit shall serve as assistant solicitors of the court. The district attorney may assign one or more assistant district attorneys to serve in his place as solicitor.

Section 9. The clerk of the Superior Court of Dougherty County shall ex officio be clerk of the State Court of Dougherty County. In addition to his authority to appoint deputy clerks of the Superior Court of Dougherty County who would also be ex officio deputy clerks of the State Court of Dougherty County, he may appoint special deputy clerks whose authority as such shall be limited to performing the duties and exercising the powers of deputy clerks of the State Court of Dougherty County. The

clerk of the State Court of Dougherty County and each of his deputy clerks shall make a bond with good security in the amount of \$5,000.00 for the faithful discharge of their duties, which bonds shall be approved and recorded in the same manner as bonds of clerks of the superior courts are approved and recorded. Such deputy clerks shall hold office at the will of the clerk of the Superior Court of Dougherty County. The clerk and his deputies shall be subject to rule by the State Court of Dougherty County in the same manner as clerks are subject to rule in the superior court. The appointment of such deputy clerk or clerks shall be recorded in the office of the judge of the Probate Court of Dougherty County and such deputy clerk or clerks, before entering upon the discharge of their duties, shall take before the judge of the probate court the same oath as is required of clerks of the superior courts and such oath shall likewise be recorded. The judge of the State Court of Dougherty County shall be ex officio clerk of the court and may perform all of the duties of clerk of the court. Whenever in this Act the clerk of the State Court of Dougherty County is authorized or required to perform any act or to do any thing, the clerk of the State Court of Dougherty County or his deputy or the judge of the court acting as ex officio clerk of the court shall be authorized to perform the functions of clerk. One deputy clerk, to be designated by the clerk and approved by the judge, shall perform all such secretarial duties as may be required by the judge.

Section 10. It shall be the duty of the clerk of the state court to keep all dockets, books, and records required of the court specifically by this Act and generally by the laws of this state; to make all reports and account for all costs, fines, and forfeitures as required specifically by this Act and by the laws of this state; to have a seal for the court; to issue, sign, and attach seals thereto when necessary, every order, rule, summons subpoena, writ, execution, process, or court paper under the authority of the court except criminal warrants; to attend all sessions of the court as required by the judge thereof, and generally to do and perform all duties as clerk of said court which clerks of the superior courts do, insofar as applicable to the State Court of Dougherty County or as required in this Act.

Section 11. The clerk of the State Court of Dougherty County shall receive such salary as may be determined by the county governing authority.

Section 12. An accurate record of all costs, fees, forfeitures, and charges in the state court shall be kept by the clerk of the court, and all costs, fees, and charges of every kind collected by any of the officers of the court shall be immediately turned over to the clerk of the court and entered at once by the clerk on his records. On or before the fifth day of each month it shall be the duty of the clerk to furnish the county governing authority a complete, accurate, and sworn statement of all such costs, charges, fees, fines, forfeitures, and collections and to pay over all of the moneys collected to the treasury of Dougherty County. Such moneys received from the clerk of the court shall be held to the credit of the county and paid out on warrant of the county governing authority.

Section 13. The sheriff of Dougherty County or his lawful deputies shall act as bailiff and constable in and for the state court and they shall

do and perform all duties incident to the offices of bailiff and constable. Before entering upon the duties of their offices, each shall take and subscribe an oath to perform faithfully and diligently the duties thereof, and each shall have executed a bond in a sum not less than \$1,000.00 for the faithful discharge of the duties of office as required under Code Section 36-8-3 of the O.C.G.A. and upon which they shall be liable for the discharge of their duties as bailiffs and constables of the State Court of Dougherty County. Such officers shall be subject to rule in the court as sheriffs are subject to rule in the superior courts. Such officers shall, in addition to the powers conferred on them as sheriffs, have any and all powers and duties provided by law for constables in magistrate courts in this state.

Section 14. (a) Except as provided in subsection (b) of this section, juries for the trial of civil and criminal cases by the state court shall be composed of six jurors. Except as otherwise provided in this section, the procedure for the summoning, drawing, impaneling, and selection of jurors for the trial of cases shall be the same as is provided for the superior courts. The judge of the state court at each term shall have made up from the petit jurors two panels of six jurors each which shall be known and distinguished as panels 'number 1' and 'number 2.' The prosecuting attorney and the accused or the plaintiff and defendant may select either panel of the petit jury. If they shall not agree upon a panel, the clerk shall furnish the parties or their attorneys a list of both panels from which the parties or their attorneys may strike alternately until there shall be but six left which shall constitute the jury to try the case. In all civil cases the plaintiff shall have the first strike and in all criminal cases the state shall have the first strike.

(b) In civil cases in which the amount in controversy is \$10,000.00 or greater, either the plaintiff or defendant may demand in writing prior to the commencement of the trial term that the case be tried by a jury of 12. If such a demand is made, the judge shall make up from the petit jurors two panels of 12 jurors each which shall be known and distinguished as panels 'number 1' and 'number 2.' The plaintiff and defendant may select either panel of the petit jury. If they shall not agree upon a panel, the clerk shall furnish the parties or their attorneys with a list of both panels from which the parties or their attorneys may strike alternately until there shall be but 12 left which shall constitute the jury to try the case. The plaintiff shall have the first strike.

Section 15. The cost and fees charged in the State Court of Dougherty County shall be a flat amount of \$17.50 which shall be the total cost of the case and which shall not be refunded. Such fee shall also be charged in garnishment proceedings.

Section 16. Each party filing a civil action in the state court shall deposit with the clerk of the court at the time of the filing or commencement of said proceeding the sum of \$17.50 as provided in Section 15; provided, however, such deposit shall not be required of any person who shall subscribe an affidavit to the effect that because of his indigence he is unable to pay the same. If the party making such deposit shall finally prevail in the civil action, the amount of the deposit shall be taxed as

part of the costs against the losing party defendant and shall be refunded to the party depositing the same after all costs have been paid.

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Section 17. Law library fees may be charged at the time of filing a case or at the time of assessing costs, according to such procedure and amounts as may be fixed by order of the chief judge of superior courts for the Dougherty Judicial Circuit.

Section 18. The terms of the state court shall commence on the first Monday of each month. The judge shall have power to hold court in session from day to day, and to recess the same from time to time, provided that each term of the court shall be finally adjourned simultaneously with the commencement of the succeeding term.

Section 19. The state court shall be held at the courthouse of Dougherty County or at such other adequate and convenient place as the county governing authority may provide. The county governing authority shall provide the necessary office, furniture, supplies, forms, and books for keeping the dockets and records of the court. Both the judge and the clerk of the court are charged with the duty and responsibility of keeping adequate and complete dockets and records, which shall at all times be kept current."

Section 2. This Act shall become effective July 1, 1983, upon the condition that House Bill 145 of the 1983 regular session of the General Assembly is passed into law. If House Bill 145 is not enacted into law on or before July 1, 1983, this Act shall be null and void.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 52, nays 0, and the substitute was adopted.

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, the yeas were 52, nays 0.

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

HB 813. By Representative Isakson of the 21st:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the county supplement for the district attorney.

Senators Barnes of the 33rd, Harrison of the 37th, Brantley of the 56th and Thompson of the 32nd offered the following amendment:

Amend HB 813 by striking line 5 of Page 1 and inserting in lieu thereof the following:

“the district attorney; to change the provisions relative to the appointment and compensation of investigators; to change the provisions relative to the appointment and compensation of assistant district attorneys; to change the provisions relative to the county supplement paid to the legal secretary appointed by the district attorney; to provide an effective date; to”

By striking from line 20 of Page 2 the following:

“\$18,020.00”,

and inserting in lieu thereof the following:

“\$20,000.00”

On the adoption of the amendment, the yeas were 52, nays 0, and the amendment was adopted.

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, the yeas were 52, nays 0.

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

HB 828. By Representatives Randall of the 101st, Lucas of the 102nd, Groover of the 99th and Horne of the 103rd:

A bill to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to sales of alcoholic beverages during certain hours in certain municipalities and counties, so as to provide that sales of alcoholic beverages by certain establishments may be authorized during certain hours in counties having a population of not less than 140,000 and not more than 150,300 in municipalities in such counties.

The Senate Committee on Federal, State, and Community Affairs offered the following substitute to HB 828:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to authorize the sale of alcoholic beverages on Sunday during certain hours in certain counties and municipalities; to provide

the procedures connected therewith; to provide for a referendum; 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 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, is amended by adding a new subsection (k) at the end thereof to read as follows:

“(k) (1) In each county having a population of not less than 151,000 nor more than 165,000 according to the United States decennial census of 1970 or any future such census, in which the sale of alcoholic beverages is lawful and in certain municipalities in such counties in which the sale of alcoholic beverages is lawful, the governing authority of the county or municipality, as appropriate, may authorize the sale of alcoholic beverages for consumption on the premises in bona fide full-service restaurants at any time from 1:00 P.M. until 9:00 P.M. on Sundays.

(2) As used in this subsection, the term ‘bona fide full-service restaurant’ means an established place of business:

(A) Which is licensed to sell alcoholic beverages, distilled spirits, malt beverages, or wines for consumption on the premises;

(B) Where meals with substantial entrees selected by the patron from a full menu are served;

(C) Which has adequate facilities and sufficient employees for cooking or preparing and serving such meals for consumption at tables in dining rooms on the premises; and

(D) Which derives at least 50 percent of its gross income from the sale of such meals prepared, served, and consumed on the premises; but

(E) Excludes the bar and lounge area of the premises unless meals are served in that part of the restaurant on a regular basis.

(3) The governing authority of such a county or municipality may provide for special licenses for and charge a license fee to restaurants which engage in sales of such beverages at any time from 1:00 P.M. until 9:00 P.M. on Sundays. The license fee shall be set by the governing body.

(4) The governing authority of such a county or municipality may conduct an audit of the books and records of the restaurant at any time during reasonable working hours to determine compliance with the provisions of paragraph (2) of this subsection. The governing authority of such a county or municipality is authorized to revoke the special license of any restaurant for noncompliance with the provisions of paragraph (2) of this subsection.”

Section 2. After the date of the approval of this Act by the Governor or after it otherwise becomes law, it shall be the duty of the election superintendent of each county having a population of not less than 151,000 and

not more than 165,000 according to the United States decennial census of 1980 or any future such census to issue the call for an election for the purpose of submitting to the electors of each such county the question of whether this Act shall be approved or rejected. The superintendent shall set the date of such election to coincide with the date of the first regular election or special election, whichever occurs first, held in any such county after the effective date of this section; provided, however, that the date of the election shall be not less than 30 nor more than 45 days after the date of the issuance of the call. 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 each such county.

- “[] YES Shall the provisions of the Act authorizing the governing body of this county and municipalities located therein to permit the sale of alcoholic beverages, distilled spirits, malt beverages, and wines for consumption on the premises in bona fide full-service restaurants at any time from 1:00 P.M. until 9:00 P.M. on Sundays be approved?”
- [] NO

All persons desiring to vote for approval of the Act shall vote “Yes,” and those persons desiring to vote for rejection of the Act shall vote “No.” If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect, otherwise it shall be void and of no force and effect.

The expense of such election shall be borne by such counties. It shall be the duty of the superintendent to hold and conduct such election. It shall be his further duty to certify the result thereof to the Secretary of State.

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 52, nays 0, and the 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, the yeas were 52, nays 0.

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

HB 836. By Representatives Hirsch of the 96th, Buck of the 95th, Galer of the 97th and others;

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A bill to amend an Act establishing the Municipal Court of Columbus, so as to provide for an increase in civil jurisdiction; to provide for the salaries of the judge, clerk, and marshal of said court.

The Senate Committee on Federal, State and Community Affairs offered the following amendment:

Amend HB 836 by striking from line 34 of Page 17 the figure "1.70" and inserting in its place the figure "2.70"

By striking from line 4 of Page 18 the figure ".25" and inserting in its place the figure "1.00"

By striking from line 41 of Page 19 the figure "5.75" and inserting in its place the figure "4.00"

By striking from line 4 of Page 20 the figure "\$4.00" and inserting in its place the figure "2.00"

By striking from line 6 of Page 20 the figure "2.00" and inserting in its place the figure "4.00"

By striking from line 47 of Page 20 the figure "1.50" and inserting in its place the figure "3.00"

By striking from line 2 of Page 21 the figure ".75" and inserting in its place the figure "1.00"

By striking from line 21 of Page 21 the figure "2.50" and inserting in its place the figure "2.00"

By striking from line 25 of Page 21 the figure "6.00" and inserting in its place the figure "5.00"

By striking from line 28 of Page 21 the figure "10.50" and inserting in its place the figure "8.00"

By striking from line 40 of Page 21 the figure "2.00" and inserting in its place the figure "1.50"

By striking from line 43 of Page 21 the figure "2.50" and inserting in its place the figure "2.00"

By striking from line 16 of Page 22 the figure "2.00" and inserting in its place the figure "1.50"

By striking from line 6 of Page 23 the word "shall" and inserting in its place the word "may"

On the adoption of the amendment, the yeas were 52, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, the yeas were 52, nays 0.

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

HR 292. By Representatives Ginsberg of the 122nd and Hamilton of the 124th:

A resolution creating the Chatham County Hospital Authority Study Commission.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HR 292:

A RESOLUTION

Creating the Chatham County Hospital Authority Study Commission; and for other purposes.

WHEREAS, the Chatham County Hospital Authority performs many vital functions for Chatham County and its citizens; and

WHEREAS, the composition of the board of the authority is of extreme importance in performing those functions; and

WHEREAS, the manner of filling vacancies on the board was established in 1969 and may now need revising.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that there is created the Chatham County Hospital Authority Study Commission to be composed of ten members, five to be selected by the House delegation and five to be selected by the Senate delegation of the General Assembly which represents Chatham County. The delegations shall, prior to May 1, 1983, appoint the members.

The ten appointees shall meet during the month of May and shall elect one of their number as chairman.

This commission shall meet at the call of the chairman for future meetings and shall adopt rules for its own governance. The members of the commission shall receive no compensation or reimbursement of any kind for performing any duty or function as a member of the commission.

The Chatham County Hospital Authority and the Chatham County Commission shall:

(1) Cooperate with this commission by furnishing, without charge, reasonable secretarial and logistical assistance; and

(2) Make available to the commission the various records, reports, interviews, and other data that may be required for the commission to complete its assigned task.

BE IT FURTHER RESOLVED that the commission shall study the current system of appointing members to the board of the authority and shall study all aspects of indigent care provided by entities over which the authority exercises responsibility. The commission may study all issues relevant to and bearing on such topics. From these studies the commission shall make a final report of its findings and recommendations. Such report shall be submitted to the Chatham County delegation to the General Assembly by December 31, 1983.

On the adoption of the substitute, the yeas were 52, nays 0, and the substitute was adopted.

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, the yeas were 52, nays 0.

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

The President called for the morning roll call, and the following Senators answered to their names:

Allgood	English	Lester
Barker	Engram	McGill
Brantley	Foster	McKenzie
Broun of 46th	Garner	Peevy
Bryant	Harris	Scott of 43rd
Burton	Harrison	Starr
Cobb	Hine	Tate
Coggin	Horton	Thompson
Coleman	Huggins	Turner
Dawkins	Kennedy	Tysinger
Deal	Kidd	Walker
Dean	Land	

Those not answering were Senators:

Barnes	Brown of 47th	Greene
Bond	Coverdell	Hill
Bowen	Fincher	Holloway
Brannon	Gillis	Howard

Hudgins
Littlefield
Perry

Phillips
Scott of 2nd
Scott of 36th

Stumbaugh
Timmons
Trulock

Lieutenant Governor Zell Miller introduced the chaplain of the day, Reverend Garnett M. Wilder, pastor of Decatur First United Methodist Church, Decatur, Georgia, who offered scripture reading and prayer.

The following resolutions of the Senate were read and adopted:

SR 202. By Senator Hill of the 29th:

A resolution commending Mayor Richmond Daniel Hill of Greenville, Georgia, and wishing him well in his retirement.

SR 217. By Senator Brannon of the 51st:

A resolution recognizing Dale C. Smith, better known as "Country Dale", for his leadership and promotion of country music in middle Georgia.

SR 225. By Senators Coggin of the 35th, Engram of the 34th, Allgood of the 22nd and others:

A resolution commending Mr. W. Elmer George and inviting him to appear before the Senate.

SR 226. By Senator Turner of the 8th:

A resolution commending the Georgia Christian School Basketball Team.

SR 227. By Senators Trulock of the 10th and Howard of the 42nd:

A resolution recognizing Phi Mu Fraternity on the occasion of its one hundred and thirty-first anniversary.

- SR 255. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending the Buckwheat Cloggers.
- SR 256. By Senators Greene of the 26th, English of the 21st and Broun of the 46th:
A resolution commending Albert Coleman.
- SR 257. By Senator Hudgins of the 15th:
A resolution commending Mr. Charles M. Stripling, III.
- SR 258. By Senators Hine of the 52nd and Kennedy of the 4th:
A resolution honoring Dr. Charles Truman Brown.

SENATE RULES CALENDAR

Friday, March 4, 1983

FORTIETH LEGISLATIVE DAY

- SR 140 Assessment on Milk—urge Congress and Secretary of Agriculture to remove (Ag—24th)
- SR 155 Structure of Financial Institutions Study Committee—create (App—46th)
- SR 168 Employees' Retirement Board of Trustees—involuntary separation benefits (Ret—49th)
- SR 191 Urban County and Municipal Study Committee—create (FS&CA-G—43rd)
- SR 156 University System Laboratory and Equipment Needs Study Committee—create (H Ed—46th)
- SR 162 Georgia Transportation Study Committee—create (Trns—12th)
- HB 429 Sexual Exploitation of Child—redefine “minor” (AMENDMENT) (J&CL—26th)
- HB 236 One Spouse Head of Family—no longer presume (J&CL—48th)
- HB 68 Unlawful Possession of Firearms by Felons—redefine “felony” (SUBSTITUTE) (J&CL—26th)
- HB 107 Employees' Retirement—credit for certain military service (SUBSTITUTE/AMENDMENT) (Ret—23rd)
- HB 420 Insurance Fees—impose license fees upon life insurance companies (SUBSTITUTE) (FS&CA-G—43rd)
- HB 407 Canine Handlers—powers same as policemen (Off R—25th)
- HR 145 Federal Surplus Property Program—permanent plan (FS&CA-G—28th)
- HB 93 Motorcycles—liability insurance coverage (Ins—16th)

- HR 156 Blue Ribbon Committee on School Climate—create (AMENDMENT) (Ed—15th)
- HR 67 Roger H. Lawson Memorial Bridge—bridge on U.S. Highway 341 (Trns—12th)
- HR 287 Department of Human Resources—urge to comply with Resolution 199, Georgia Law, 1982, page 1352 (Hum R—42nd)
- HB 138 Teachers Retirement—retired may substitute and still receive (AMENDMENT) (Ret—10th)
- HB 326 Forfeiture Proceedings for Bonds—repeal certain provisions (SUBSTITUTE) (Judy—35th)
- HB 606 Public Officials and Employees—prohibit certain conduct (Gov Op—44th)
- HB 478 Criminal Case Continuances—when attorney legislator not required to be present (Judy—49th)
- HB 118 Post-Mortem Examination Act—time limit for release of certain dead bodies (Hum R—51st)
- HB 435 Delayed Birth Registration—change provisions (Hum R—10th)
- HB 2 Real Estate Transfer Tax—continuing legal notice if tax not paid (Judy—52nd)
- HB 441 Financial Institution Taxation—funds to local systems to alleviate financial burden (B&F—23rd)
- HB 328 Lincoln County Superior Court Grand Jury—terms may be convened (Judy—24th)
- HB 541 Irrigation Systems—specify those required to have anti-syphon devices (Ag—24th)

Respectfully submitted,
/s/ Dean of the 31st, Chairman
Senate Rules Committee

The following general resolutions of the Senate, favorably reported by the committees, were read the third time and put upon their adoption:

- SR 140. By Senators McGill of the 24th, English of the 21st, and Walker of the 19th and others:

A resolution urging the United States Congress and the United States Secretary of Agriculture to remove the assessment on milk.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

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Allgood	Dean	Lester
Barnes	English	McGill
Bond	Ingram	McKenzie
Bowen	Fincher	Peevy
Brannon	Foster	Perry
Brantley	Garner	Phillips
Broun of 46th	Greene	Scott of 2nd
Brown of 47th	Harris	Scott of 43rd
Bryant	Harrison	Stumbaugh
Burton	Hill	Tate
Cobb	Hine	Thompson
Coggin	Horton	Timmons
Coleman	Howard	Trulock
Coverdell	Huggins	Turner
Dawkins	Kennedy	Tysinger
Deal	Kidd	Walker

Those not voting were Senators:

Barker	Hudgins	Scott of 36th
Gillis	Land	Starr
Holloway	Littlefield	

On the adoption of the resolution, the yeas were 48, nays 0.

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

SR 155. By Senator Broun of the 46th:

A resolution creating the Structure of Financial Institutions Study Committee.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Brantley	Cobb
Barker	Broun of 46th	Coggin
Barnes	Brown of 47th	Coleman
Bond	Bryant	Coverdell
Brannon	Burton	Dawkins

Deal	Hine	Phillips
Dean	Horton	Scott of 2nd
English	Howard	Scott of 43rd
Engram	Hudgins	Stumbaugh
Fincher	Huggins	Tate
Foster	Kennedy	Thompson
Garner	Kidd	Timmons
Gillis	Land	Trulock
Greene	Lester	Turner
Harris	McGill	Tysinger
Harrison	McKenzie	Walker
Hill	Peevy	

Those not voting were Senators:

Bowen	Littlefield	Scott of 36th
Holloway	Perry	Starr

On the adoption of the resolution, the yeas were 50, nays 0.

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

Senator Kennedy of the 4th, President Pro Tempore, assumed the Chair.

SR 168. By Senators Deal of the 49th, Turner of the 8th, Coverdell of the 40th and others:

A resolution urging the board of trustees of the Employees' Retirement System of Georgia and the Attorney General to take certain action with respect to applications for involuntary separation benefits.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Brown of 47th	Dawkins
Barker	Bryant	Deal
Barnes	Burton	Dean
Bond	Cobb	English
Brannon	Coggin	Engram
Brantley	Coleman	Fincher
Broun of 46th	Coverdell	Foster

Garner	Hudgins	Scott of 2nd
Gillis	Huggins	Scott of 43rd
Greene	Kidd	Stumbaugh
Harris	Land	Tate
Harrison	Lester	Timmons
Hill	McGill	Trulock
Hine	McKenzie	Turner
Holloway	Peevy	Tysinger
Horton	Perry	Walker
Howard	Phillips	

Those not voting were Senators:

Bowen	Littlefield	Starr
Kennedy (presiding)	Scott of 36th	Thompson

On the adoption of the resolution, the yeas were 50, nays 0.

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

SR 191. By Senator Scott of the 43rd:

A resolution creating an Urban County and Municipal Study Committee.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Kidd
Barker	Engram	Lester
Barnes	Fincher	McGill
Bowen	Foster	Peevy
Brantley	Garner	Perry
Broun of 46th	Gillis	Phillips
Brown of 47th	Greene	Scott of 2nd
Bryant	Harris	Scott of 43rd
Burton	Harrison	Stumbaugh
Cobb	Hill	Tate
Coggin	Hine	Thompson
Coleman	Holloway	Timmons
Coverdell	Horton	Trulock
Dawkins	Howard	Turner
Deal	Hudgins	Tysinger
Dean	Huggins	Walker

Those not voting were Senators:

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Bond	Land	Scott of 36th
Brannon	Littlefield	Starr
Kennedy (presiding)	McKenzie	

On the adoption of the resolution, the yeas were 48, nays 0.

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

SR 156. By Senator Broun of the 46th:

A resolution creating the University System Laboratory and Equipment Needs Study Committee.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	Land
Barnes	Foster	Lester
Brannon	Garner	McGill
Brantley	Gillis	Peevy
Broun of 46th	Greene	Perry
Brown of 47th	Harris	Phillips
Bryant	Harrison	Scott of 2nd
Burton	Hill	Scott of 43rd
Coggin	Hine	Stumbaugh
Coleman	Holloway	Tate
Coverdell	Horton	Thompson
Deal	Howard	Timmons
Dean	Hudgins	Turner
English	Huggins	Tysinger
Engram	Kidd	Walker

Those not voting were Senators:

Barker	Dawkins	Scott of 36th
Bond	Kennedy (presiding)	Starr
Bowen	Littlefield	Trulock
Cobb	McKenzie	

On the adoption of the resolution, the yeas were 45, nays 0.

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

The following bills of the House were taken up for the purpose of considering the House action thereon:

HB 374. By Representatives Snow of the 1st, Karrh of the 109th, Ginsberg of the 122nd and others:

A bill to provide for legislative intent; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions regarding the General Assembly, so as to define "population bill" and to prohibit the General Assembly from passing any population bill, with certain exceptions.

Senator Hine of the 52nd moved that the Senate insist upon the Senate amendment to HB 374.

On the motion, the yeas were 32, nays 0; the motion prevailed, and the Senate insisted upon the Senate amendment to HB 374.

The President resumed the Chair.

HB 530. By Representative Couch of the 40th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to application for homestead exemption, so as to change the date for filing application for homestead exemption in all counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census.

Senator Coggin moved that the Senate adhere to the Senate substitute to HB 530, and that a Conference Committee be appointed.

On the motion, the yeas were 30, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to HB 530.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Phillips of the 9th, Bowen of the 13th and Coggin of the 35th.

The following general resolution of the Senate and bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

SR 162. By Senators Holloway of the 12th, Harris of the 27th, Peevy of the 48th and others:

A resolution creating the Georgia Transportation Study Committee.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Engram	Land
Barnes	Fincher	Lester
Bond	Garner	McGill
Bowen	Gillis	McKenzie
Brantley	Greene	Peevy
Broun of 46th	Harris	Perry
Brown of 47th	Harrison	Phillips
Bryant	Hine	Scott of 2nd
Burton	Holloway	Scott of 43rd
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Turner
Dean	Kennedy	Walker
English	Kidd	

Those not voting were Senators:

Allgood	Foster	Starr
Brannon	Hill	Timmons
Dawkins	Littlefield	Trulock
Deal	Scott of 36th	Tysinger

On the adoption of the resolution, the yeas were 44, nays 0.

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

HB 429. By Representatives Smith of the 152nd, Byrd of the 153rd, Richardson of the 52nd and others:

A bill to amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, so as to change the definition of minor as it relates to sexual exploitation of children; to define the term "performance" as it applies to the sexual exploitation of children.

Senate Sponsor: Senator Greene of the 26th.

The Senate Committee on Judiciary and Constitutional Law offered the following amendment:

Amend HB 429 by striking from line 2 of Page 2 the following:

"another person",

and inserting in lieu thereof the following:

"an audience"

On the adoption of the amendment, the yeas were 0, nays 34, and the amendment was lost.

Senator Greene of the 26th offered the following substitute to HB 429:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, so as to change the definition of minor as it relates to sexual exploitation of children; to define the term "performance" as it applies to the sexual exploitation of children; to make it unlawful for any person knowingly to employ, use, persuade, induce, entice, or coerce any minor to engage in or assist any other person to engage in any sexually explicit conduct for the purpose of any performance; to make it unlawful for any parent, legal guardian, or person having custody or control of a minor knowingly to permit the minor to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of any performance; to change certain penalty provisions; to prohibit the sale, loan, or exhibition of certain material to minors; to provide for legislative intent; to provide for definitions; to provide that it shall be unlawful to sell, loan, or exhibit certain material to minors; to provide for penalties; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, is amended by striking in its entirety Code Section 16-12-100, relating to the sexual ex-

plotation of children, and inserting in lieu thereof a new Code Section 16-12-100 to read as follows:

“16-12-100. (a) As used in this Code section, the term:

(1) ‘Minor’ means any person under the age of 18 years.

(2) ‘Performance’ means any play, dance, or exhibit to be shown to or viewed by an audience.

(3) ‘Producing’ means producing, directing, manufacturing, issuing, publishing, or advertising.

(4) ‘Sexually explicit conduct’ means actual or simulated:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Sadomasochistic abuse for the purpose of sexual stimulation; or

(E) Lewd exhibition of the genitals or pubic area of any person.

(5) ‘Visual or print medium’ means any film, photograph, negative, slide, book, magazine, or other visual or print medium.

(b) (1) It is unlawful for any person knowingly to employ, use, persuade, induce, entice, or coerce any minor to engage in or assist any other person to engage in any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

(2) It is unlawful for any parent, legal guardian, or person having custody or control of a minor knowingly to permit the minor to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

(3) It is unlawful for any person knowingly to employ, use, persuade, induce, entice, or coerce any minor to engage in or assist any other person to engage in any sexually explicit conduct for the purpose of any performance.

(4) It is unlawful for any parent, legal guardian, or person having custody or control of a minor knowingly to permit the minor to engage in or to assist any other person to engage in sexually explicit conduct for the purpose of any performance.

(c) Any person who violates a provision of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than three years nor more than 20 years or by a fine of not more than \$20,000.00, or both.”

Section 2. Said chapter is further amended by striking Part 3 of Arti-

cle 3, relating to the sale or distribution of harmful material to minors, in its entirety and substituting in lieu thereof a new Part 3 to read as follows:

“Part 3

16-12-101. The General Assembly finds that the sale, loan, and exhibition of harmful materials to minors has become a matter of increasingly grave concern to the people of this state. The elimination of such sales, loans, and exhibition and the consequent protection of minors from harmful materials are in the best interest of the morals and general welfare of the citizens of this state in general and of minors in this state in particular. The accomplishment of these ends can best be achieved by providing public prosecutors with an effective power to commence criminal proceedings against persons who engage in the sale, loan, or exhibition of harmful materials to minors.

16-12-102. As used in this part, the term:

(1) ‘Harmful to minors’ means that quality of any description or representation, in whatever form, of sexually explicit nudity, sexual conduct, sexual excitement, bestiality, or sadomasochistic abuse, when taken as a whole it:

(A) Predominantly appeals to the prurient, shameful, or morbid interest of minors;

(B) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

(C) Lacks serious literary, artistic, political, or scientific value.

(2) ‘Knowingly’ means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

(A) The character and content of any material described in this part which is reasonably susceptible of examination by the defendant; and

(B) The age of the minor, provided that an honest mistake shall constitute an excuse from liability under this part if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(3) ‘Minor’ means any person under the age of 16 years.

(4) ‘Sadomasochistic abuse’ means actual or simulated flagellation or torture by or upon a person nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or nude.

(5) ‘Sexual conduct’ means actual or simulated acts of masturbation, homosexuality, bestiality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

(6) ‘Sexual excitement’ means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(7) 'Sexually explicit nudity' means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

16-12-103. It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

(1) A picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts sexually explicit nudity, sexual conduct, or sadomasochistic abuse and which, taken as whole, is harmful to minors; or

(2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (1) of this Code section or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

16-12-104. It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show, or other presentation which depicts sexually explicit nudity, sexual conduct, or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

16-12-105. Any person who violates any provision of Code Section 16-12-103 or 16-12-104 shall be guilty of a misdemeanor of a high and aggravated nature."

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Greene of the 26th offered the following amendment:

Amend the substitute to HB 429 offered by Senator Greene of the 26th by striking the word "minor" in each place where it appears on line 11 and on line 12 of Page 6 and inserting in lieu thereof in each such place the following:

"person under the age of 18"

On the adoption of the amendment, the yeas were 36, nays 0, and the amendment was adopted.

On the adoption of the substitute, the yeas were 39, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Land
Barker	Ingram	McGill
Barnes	Fincher	McKenzie
Bond	Garner	Peevy
Bowen	Gillis	Perry
Brannon	Greene	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Harrison	Scott of 43rd
Brown of 47th	Hill	Stumbaugh
Bryant	Holloway	Tate
Burton	Horton	Thompson
Cobb	Howard	Timmons
Coggin	Hudgins	Trulock
Coverdell	Huggins	Turner
Deal	Kennedy	Tysinger
Dean	Kidd	Walker

Voting in the negative was Senator Hine.

Those not voting were Senators:

Coleman	Lester	Scott of 36th
Dawkins	Littlefield	Starr
Foster		

On the passage of the bill, the yeas were 48, nays 1.

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

Senator Kennedy of the 4th, President Pro Tempore, resumed the Chair.

HB 236. By Representatives Richardson of the 52nd, Galer of the 97th, Steinberg of the 46th and others:

A bill to amend Code Section 19-3-8 of the Official Code of Georgia Annotated, relating to the husband being the head of the family so as no longer to presume one spouse to be head of the family, no longer to have one person

subject to that person's spouse, and no longer to have one person's legal civil existence merged into that person's spouse.

Senate Sponsor: Senator Peevy of the 48th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Engram	Land
Barnes	Gillis	Peevy
Brantley	Greene	Scott of 2nd
Broun of 46th	Hine	Scott of 36th
Brown of 47th	Holloway	Scott of 43rd
Coggin	Horton	Stumbaugh
Coleman	Howard	Tate
Deal	Hudgins	Tysinger
Dean	Kidd	Walker

Those voting in the negative were Senators:

Allgood	English	Lester
Bowen	Fincher	McGill
Brannon	Garner	McKenzie
Bryant	Harris	Perry
Burton	Harrison	Phillips
Cobb	Hill	Thompson
Coverdell	Huggins	Turner

Those not voting were Senators:

Bond	Kennedy (presiding)	Timmons
Dawkins	Littlefield	Trulock
Foster	Starr	

On the passage of the bill, the yeas were 27, nays 21.

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

Senator Peevy of the 48th gave notice that, at the proper time, he would move that the Senate reconsider its action in defeating HB 236.

Senator Kennedy of the 4th, President Pro Tempore, who was presiding, stated that, as provided for in Senate Rule 99, he would set the time to entertain the motion to reconsider immediately following the Senate's action on HB 93 on the Senate Rules Calendar for today.

HB 68. By Representative Coleman of the 118th:

A bill to amend Code Section 16-11-131 of the Official Code of Georgia Annotated, relating to the unlawful possession of firearms by convicted felons, so as to change the definition of the term "felony"

Senate Sponsor: Senator Greene of the 26th.

The Senate Committee on Judiciary and Constitutional Law offered the following substitute to HB 68:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 16-11-131 of the Official Code of Georgia Annotated, relating to the unlawful possession of firearms by convicted felons, so as to change the provisions relating to the granting of relief from the disabilities imposed by this Code section; 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 16-11-131 of the Official Code of Georgia Annotated, relating to the unlawful possession of firearms by convicted felons, is amended by striking subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

“(d) A person who has been convicted of a felony, but who has been granted relief from the disabilities imposed by the laws of the United States with respect to the acquisition, receipt, transfer, shipment, or possession of firearms by the secretary of the United States Department of the Treasury pursuant to 18 U.S.C. 925, shall, upon presenting to the Board of Public Safety proof that the relief has been granted and it being established from proof submitted by the applicant to the satisfaction of the Board of Public Safety that the circumstances regarding the conviction and the applicant's record and reputation are such that the acquisition, receipt, transfer, shipment, or possession of firearms by the person would not present a threat to the safety of the citizens of Georgia and that the granting of the relief sought would not be contrary to the public interest, be granted relief from the disabilities imposed by this Code section. A person who has been convicted under federal or state law of a felony pertaining to antitrust violations, unfair trade practices, or restraint of trade shall, upon presenting to the Board of Public Safety proof, and it being established from said proof, submitted by the applicant to the satisfaction of the Board of Public Safety that the circumstances regarding the conviction and the applicant's record and reputation are such that the acquisition, receipt, transfer, shipment, or

possession of firearms by the person would not present a threat to the safety of the citizens of Georgia and that the granting of the relief sought would not be contrary to the public interest, be granted relief from the disabilities imposed by this Code section. A record that the relief has been granted by the board shall be entered upon the criminal history of the person maintained by the Georgia Crime Information Center and the board shall maintain a list of the names of such persons which shall be open for public inspection."

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, Senator Kennedy of the 4th, President Pro Tempore, who was presiding, ordered a roll call, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	Lester
Barker	Engram	Littlefield
Barnes	Garner	McGill
Bond	Gillis	McKenzie
Bowen	Greene	Peevy
Brantley	Harris	Perry
Broun of 46th	Harrison	Phillips
Brown of 47th	Hill	Scott of 2nd
Bryant	Hine	Scott of 36th
Burton	Holloway	Scott of 43rd
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Timmons
Coverdell	Huggins	Trulock
Deal	Kidd	Turner
Dean	Land	Walker

Those not voting were Senators:

Brannon	Foster	Thompson
Dawkins	Kennedy (presiding)	Tysinger
Fincher	Starr	

On the adoption of the substitute, the yeas were 48, nays 0, and the 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, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Engram	McKenzie
Barnes	Gillis	Peevy
Bond	Greene	Perry
Bowen	Harris	Phillips
Brannon	Harrison	Scott of 2nd
Brantley	Hill	Scott of 43rd
Broun of 46th	Hine	Stumbaugh
Brown of 47th	Holloway	Tate
Bryant	Horton	Thompson
Cobb	Howard	Timmons
Coggin	Hudgins	Trulock
Coleman	Huggins	Turner
Coverdell	Kidd	Tysinger
Deal	Land	Walker
Dean	Lester	

Those not voting were Senators:

Burton	Foster	Littlefield
Dawkins	Garner	Scott of 36th
Fincher	Kennedy (presiding)	Starr

On the passage of the bill, the yeas were 47, nays 0.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

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

HB 869. By Representative Phillips of the 93rd:

A bill to provide that the board of commissioners of Harris County shall have the right and power to assess and collect license fees and taxes from all persons, firms, and corporations doing business in the unincorporated areas of Harris County.

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

SB 296. By Senator Bowen of the 13th:

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Dooly County into the office of tax commissioner of Dooly County, as amended, so as to change the compensation provisions relating to the tax commissioner.

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

SB 212. By Senators Garner of the 30th and Barnes of the 33rd:

A bill to amend Code Section 43-34-1 of the Official Code of Georgia Annotated, relating to the practice of naturopathy, so as to change the provisions and definition relating to the practice of naturopathy; to provide an effective date.

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

SB 91. By Senator Littlefield of the 6th:

A bill to amend Code Section 45-10-20 of the Official Code of Georgia Annotated, relating to unlawful sale of property, goods, or services to the state by state officers and employees, so as to authorize officers and employees under certain conditions to sell to units of the University System of Georgia their services as instructors of evening sports and recreation courses.

The President resumed the Chair.

HB 107. By Representative Padgett of the 86th:

A bill to amend Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to credit for the Employees' Retirement System of Georgia for prior service, so as to provide credit for certain military service.

Senate Sponsor: Senator Lester of the 23rd.

The following fiscal note, as required by law, was read by the Secretary:

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Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: January 18, 1983

SUBJECT: Fiscal Note—House Bill 107 (LC 6 4761)
Employees' Retirement System (ERS)

This Bill would allow members to receive up to three years' prior service credit for active duty service in the United States' armed forces (exclusive of reserve service) from January 1, 1954 to December 31, 1956. To obtain such credit, members must pay, by January 1, 1984, employee contributions based on their salaries last paid before entering military service or their salaries first paid upon returning from military service plus 15% interest compounded annually to date of payment.

The exact fiscal impact of this Bill cannot be determined since the number of members that would apply for such credit cannot be predicted. Based on the average age and projected compensation of members in the eligible age group and assuming these members pay the required contributions and interest, there would be no unfunded liability created at retirement by this Bill.

The average increase in the reserve required to fund each additional year of benefits granted by this Bill would be more than offset by the members' contributions (employee amounts plus 15% interest). The \$9,564 average projected liability per year of service at retirement age is offset by the members' average contributions of approximately \$12,944 per year of service.

A survey of ERS members coupled with an actuarial study would be necessary to determine the exact fiscal impact of this provision.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

The Senate Committee on Retirement offered the following substitute to HB 107:

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A BILL TO BE ENTITLED
AN ACT

To amend Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to credit for the Employees' Retirement System of Georgia for prior service, so as to provide credit for certain military service; to provide for contributions; to amend Chapter 6 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Legislative Retirement System, so as to add a new definition of prior service; to allow prior service credit for military service during any period when a military draft was in effect for members who were honorably discharged from military service; to provide for other matters relative thereto; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to credit for the Employees' Retirement System of Georgia for prior service, is amended by adding at the end thereof a new subsection (g) to read as follows:

“(g) Anything in this chapter to the contrary notwithstanding, any member who was on active duty in the armed forces of the United States at any time from January 1, 1954, until December 31, 1956, as determined by the person's official military records, may purchase such active duty military service credit, exclusive of reserve service, by paying the required employee contributions on the compensation last paid to the member as an employee prior to entering military service or the compensation first paid to the member as an employee after returning from military service plus 15 percent interest on said employee contributions, compounded annually to date of payment; provided, however, that no service in the armed forces shall be deemed as creditable under any provisions of this subsection if such service has or will be used in the determination of any member's eligibility for retirement benefits or allowances from any other state or federal retirement program, excluding social security and those retirement programs covered under the provisions of Title 10 of the United States Code, Public Law 810, 80th Congress, as amended. To be eligible to receive credit for military service under this subsection, the individual shall purchase such credit prior to January 1, 1984.”

Section 2. Chapter 6 of Title 47 of the Official Code of the Official Code of Georgia Annotated, relating to the Georgia Legislative Retirement System, is amended by adding between paragraphs (8) and (9) of Code Section 47-6-1, relating to definitions, a new paragraph (8.1) to read as follows:

“(8.1) ‘Prior service’ shall also include military service which is creditable under Code Section 47-6-70.1 of this chapter.”

Section 3. Said Chapter 6 of Title 47 is further amended by adding immediately following Code Section 47-6-70 a new Code Section 47-6-70.1 to read as follows:

“46-6-70.1. Any member who served on active duty in the armed forces of the United States during any period when a military draft was in effect and who was honorably discharged from military service may receive prior service credit under this chapter for such active duty military service subject to the following conditions and requirements:

(1) This Code section shall apply only to those members who have eight or more years of creditable service under this chapter;

(2) Prior service credit for military service under this Code section may be obtained under a ratio of one year of credit for military service for each five years of creditable service, not considering creditable service under this Code section, or, for military service of less than a full year, under a ratio of credit for one month of military service for each five months of creditable service;

(3) No prior service credit for military service may be obtained under this Code section if credit for such military service has been or may be obtained under any other provision of this chapter;

(4) No prior service credit for military service may be obtained under this Code section if such military service has or may be used in the determination of the member's eligibility for retirement benefits or allowances under any other state retirement or pension system, any retirement or pension system of a political subdivision, or any federal retirement or pension program, except social security and those retirement programs covered under Public Law 810, 80th Congress, as amended;

(5) The total amount of prior service credit for military service may not exceed five years for all military service which is creditable as prior service under this chapter; and

(6) The member must pay to the board of trustees the regular employee contribution of 7½ percent of compensation based on the compensation received by members of the General Assembly during legislative sessions at the time the military service was rendered plus interest on such employee contributions at the rate of 7 percent per annum compounded annually from the time the military service was rendered until the date of payment.”

Section 4. All laws and parts of laws in conflict with this Act are repealed.

The following fiscal note, as required by the Rules of the Senate, was read by the Secretary: www.libtool.com.cn

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Loyce Turner, Chairman, and Committee Members
Senate Retirement Committee

FROM: William M. Nixon, State Auditor

DATE: March 2, 1983

SUBJECT: Cost Memorandum—Substitute to House Bill 107
(LC 7 5387S)
Employees' Retirement System (ERS)
Legislative Retirement System (LRS)

Pursuant to your request, this memorandum is provided to explain the cost calculations regarding the ERS military credit provision. As indicated in my updated fiscal note dated March 1, 1983, the actuary for ERS has stated that the member contribution required by this provision would be in excess of the cost of the credit granted resulting in no negative fiscal impact to the system. This memorandum will outline the specific methods employed by the actuary to arrive at his conclusion regarding the ERS provision.

1. The actuary assumed that 10% of the ERS members would purchase one year of credit under the Bill. An assumption regarding the persons affected and the amount of service to be purchased was necessary because information was not available to identify the actual number of persons who have military service during the period provided by the Bill or the amount of service these persons would purchase.

2. The actuary assumed that the credit purchased was for service rendered 28 years ago. This assumption was based on the dates for which prior service credit is allowed by the Bill (January 1, 1954 to December 31, 1956). To facilitate specific cost calculations, the actuary used the average of the years of prior service credit allowed (i.e., $1954 + 1955 + 1956 / 3 = 1955$). Additionally, the actuary assumed that credit obtained pursuant to this Bill would be purchased in 1983. Thus, the assumption was made that service was rendered 28 years ago (i.e., $1983 - 1955 = 28$).

3. Since the Bill requires member contributions to be based on their salaries last paid before entering military service or their salaries first paid upon returning from military service, the actuary estimated the salary received by members in 1955 (the assumed year of previous service). This salary was estimated to be \$2,826 based on the average salary of

ERS members in 1955. This average salary was obtained from the Retirement System which quoted the data from a 1955 actuarial valuation.

4. Based on the Bill's requirements that members pay employee contributions on their previous salaries (as specified above), the actuary computed the employee contribution amount for one year of service (based on the initial assumption that one year of service would be purchased). Since the Bill did not specify the employee contribution rate, the 5% rate in effect in 1955 was used. Thus, the annual contribution calculation is as follows.

$$\$2,826 \times .05 = \$141$$

5. The Bill also requires members to pay 15% interest compounded annually to the date of payment. Since the Bill did not specify the date from which such interest should be compounded, the actuary assumed that interest would begin accumulating at the time of previous service in 1955. Thus, the 15% interest would be compounded annually from 1955 to 1983 or for 28 years. This calculation requires the use of compound interest tables to obtain the factor for 28 years at 15% interest. This factor is 50.065 612 0656 and can be expressed as 1.15²⁸. The total member contribution of 5% of salary plus 15% interest compounded annually is as follows.

$$\$141 \times 50.065\ 612\ 0656 = \$7,059$$

6. The actuary estimated the current cost of the Bill by calculating the dollar amount that would be required to be deposited in 1983 to fund the additional benefit provided for one additional year of service granted. The actuary indicated that this cost could most easily be understood by use of an example member. Thus, the cost was based on an example member who is currently age 47 and who will retire in 15 years at age 62 at an average final salary of \$22,500. The actuary calculated the annual additional benefit that would be provided to such a member to be \$450. The actuary then calculated the present value of the projected benefit to be \$4,500. That is, a \$4,500 deposit in 1983 would be required to fund the additional annual benefits to this example member over his retired lifetime.

7. The excess of the member contribution required over the cost of the credit granted was then calculated from the above data. The 1983 cost of one additional year of credit was estimated to be \$4,500. The required member contribution amount (also in 1983) was estimated to be \$7,059. Thus, the excess of contributions over the cost for the example member in 1983 dollars is as follows.

$$\$4,500 - \$7,059 = \$2,559$$

It should be noted that the cost example presented assumed retirement at age 62 with a normal retirement benefit. However, some members eligible for this credit may qualify for retirement at an earlier age by the '34 and out' provision thus increasing the cost of the credit granted. Therefore, excess funds would not be available in every case. The excess funds that would be available on cases like the example, how-

ever, would be available to cover the additional costs of '34 and out' retirements.
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Please advise me if I can be of further assistance by providing any additional information.

Respectfully yours,

/s/ W. M. Nixon
State Auditor

Senator Trulock of the 10th offered the following amendment:

Amend the substitute to HB 107 offered by the Senate Committee on Retirement by adding a new Section 5 to read as follows:

“In no event shall any prior service credit for military service under this Act be used in the calculation of benefits for involuntary separation.”

On the adoption of the amendment, the yeas were 41, nays 2, and the amendment was adopted.

Senator Turner of the 8th offered the following amendment:

Amend the substitute to HB 107 offered by the Senate Committee on Retirement as follows:

By striking on Page 2, line 29 the following:

“46-6-70.1”

and inserting in lieu thereof the following:

“47-6-70.1”

On the adoption of the amendment, the yeas were 38, nays 0, and the amendment was adopted.

On the adoption of the substitute, the yeas were 43, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	English	Lester
Barnes	Fincher	McGill
Bond	Foster	McKenzie
Bowen	Gillis	Peevy
Brannon	Greene	Perry
Broun of 46th	Harris	Phillips
Brown of 47th	Hine	Scott of 2nd
Bryant	Holloway	Scott of 36th
Burton	Howard	Scott of 43rd
Cobb	Hudgins	Timmons
Coggin	Huggins	Trulock
Coleman	Kennedy	Turner
Dawkins	Kidd	Tysinger
Deal	Land	Walker
Dean		

Those voting in the negative were Senators:

Barker	Garner	Stumbaugh
Brantley	Harrison	Tate
Coverdell	Hill	Thompson
Engram	Horton	

Not voting were Senators Littlefield and Starr.

On the passage of the bill, the yeas were 43, nays 11.

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

The following bill of the House was read the first time and referred to committee:

HB 869. By Representative Phillips of the 93rd:

A bill to provide that the board of commissioners of Harris County shall have the right and power to assess and collect license fees and taxes from all persons, firms, and corporations doing business in the unincorporated areas of Harris County.

Referred to Committee on Federal, State and Community Affairs.

The following bill was taken up for the purpose of considering the House substitute thereto:

SB 220. By Senators Barnes of the 33rd, Dean of the 31st and Trulock of the 10th:

A bill to amend Chapter 17 of Title 50 of the Official Code of Georgia Annotated, relating to state debt, investment, and depositories, so as to

change the requirement that at least one signature on public securities be manually subscribed.

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The House substitute to SB 220 was as follows:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to the issuance of bonds, so as to include under the term "undertaking," gas or electric generating and distribution systems; to provide for an election to authorize such undertaking; to authorize the use of a facsimile signature; to authorize contracts for services in connection with the borrowing of money; to provide for the payment of such services; to provide for the confidentiality of certain records; to evidence any repayment obligation for borrowed money in any form or manner determined to be desirable by the borrower; to provide a method of creating a repayment obligation for borrowed money without the issuance of a bond, note, or certificate; to provide for other matters relative to the foregoing; to provide for liberal construction; to amend Chapter 17 of Title 50 of the Official Code of Georgia Annotated, relating to state debt, investment, and depositories, so as to change the requirement that at least one signature on public securities be manually subscribed; to provide for the use of a facsimile of the seal of the superior court on public securities; to change provisions relating to the Georgia State Financing and Investment Commission to provide an expanded definition of "general obligation debt"; to authorize the use of the facsimile signature of both the chairman and the secretary on debt instruments; to authorize the use of the facsimile of the official seal of the Superior Court of Fulton County on state debt instruments; to authorize use of a standardized registered bond certificate; to authorize out-of-state and in-state transfer agents; to authorize the use of depositories; to authorize the use of immobilized or book-entry delivery systems; to provide for the confidentiality of certain records; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to the issuance of bonds, is amended by striking subparagraph (C) of paragraph (4) of Code Section 36-82-61, relating to definitions under the "Revenue Bond Law," in its entirety and substituting in lieu thereof a new subparagraph (C) to read as follows:

“(C) Systems, plants, works, instrumentalities, and properties:

(i) Used or useful in connection with the obtaining of a water supply and the conservation, treatment, and disposal of water for public and private uses;

(ii) Used or useful in connection with the collection, treatment, and disposal of sewage, waste, and storm water; together with all parts of any such undertaking and all appurtenances thereto, including lands, easements, rights in land, water rights, contract rights, franchises, ap-

proaches, dams, reservoirs, generating stations, sewage disposal plants, intercepting sewers, trunk connecting and other sewer and water mains, filtration works, pumping stations, and equipment;

(iii) Used or useful in connection with the collection, treatment, re-use, or disposal of solid waste; or

(iv) Used or useful in connection with buying, constructing, extending, operating, and maintaining gas or electric generating and distribution systems together with all necessary appurtenances thereof; provided further any revenue certificates issued to buy, construct, extend, operate, and maintain gas or electric generating and distribution systems shall, before being undertaken, be authorized by a majority of those voting at an election held for the purpose in the county, municipal corporation or political subdivision affected, the election for such to be held in the same manner as is used in issuing bonds of such county, municipal corporation or political subdivision and the said elections shall be called and provided for by officers in charge of the fiscal affairs of said county, municipal corporation, or political subdivisions affected;.”

Section 2. Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to the issuance of bonds, is amended by adding a new Article 6 at the end thereof to read as follows:

“ARTICLE 6

36-82-140. Notwithstanding the provisions of other laws to the contrary, the following revisions of relevant laws shall apply to any municipality, as defined in paragraph (3) of Code Section 36-82-121, which incurs bonded indebtedness:

(1) If a bond is to be issued to evidence the repayment obligation for borrowed money, the signatures of all officers of the municipality required by law or by the proceedings related to such borrowed money to sign such bond may be facsimile signatures and any seal required to be affixed thereon may be a facsimile seal if provision is also made for a manual authenticating signature on the bond by or on behalf of a designated financial institution or other person or other municipality with whom the municipality has a contract as provided in subparagraph (A) of paragraph (2) of this Code section with respect to such bond. In addition, any officer may adopt as a facsimile signature the signature or facsimile signature of a predecessor in office in the event the signature or facsimile signature of such predecessor appears on such bond.

(2) (A) Any municipality borrowing money may contract for the services of a financial institution or other person within or without the state or another municipality to perform any of the following functions with respect to repayment obligations for borrowed money:

(i) Issuance, authentication, transfer, registration, exchange, and related mechanical and clerical functions;

(ii) Record or bookkeeping or book entry functions;

(iii) Preparation, signing, and issuance of checks or warrants in payment of repayment obligations for borrowed money;

(iv) Preparation and maintenance of reports and accounts; and

(v) Performance of any other duties related to repayment obligations for borrowed money.

(B) The cost of performing the aforesaid functions, whether incurred under a contract or through direct performance by the municipality, may be paid from the borrowed moneys or from other funds lawfully available for the purpose.

(3) (A) Whenever any municipality shall borrow money any repayment obligation with respect thereto may be evidenced by:

(i) Bonds issued in such form either coupon or fully registered or both coupon and fully registered in such denominations and with such provisions for registration, exchangeability, and transferability as the resolution authorizing the borrowing of money or any loan agreement, trust agreement, or other contract or agreement to be entered into in connection with the borrowing of money may provide;

(ii) Book entries under which the right to receive payments of principal, redemption premium, if any, and interest shall be established and transferred only through subsequent book entries; or

(iii) In such other manner as may be provided for in the resolution authorizing the borrowing of money or any loan agreement, trust agreement, or other contract or agreement to be entered into in connection with the borrowing of money may provide.

(B) If any municipality elects to evidence any repayment obligation for borrowed money in a manner permitted by division (3)(A)(ii) or (3)(A)(iii):

(i) No bond shall be issued to evidence such repayment obligation, and the adoption by the municipality of the resolution authorizing the borrowing of such money and the execution and delivery by the municipality of the loan agreement, trust agreement, or other contract or agreement to be entered into in connection with the borrowing of such money and the receipt by the municipality or by an agent acting on behalf of the municipality of the money borrowed shall be the only requirement to establish lawfully the repayment obligation with respect to such borrowed money; and

(ii) The municipality shall provide for the sending of written statements which provide a record of certain rights with respect to such repayment obligation as of the time of issuance of the statements. Such statements shall be sent each person acquiring rights by registration in such repayment obligation but shall, in and of themselves, confer no rights on the recipient and shall be neither a negotiable instrument nor a security.

(C) In the event any municipality elects to evidence any such repay-

ment obligation in a manner permitted by division (3)(A)(ii) or (3)(A)(iii), the provisions of any other law of this state to the contrary notwithstanding, the interest of any person in such repayment obligation may be accepted, to the extent of such interest, as a deposit of the repayment obligation to which it relates, provided that the municipality has provided by contract for the pledge of such interest.

36-82-141. The records of ownership, registration, transfer, and exchange of repayment obligations for borrowed money and of persons to whom payment with respect to such obligations is made shall not be public records, it being understood that the availability of such records to the general public would likely have a serious adverse impact on the ability of a municipality to consummate subsequent borrowings of money at the most advantageous cost to such municipality.

36-82-142. This article shall be liberally construed to effect the purposes hereof; and insofar as the provisions of this article may be inconsistent with the provisions of the Constitution of Georgia, under circumstances where the General Assembly has been granted the power by law to enlarge or restrict such provisions of the Constitution of Georgia, or inconsistent with the provisions of any law, including any general, local, or special Act of the General Assembly relating to bonds issued by any municipality, this article shall control."

Section 3. Chapter 17 of Title 50 of the Official Code of Georgia Annotated, relating to state debt, investment, and depositories, is amended by striking subsection (a) of Code Section 50-17-1, relating to facsimile signatures on public securities in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Public securities authorized to be issued and delivered at any one time may be executed with an engraved, imprinted, stamped, or otherwise reproduced facsimile of any signature, seal, or other means of authentication, certification, or endorsement required or permitted to be recorded thereon if so authorized by the board, body, or officer empowered by law to authorize the issuance of such securities. In addition to the foregoing, the clerk of the superior court of each county of this state may authorize the execution of any public securities, as defined in subsection (b) of this Code section, requiring or permitting his signature, with an engraved, imprinted, stamped, or otherwise reproduced facsimile of such signature and with an engraved, imprinted, stamped, or otherwise reproduced facsimile of the seal of the superior court of which he is clerk."

Section 4. Said chapter is further amended by striking paragraph (5) of Code Section 50-17-21, relating to definitions relating to the Georgia State Financing and Investment Commission, in its entirety and substituting in lieu thereof a new paragraph (5) to read as follows:

"(5) 'General obligation debt' means obligations of this state issued pursuant to this article to acquire, construct, develop, extend, enlarge, or improve land, waters, property, highways, buildings, structures, equipment, or facilities of the state, its agencies, departments, institutions, and those state authorities which were created and activated prior to the amendment to Article VII, Section VI, Paragraph I(a) of the Constitu-

tion of 1945, adopted November 8, 1960, for which the full faith, credit, and taxing power of the state are pledged for the payment thereof. 'General obligation debt' also means obligations of this state issued to provide educational facilities for county and independent school systems."

Section 5. Said chapter is further amended by striking Code Section 50-17-24, relating to the administration of public debt, in its entirety and substituting in lieu thereof a new Code Section 50-17-24 to read as follows:

"50-17-24. (a) The state, through action of the commission, is authorized to incur public debt as hereinafter provided.

(b) (1) Public debt without a limit may be incurred to repel invasion, suppress insurrection, and defend the state in time of war.

(2) Public debt may be incurred to supply such temporary deficit as may exist in the state treasury in any fiscal year because of necessary delay in collecting the taxes of that year, but the debt so incurred shall not exceed, in the aggregate, 1 percent of the total revenue receipts, less refunds, of the state treasury in the fiscal year immediately preceding the year in which such debt is incurred; and any debt so incurred shall be repaid out of the taxes levied for the fiscal year in which the loan is made. Such debt shall be payable on or before the last day of the fiscal year in which it is incurred, and no such debt may be incurred in any fiscal year under this paragraph if there is then outstanding unpaid debt from any previous fiscal year which was incurred under this paragraph.

(3) Public debt for public purposes may be either general obligation debt or guaranteed revenue debt. General obligation debt may be incurred by issuing obligations to acquire, construct, develop, extend, enlarge, or improve land, waters, property, highways, buildings, structures, equipment, or facilities of the state, its agencies, departments, institutions, and those state authorities which were created and activated prior to the amendment adopted November 8, 1960, to Article VII, Section VI, Paragraph I(a) of the Constitution of 1945. General obligation debt may also be incurred to provide educational facilities for county and independent school systems. Guaranteed revenue debt may be incurred by guaranteeing the payment of revenue obligations issued by an instrumentality of the state if such revenue obligations are issued to finance toll bridges, toll roads, or any other land public transportation facilities or systems, or water or sewage treatment facilities or systems, or to make or purchase, or lend or deposit against the security of, loans to citizens of the state for educational purposes; provided, however, that in no event shall general obligation debt or guaranteed revenue debt be incurred for water or sewage treatment facilities or systems for counties or municipalities. General obligation debt or guaranteed revenue debt may be incurred to fund or refund any such debt or to fund or refund any obligations issued upon the security of contracts to which the second paragraph of Article IX, Section VI, Paragraph I(a) of the Constitution of Georgia of 1976 is applicable.

(c) No debt may be incurred under paragraph (3) of subsection (b) of this Code section at any time when the highest aggregate annual debt service requirements for the then current year or any subsequent year for

outstanding general obligation debt and guaranteed revenue debt, including the proposed debt, and the highest aggregate annual payments for the then current year or any subsequent fiscal year of the state under all contracts then in force to which the provisions of the second paragraph of Article IX, Section VI, Paragraph I(a) of the Constitution of Georgia of 1976 are applicable exceed 10 percent of the total revenue receipts, less refunds of the state treasury in the fiscal year immediately preceding the year in which any such debt is to be incurred. Within such limitation, the following limitations shall also be applicable:

(1) No guaranteed revenue debt may be incurred to finance water or sewage treatment facilities or systems when the highest aggregate annual debt service requirements for the then current year or any subsequent fiscal year of the state for outstanding or proposed guaranteed revenue debt for water or sewage treatment facilities or systems exceed 1 percent of the total revenue receipts, less refunds, of the state treasury in the fiscal year immediately preceding the year in which any such debt is to be incurred;

(2) The aggregate principal amount of guaranteed revenue debt incurred to make loans to citizens of the state for educational purposes that may be outstanding at any time shall not exceed \$18 million and the aggregate principal amount of guaranteed revenue debt incurred to make or purchase, or to lend or deposit against the security of, loans to citizens of the state for educational purposes that may be outstanding at any time shall not exceed \$72 million; and

(3) The issuance of any funding or refunding debt pursuant to this Code section shall be subject to the 10 percent limitation provided for herein to the same extent as debt incurred under this article; provided, however, that in making such computation the annual debt service requirements and annual contract payments remaining on the debt or obligations being funded or refunded shall not be taken into account.

(d) For the purposes of subsection (c) of this Code section, annual debt service requirements shall mean the total principal and interest coming due in any fiscal year of the state; provided, however, that with regard to any issue of debt incurred wholly or in part on a term basis, annual debt service requirements shall mean an amount equal to the total principal and interest payments required to retire such issue in full divided by the number of years from its issue date to its maturity date."

Section 6. Said chapter is further amended by striking subsection (d) of Code Section 50-17-25 in its entirety and substituting in lieu thereof a new subsection (d) to read as follows:

"(d) (1) Every loan agreement and every evidence of indebtedness under a loan agreement shall be executed in the name of and for the state by the chairman and secretary of the commission. Every other evidence of indebtedness, except those issued in connection with the incurring of guaranteed revenue debt, shall be executed in the name of the state by the chairman and secretary of the commission and shall be sealed with the official seal of the commission or a facsimile thereof. Coupons shall be executed by the chairman of the commission. The fac-

simile signature of either the chairman or the secretary, or both, may be imprinted in lieu of the manual signature if the commission so directs, and the facsimile of the chairman's signature shall be used on coupons; provided, however, that the executive secretary may sign as secretary if the commission so directs. Evidence of indebtedness and interest coupons appurtenant thereto bearing the manual or facsimile signature of a person in office at the time such signature was signed or imprinted shall be fully valid notwithstanding the fact that before or after the delivery thereof such person ceased to hold such office.

(2) Each bond representing guaranteed revenue debt shall have stamped or printed thereon a certificate reading as follows:

'I hereby certify that the State of Georgia guarantees full payment of this obligation and the interest hereon in accordance with its terms and has pledged the full faith, credit, and taxing power of the state to such payment.'

Immediately below the certificate shall appear the facsimile signature of the secretary of the commission.

(3) Debt to be incurred at the same time for more than one purpose may be combined in one issue without stating the purposes separately, but the proceeds thereof must be allocated, disbursed, and used solely in accordance with the original purposes and without exceeding the principal amount authorized for each purpose set forth in the authorization of the General Assembly and to the extent not so used shall be used to purchase and retire public debt.

(4) Every evidence of indebtedness shall be dated not later than the date the same was issued; shall contain a reference by date of the appropriate authorizing resolution pursuant to which the same was issued; and may, but need not, state the purpose for which the debt is being incurred. When debt is being incurred at the same time for more than one purpose, the statement 'for various purposes' shall be authorized.

(5) Bonds issued as evidence of general obligation debt or guaranteed revenue debt shall have a certificate of validation bearing the facsimile signature of the clerk of the Superior Court of Fulton County, stating the date on which the bonds were validated as hereinafter provided, and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state. The bonds may be sealed with the official seal of the Superior Court of Fulton County or a facsimile thereof.

(6) The commission is authorized to use a standardized registered bond certificate. Such bond certificate may bear the facsimile signatures of the chairman and secretary of the commission and a manual authorizing signature of the registrar or transfer agent or an agent of the registrar or transfer agent."

Section 7. Said chapter is further amended by striking subsection (b) of Code Section 50-17-26, relating to evidences of indebtedness, generally, and substituting in lieu thereof a new subsection (b) to read as follows:

“(b) (1) The fiscal officer of the state or his agent shall act as registrar for evidences of indebtedness registrable as to principal or interest or both. No transfer of a registered evidence of indebtedness is valid unless made on the register maintained by the fiscal officer of the state or his agent for that purpose, and the state shall be entitled to treat the registered owner as the owner of such instrument for all purposes. Payment of principal and interest, when registered as to interest, of registered instruments shall be by check to the registered owner as it appears on the register unless the commission has otherwise provided. The commission may make such other provisions respecting registration as it deems necessary or useful. The fiscal officer of the state may employ out-of-state transfer agents or in-state transfer agents, or both, to perform registration duties or payment duties, or both, as agents of the fiscal officer of the state.

(2) The commission may authorize debt having any provision for prepayment deemed necessary or useful, including the payment of any premium.

(3) If any evidence of indebtedness becomes mutilated or is destroyed, lost, or stolen, the commission shall execute and deliver a new bond or note of like date of issue, maturity date, principal amount, and interest rate per annum as the bond or note so mutilated, destroyed, lost, or stolen, upon exchange and substitution for such mutilated bond or note and in lieu of and substitution for the bond or note destroyed, lost, or stolen, upon filing with the commission evidence satisfactory to it that such bond or note has been destroyed, lost, or stolen and proof of ownership thereof and upon furnishing the commission with indemnity satisfactory to it and upon complying with other reasonable rules of the commission and paying expenses connected therewith. Any bond or note surrendered for exchange shall be canceled. As provided in connection with the issuance of replacement bonds or notes under this Code section, the commission shall have authority to print the new bonds with a validation certificate bearing the facsimile signature of the clerk of the superior court then in office; and such certificate shall have the same force and effect as in the first instance. All responsibility with respect to the issuance of any such new bonds shall be on the commission and not on the clerk, and the clerk shall have no liability in the event an overissuance occurs.

(4) Interest shall cease to accrue on public debt on the date that the debt becomes due for payment if the payment is made or duly provided for; but such debt and the accrued interest thereon shall continue to be public debt until 20 years overdue for payment. At that time, unless demand for their payment has been made, they shall be extinguished and shall be deemed no longer outstanding.

(5) Unless otherwise directed by the commission, every evidence of indebtedness and interest coupon paid or otherwise retired shall forthwith be marked ‘canceled’ and shall be delivered by the paying agent accepting payment thereof to the commission, which shall destroy them and provide a certificate of destruction to the fiscal officer of the state.

(6) The fiscal officer of the state or his agent shall maintain records

containing a full and correct description of each evidence of indebtedness issued, identifying it and showing its date, issue, amount, interest rate, payment dates, payments made, registration, destruction, and every other relevant transaction. The use of depositories or immobilized or book-entry delivery systems, or both, may be authorized by the commission.

(7) Records maintained by the commission, the fiscal officer of the state or his agents, or by any paying agent appointed by the commission which reveal the names or identities of registered holders of bonds or notes shall not be deemed public records. Any information concerning the identity or the name of registered holders of bonds or notes shall be released only upon direction or authorization by the commission."

Section 8. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 9. All laws and parts of laws in conflict with this Act are repealed.

Senator Barnes of the 33rd moved that the Senate agree to the House substitute to SB 220.

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

Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Barker	Fincher	McGill
Barnes	Foster	McKenzie
Bond	Garner	Peevy
Bowen	Gillis	Perry
Brannon	Greene	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hill	Scott of 43rd
Bryant	Hine	Stumbaugh
Burton	Holloway	Tate
Cobb	Horton	Thompson
Coggin	Howard	Timmons
Coverdell	Hudgins	Trulock
Dawkins	Huggins	Turner
Dean	Kennedy	Tysinger
English	Kidd	Walker

Those not voting were Senators:

Coleman	Land	Starr
Deal	Littlefield	

On the motion, the yeas were 51, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 220.

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 245. By Representatives Shepard of the 71st, Johnson of the 70th, Parham of the 105th and Moore of the 139th:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to issuance of bad checks, so as to change certain penalties and a definition.

The Conference Committee report on HB 245 was as follows:

The Conference Committee on HB 245 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 245 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Wayne Garner
Senator, 30th District

/s/ Culver Kidd
Senator, 25th District

/s/ Floyd Hudgins
Senator, 15th District

FOR THE HOUSE
OF REPRESENTATIVES:

Jesse Copelan, Jr.
Representative, 106th District

/s/ Neal Shepard
Representative, 71st District

/s/ Mike Padgett
Representative, 86th District

Conference Committee substitute to HB 245:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to issuance of bad checks, so as to provide that restitution may be made while an offender serves a probated or suspended sentence; to provide that the extender of credit is entitled to a bad check charge under certain circumstances; to provide for the amount of such bad check charge; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 16-9-20 of the Official Code of Georgia An-

notated, relating to issuance of bad checks, is amended by striking paragraph (4) of subsection (b) of said Code section and inserting in its place a new paragraph (4) to read as follows:

“(4) Upon conviction of a first or any subsequent offense under this subsection or subsection (c) of this Code section, in addition to any other punishment provided by this Code section, the defendant shall be required to make restitution of the amount of the check, together with all costs of bringing a complaint under this Code section. Restitution may be made while the defendant is serving a probated or suspended sentence.”

Section 2. Said Code section is further amended by adding at the end thereof a new subsection, to be designated subsection (i), to read as follows:

“(i) Notwithstanding paragraph (2) of subsection (a) of this Code section or any other law on usury, charges, or fees on loans or credit extensions, any lender of money or extender of other credit who receives a check, draft, negotiable order of withdrawal, or like instrument drawn on a bank or other depository institution given by any person in full or partial repayment of a loan, installment payment, or other extension of credit may, if such instrument is not paid or is dishonored by such institution, charge and collect from the borrower or person to whom the credit was extended a bad check charge of not more than the greater of either \$10.00 or an amount equal to the actual charge made to the creditor by the depository institution for the return of the unpaid or dishonored instrument. This charge shall not be deemed interest or a finance or other charge made as an incident to or as a condition to the granting of the loan or other extension of credit and shall not be included in determining the limit on charges which may be made in connection with the loan or extension of credit or any other law of this state.”

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Garner of the 30th moved that the Senate adopt the Conference Committee report on HB 245.

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

Those voting in the affirmative were Senators:

Allgood	Burton	Foster
Barker	Cobb	Garner
Barnes	Coggin	Gillis
Bond	Coleman	Greene
Bowen	Coverdell	Harris
Brannon	Dawkins	Harrison
Brantley	Dean	Hill
Broun of 46th	English	Hine
Brown of 47th	Engram	Holloway
Bryant	Fincher	Horton

Howard	McGill	Tate
Hudgins	Perry	Thompson
Huggins	Phillips	Timmons
Kennedy	Scott of 2nd	Trulock
Kidd	Scott of 36th	Turner
Land	Scott of 43rd	Tysinger
Lester	Stumbaugh	Walker
Littlefield		

Voting in the negative were Senators Deal and Peevy.

Not voting were Senators McKenzie and Starr.

On the motion, the yeas were 52, nays 2; the motion prevailed, and the Senate adopted the Conference Committee report on HB 245.

The following local bills of the Senate were taken up for the purpose of considering the Conference Committee reports thereon:

SB 278. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, as amended, so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk.

The Conference Committee report on SB 278 was as follows:

The Conference Committee on SB 278 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to SB 278 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Carl Harrison
Senator, 37th District

/s/ Haskew Brantley
Senator, 56th District

/s/ Joe Thompson
Senator, 32nd District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Fred Aiken
Representative, 21st District

/s/ William A. Atkins
Representative, 21st District

Steve Thompson
Representative, 20th District

Conference Committee substitute to SB 278:

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A BILL TO BE ENTITLED
AN ACT

To amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4756), so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4756), is amended by striking Section 3 in its entirety and inserting in lieu thereof a new Section 3 to read as follows:

“Section 3. The tax commissioner shall receive an annual salary of \$35,150.00, to be paid in equal monthly installments from county funds. The tax commissioner shall be allowed one chief clerk whose annual salary shall be \$31,535.00, to be paid in equal monthly installments from the funds in the county treasury. Any candidate for the office of tax commissioner of Cobb County shall, on the date of his qualifying for such office in either a primary or a general election, certify to the judge of the Probate Court of Cobb County the name of the person he shall appoint as his chief clerk in the event he is elected to the office of tax commissioner of Cobb County; and the person so named shall serve as the chief clerk during the term for which he was so named. In the event of the death or removal from office of said chief clerk, the tax commissioner of Cobb County shall have 30 days from said date of death or removal from office of said chief clerk to certify to the judge of the Probate Court of Cobb County the name of the chief clerk to be appointed by him.”

Section 2. This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Harrison of the 37th moved that the Senate adopt the Conference Committee report on SB 278.

On the motion, the yeas were 29, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on SB 278.

SB 280. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:
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A bill to amend an Act changing the boundaries of the seven education districts of the Cobb County School District, as amended, so as to change the provisions relating to the compensation of the chairman and other members of the board of education.

The Conference Committee report on SB 280 was as follows:

The Conference Committee on SB 280 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to SB 280 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Carl Harrison
 Senator, 37th District

/s/ Haskew Brantley
 Senator, 56th District

/s/ Joe Thompson
 Senator, 32nd District

FOR THE HOUSE
 OF REPRESENTATIVES:

/s/ Fred Aiken
 Representative, 21st District

/s/ William A. Atkins
 Representative, 21st District

Steve Thompson
 Representative, 20th District

Conference Committee substitute to SB 280:

A BILL TO BE ENTITLED AN ACT

To amend an Act changing the boundaries of the seven education districts of the Cobb County School District, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 4176), so as to change the provisions relating to the compensation of the chairman and other members of the board of education; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act changing the boundaries of the seven education districts of the Cobb County School District, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 4176), is amended by striking subsection (d) of Section 2 in its entirety and substituting in lieu thereof a new subsection (d) to read as follows:

“(d) Each member of the board of education of Cobb County, except for the chairman, shall receive an annual salary of \$6,600.00, to be paid in equal monthly installments from the funds of the board of educa-

tion. The chairman shall receive an annual salary of \$7,800.00, to be paid in equal monthly installments from the funds of the board of education.

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Harrison of the 37th moved that the Senate adopt the Conference Committee report on SB 280.

On the motion, the yeas were 29, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on SB 280.

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

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

Senator Starr of the 44th moved that the Senate insist upon its disagreement to the House amendment to the Senate substitute to HB 532.

On the motion, the yeas were 33, nays 0; the motion prevailed, and the Senate insisted upon its disagreement to the House amendment to the Senate substitute to HB 532.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 277. By Senators Gillis of the 20th, Kennedy of the 4th and Walker of the 19th:

A bill to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to authority and procedure for state purchasing, so as to provide for preferential treatment of domestic lumber products in the awarding of public works contracts by the state and its boards, departments, institutions, and political subdivisions.

The House substitute to SB 277 was as follows:

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**A BILL TO BE ENTITLED
AN ACT**

To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to authority and procedure for state purchasing, so as to provide for preferential treatment of Georgia manufactured lumber products in the awarding of public works contracts by the state and its boards, departments, institutions, and political subdivisions; to define certain terms; to provide exceptions; to require compliance by contractors and provide for enforcement; to provide for a termination date; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to authority and procedure for state purchasing, is amended by adding following Code Section 50-5-81 a new Code section, to be designated Code Section 50-5-82, to read as follows:

“50-5-82. (a) As used in this Code section, the term:

(1) ‘Georgia manufactured lumber products’ means lumber products produced in the State of Georgia.

(2) ‘Governmental agency’ means the state or any board, department, institution, agency, or other political subdivision of the state.

(3) ‘Public works’ includes roads, highways, streets, bridges, sidewalks, sewage systems, buildings, engineering and architectural works, and any other structure, facility, or improvement constructed or undertaken by a governmental agency.

(b) (1) For every contract and subcontract for the construction, reconstruction, alteration, repair, improvement, or maintenance of any public works in which any lumber products are to be supplied in the performance of the contract or subcontract, every governmental agency shall, at its option, either:

(A) Require that only Georgia manufactured lumber products shall be supplied; or

(B) Allow the use of non-Georgia manufactured lumber only upon the agency’s determination, after the receipt of offers or bids, that the cost of Georgia manufactured lumber products is unreasonable or that Georgia lumber products are not produced in sufficient quantities to meet the contract requirements or to provide a competitive bidding environment.

This Code section shall not apply to any public works contract awarded in an amount of less than \$50,000.00.

(2) The offered or bid price of Georgia manufactured lumber products is not unreasonable unless it is more than the offered or bid price of other domestic or foreign made lumber products.

(3) The agency shall be the judge as to whether the Georgia manufactured supply is adequate to ensure a competitive bidding environment.

(c) A governmental agency may not authorize or make any payments to a contractor under a contract which contains or should contain the provision required by this Code section unless the contractor has fully complied with such provision. Prior to payment, the governmental agency shall require sworn certificates of compliance from all contractors, sub-contractors, and suppliers whose work involved the supplying of Georgia manufactured lumber products. Payments made by a governmental agency to any contractor not complying with this Code section may be recovered by the agency from the contractor or the contractor's bonding company.

(d) In any contract under this Code section which is eligible to be funded in whole or in part by an agency of the government of the United States in which a condition of eligibility for such funding is compliance with a 'Buy America' requirement imposed by an act of the United States Congress, then such compliance with such federal requirements shall be deemed to be in compliance with this Code section.

(e) This Code section shall be repealed effective December 31, 1988."

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Gillis of the 20th moved that the Senate agree to the House substitute to
SB 277

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

Those voting in the affirmative were Senators:

Allgood	Coggin	Greene
Barker	Coleman	Harris
Barnes	Coverdell	Harrison
Bond	Dawkins	Hill
Bowen	Deal	Hine
Brannon	Dean	Holloway
Brantley	English	Horton
Brown of 47th	Fincher	Huggins
Bryant	Foster	Kennedy
Burton	Garner	Kidd
Cobb	Gillis	Land

Lester	Phillips	Timmons
Littlefield	Scott of 2nd	Trulock
McGill	Scott of 36th	Turner
McKenzie	Scott of 43rd	Tysinger
Peevy	Stumbaugh	Walker
Perry	Thompson	

Those not voting were Senators:

Broun of 46th	Howard	Starr
Engram	Hudgins	Tate

On the motion, the yeas were 50, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 277.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 420. By Representatives Kilgore of the 42nd, Crosby of the 150th, Collins of the 144th and others:

A bill to amend Chapter 8 of Title 33 of the Official Code of Georgia Annotated, relating to insurance fees and taxes, so as to provide for the imposition of license fees upon life insurance companies and their agents or brokers.

Senate Sponsor: Senator Scott of the 43rd.

The Senate Committee on Federal, State and Community Affairs offered the following substitute to HB 420:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 8 of Title 33 of the Official Code of Georgia Annotated, relating to insurance fees and taxes, so as to provide for the imposition of license fees upon life insurance companies and their agents or brokers; to provide for the deduction from state tax of license fees paid to municipal corporations; to provide for the imposition of taxes upon insurance companies by counties and municipal corporations based upon gross direct premiums; to provide for exemptions from such taxation; to provide for credits and deductions from state tax of taxes paid counties and municipal corporations; to provide procedures for the collection and distribution of such taxes; to provide for all 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 8 of Title 33 of the Official Code of Georgia An-

notated, relating to insurance fees and taxes, is amended by striking Code Section 33-8-8, relating to imposition of local license fees upon insurance companies, in its entirety and inserting in its place a new Code Section 33-8-8 to read as follows:

“33-8-8. (a) Except as otherwise provided in this chapter, the State of Georgia preempts the field of imposing taxes, except taxes on real property and tangible personal property taxed ad valorem, upon insurance companies and their agents and other representatives, including, but not limited to, excise, privilege, franchise, income, license, permit, registration, and similar taxes and fees measured by premiums, income, or volume of transactions; and no county or unincorporated area of such county, city, municipality, district, school district, or other political subdivision or agency of this state shall impose, levy, charge, or require the same, except as provided in this chapter.

(b) Municipal corporations are authorized, in conformity with the requirements of their charters, to impose and collect the following license fees upon life insurance companies for the privilege of engaging in the business of insurance within said municipal corporation:

(1) An annual license fee on each life insurance company doing business within the municipal corporate limits not to exceed the following schedule:

Population of Municipal Corporation		Amount
Under	1,000	\$ 15.00
1,000 —	1,999	25.00
2,000 —	4,999	40.00
5,000 —	9,999	50.00
10,000 —	24,999	75.00
25,000 —	49,999	100.00
50,000 and over		150.00

and an additional annual license fee in the same amount for each separate business location in excess of one operated and maintained by such company within the same municipality; and

(2) An additional annual license fee of \$10.00 or 35 percent of the schedule set forth in paragraph (1) of this subsection, whichever amount is greater, on each life insurance company for each separate business location not otherwise subject to a license fee under this Code section, which company is operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and which, in connection with the loans or sales involving term financing, offers, solicits, or takes applications for insurance through a licensed agent of the insurance company for life insurance.

(c) Within 45 days after the date of their enactment, each municipal corporation shall file with the Commissioner a certified copy of the pertinent parts of all ordinances and amendments thereto which impose any such license fee, and such filing shall be a condition to the validity and enforceability of such an ordinance.

(d) Life insurance agencies which are maintained and operated by a company may not be separately licensed by municipal corporations except under the provisions of this Code section; but nothing contained in this Code section shall prevent municipal corporations from separately imposing and collecting business licenses from independent insurance agencies or brokers doing a life insurance business not otherwise taxed under this Code section. No such license may be imposed on such independent agents or brokers, which license is measured by the premiums of life insurance companies.

(e) Life insurance companies may deduct from premium taxes otherwise payable to this state under Code Section 33-8-4, in addition to all credits and abatements allowed by law, the license fees imposed pursuant to this Code section and paid to any municipal corporation during the preceding calendar year.

(f) As used in this Code section, the term 'life insurance company' means a company which is authorized to transact only the class of insurance designated in Code Section 33-3-5 as class (1)."

Section 2. Said chapter is further amended by striking in its entirety Code Section 33-8-8.1, relating to county tax on life insurance companies, and inserting in its place a new Code Section 33-8-8.1 to read as follows:

"33-8-8.1. (a) As used in this Code section, the term 'life insurance company' means a company which is authorized to transact only the class of insurance designated in Code Section 33-3-5 as class (1).

(b) Life insurance companies are subject to county and municipal corporation taxes levied as follows:

(1) There is imposed a county tax for county purposes on each life insurance company doing business within the state, which tax shall be based solely upon gross direct premiums, as defined in Code Section 33-8-4, which are received from policies insuring persons residing within the unincorporated area of the counties pursuant to the provisions of this Code section. The rate of such tax shall be 1 percent of such premiums, except that such tax shall not apply to the gross direct premiums of an insurance company which qualifies, pursuant to Code Section 33-8-5, for the reduction to one-half of 1 percent of the state tax imposed by Code Section 33-8-4. The tax imposed by this Code section shall not apply to annuity considerations; and

(2) Municipal corporations whose ordinances have been filed with the commissioner are authorized, in conformity with the requirements of their charters, to impose a tax on each life insurance company doing business within the state, which tax shall be based solely upon the gross direct premiums, as defined in Code Section 33-8-4, which are received from policies insuring persons residing within the corporate limits of the municipal corporation pursuant to the provisions of this Code section; provided, however, that the rate of the tax may not exceed 1 percent of the premiums. The tax imposed shall not apply to annuity considerations.

(c) Taxes imposed by subsection (b) of this Code section shall be collected by the Commissioner on behalf of counties and municipal cor-

porations whose ordinances have been filed with the Commissioner in the same manner and on the same dates and subject to the same penalties as prescribed in Code Section 33-8-6.

(d) Taxes imposed by subsection (b) of this Code section and penalties shall be allocated and distributed to counties and municipal corporations as follows:

(1) A portion of the total amount of life insurance premiums taxable by the state, exclusive of premiums collected by companies which qualify for the reduction to one-half of 1 percent of the state tax, shall be allocated to counties based upon the ratio that the total population of all unincorporated areas in the state bears to the total population in the state. The amount of the tax base so allocated to counties shall be taxed at the rate levied for county purposes. The tax shall be distributed to each county governing authority by the Commissioner based upon a fraction, the numerator of which is the population of the unincorporated area of that county and the denominator of which is the population of all unincorporated areas of the state; and

(2) A portion of the total amount of life insurance premiums taxable by the state shall be allocated to all municipal corporations based upon the ratio that the total population of all municipal corporations bears to the total state population. The amount of the tax base so allocated to municipalities shall be distributed to each municipal corporation based upon the fraction, the numerator of which is the population of that municipal corporation and the denominator of which is the population of all municipal corporations in the state. The amount of the tax base so distributed to each municipality shall be taxed at the rate levied by that municipality; and taxes levied by each municipal corporation shall be distributed based upon the tax rate levied by each such municipal corporation.

(e) On or before January 1 of the first year that the tax is levied, each municipal corporation levying the tax shall file with the Commissioner a certified copy of the pertinent parts of all ordinances and amendments thereto which impose the tax, and such filing shall be a condition to the validity and enforceability of such an ordinance. On or before February 1 of each year the Commissioner shall furnish a list of all municipal corporations levying the tax for that year to each life insurance company in the state.

(f) Life insurance companies may deduct from premium taxes otherwise payable to this state under Code Section 33-8-4, in addition to all credits and abatements allowed by law, the taxes imposed pursuant to subsection (b) of this Code section and paid to the Commissioner on behalf of any county and municipal corporation during the preceding calendar year.

(g) The Commissioner shall make semi-annual distributions of the taxes and penalties imposed by counties and municipal corporations under this Code section which are actually remitted to and collected by the Commissioner. Beginning on June 1, 1984, and on the same date thereafter, distribution shall be made and it shall include the total

amount of tax collected for the preceding year after deduction for distribution of any estimated taxes already made for premiums written during the preceding year. Beginning on December 1, 1984, and on the same date thereafter, distribution shall be made and it shall include the amount of estimated taxes paid for the first two calendar quarters of the current year.

(h) Amounts collected by the Commissioner under or due under former Code Section 33-8-8.1 shall be collected and disbursed as provided in former Code Section 33-8-8.1.

(i) For purposes of this Code section, population shall be measured by the decennial census of 1980 or any future such census and any additional official census data received by the Commissioner from the United States Census Bureau or its successor agency pertaining to any newly incorporated municipality."

Section 3. Said chapter is further amended by adding a new Code section after Code Section 33-8-8.1, to be designated as Code Section 33-8-8.2, which shall read as follows:

"33-8-8.2 (a) Counties and municipal corporations are authorized to levy tax at a rate not to exceed 2.5 percent upon the gross direct premiums of all foreign, alien, and domestic insurance companies doing business in this state other than life insurance companies. The tax shall be in addition to the taxes levied by Code Section 33-8-4, and it may be levied upon the gross direct premiums received by such companies on or after January 1, 1984. The tax shall be levied upon premiums derived from policies insuring persons, property, or risks in Georgia from January 1 to December 31, both inclusive, of each year without regard to business ceded to or assumed from other companies. The tax shall be imposed upon gross premiums received from direct writing without any deductions allowed from premium abatement of any kind or character or for reinsurance or for losses or expenses of any kind; provided, however, deductions shall be allowed for premiums returned or change of rate or cancelled policies; provided, further, that deductions shall be permitted for returned premiums or assessments, including all policy dividends, refunds, or other similar returns paid or credited to policyholders.

(b) Whenever any domestic insurance company shall have at least 60 percent of its total assets invested in property located in Georgia, then the gross premium tax levied by this Code section shall be abated or reduced to 2 percent upon the gross premiums of any company subject to taxation by this Code section.

(c) The taxes provided in this Code section are county and municipal taxes and shall be levied for county and municipal purposes and shall be collected and distributed as follows:

(1) On or before January 1 of the first year that the tax is levied, each county and municipal corporation levying the tax shall file with the Commissioner a certified copy of the pertinent parts of all ordinances and resolutions and amendments thereto which impose the tax, and such filing shall be a condition to the validity and enforceability of such an ordinance or resolution;

(2) On or before February 1 of each year, the Commissioner shall furnish to each insurance company a list of all counties and municipal corporations where the tax as authorized by this Code section has been imposed for the then current year together with the applicable tax rate levied by each such county and municipal corporation and the population percentages by which the taxes are to be allocated to each such county and municipal corporation as provided in this Code section;

(3) The tax imposed by this Code section shall be collected by the Commissioner on behalf of counties and municipal corporations whose ordinances and resolutions have been filed with the Commissioner in the same manner and on the same dates and subject to the same penalties as prescribed in Code Section 33-8-6;

(4) The total amount of premiums taxable by the state on insurance companies as defined in this Code section shall be allocated to each county unincorporated area and each municipal corporation based upon a fraction, the numerator of which is the population of the unincorporated area or municipal corporation and the denominator of which is the total population of the state. Tax rates levied by each county shall be applied to the premiums allocated to its unincorporated area, and tax rates levied by each municipal corporation shall be applied to the premiums allocated to it; and

(5) The Commissioner shall make semi-annual distributions of the taxes and penalties imposed by counties and municipal corporations under this Code section which are actually remitted to and collected by the Commissioner. Beginning on June 1, 1984, and on the same date thereafter, distribution shall be made and it shall include the total amount of tax collected for the preceding year after deduction for distribution of any estimated taxes already made for premiums written during the preceding year. Beginning on December 1, 1984, and on the same date thereafter, distribution shall be made and it shall include the amount of estimated taxes paid for the first two calendar quarters of the current year.

(d) For purposes of this Code section, population shall be measured by the decennial census of 1980 or any future such census and any additional official census data received by the Commissioner from the United States Census Bureau or its successor agency pertaining to any newly incorporated municipality.

(e) Any county or municipal corporation which, on January 1, 1983, levied a tax on all premiums of insurance companies, other than life insurance companies, at a rate in excess of 2.5 percent may continue to levy the tax at a rate in excess of 2.5 percent; provided that the rate of such tax shall not exceed the rate which was in effect in such county or municipal corporation on January 1, 1983, reduced annually beginning January 1, 1984, by one-half of the difference between such January 1, 1983, rate and 2.5 percent, so that the rate levied on January 1, 1985, shall not exceed 2.5 percent."

Section 4. Said chapter is further amended by adding a new Code

section after Code Section 33-8-8.2, to be designated as Code Section 33-8-8.3, to read as follows:

“33-8-8.3. The proceeds from the county taxes levied for county purposes, as provided by this chapter, shall be separated from other county funds and shall be used by county governing authorities solely for the purpose of reducing ad valorem taxes of the inhabitants of the unincorporated areas of such counties. In fixing the ad valorem tax millage rate for the year 1984 and any year thereafter, the governing authorities of counties shall be authorized and directed to reduce such ad valorem tax millage rate on taxable property within the unincorporated areas of such counties to offset all of the proceeds derived from any tax provided for in this chapter. Those counties operating under a tax cap; the proceeds from this tax shall be included for the purposes of computing the tax cap.”

Section 5. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval and shall apply to all tax years beginning on or after January 1, 1984.

Section 6. All laws and parts of laws in conflict with this Act are repealed.

Senator Scott of the 43rd offered the following amendment:

Amend the substitute to HB 420 offered by the Senate Committee on Federal, State and Community Affairs by striking from line 28 of Page 10 the following:

“one-half”,

and inserting in lieu thereof the following:

“one-third”

By striking from line 30 of Page 10 the following:

“1985”,

and inserting in lieu thereof the following:

“1986”

On the adoption of the amendment, the yeas were 39, nays 0, and the amendment was adopted.

Senator Cobb of the 28th offered the following amendment:

Amend the substitute to HB 420 offered by the Senate Committee on Federal, State and Community Affairs by striking all matter on lines 19 through 24 of Page 8.

By striking from line 25 of Page 8 the designation “(c)” and inserting in its place the designation “(b)”

By striking from line 14 of Page 10 the designation "(d)" and inserting in its place the designation "(c)"

By striking from line 20 of Page 10 the designation "(e)" and inserting in its place the designation "(d)"

On the adoption of the amendment, the yeas were 35, nays 1, and the amendment was adopted.

On the adoption of the substitute, the yeas were 32, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	Littlefield
Barker	Foster	McGill
Brannon	Garner	McKenzie
Brantley	Gillis	Peevy
Broun of 46th	Greene	Perry
Brown of 47th	Harris	Phillips
Bryant	Hill	Scott of 2nd
Burton	Hine	Scott of 43rd
Cobb	Holloway	Starr
Coggin	Horton	Stumbaugh
Coleman	Hudgins	Thompson
Dawkins	Huggins	Timmons
Deal	Kennedy	Trulock
Dean	Kidd	Turner
English	Land	Tysinger
Engram	Lester	Walker

Those voting in the negative were Senators:

Barnes	Harrison	Scott of 36th
Bond	Howard	Tate
Coverdell		

Not voting was Senator Bowen.

On the passage of the bill, the yeas were 48, nays 7.

The bill, having received the requisite constitutional majority, was passed by substitute. www.libtool.com.cn

The following resolution of the Senate was read and adopted:

SR 259. By Senators Kennedy of the 4th, Coleman of the 1st, Bryant of the 3rd and others:

A resolution commending the Honorable Bo Ginn on his ten years of outstanding service to the people of the First Congressional District and the nation.

Senator Kennedy of the 4th introduced former Congressman Bo Ginn, who briefly addressed the Senate.

The following general bills and resolution of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 407. By Representatives Coleman of the 118th, Colwell of the 4th and Hays of the 1st:

A bill to amend Article 2 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to wardens, superintendents, and other personnel of the Department of Offender Rehabilitation, so as to confer upon canine handlers employed by the Department of Offender Rehabilitation all of the powers of a police officer of this state when engaged in their official duties.

Senate Sponsor: Senator Kidd of the 25th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Coverdell	Harris
Barnes	Dawkins	Harrison
Bond	Deal	Hill
Brannon	Dean	Hine
Brantley	English	Horton
Broun of 46th	Engram	Howard
Brown of 47th	Foster	Hudgins
Bryant	Garner	Huggins
Burton	Gillis	Kennedy
Coleman	Greene	Kidd

Land	Phillips	Timmons
Lester	Scott of 2nd	Trulock
Littlefield	Scott of 43rd	Turner
McGill	Starr	Tysinger
Peevy	Tate	Walker
Perry	Thompson	

Those not voting were Senators:

Barker	Coggin	McKenzie
Bowen	Fincher	Scott of 36th
Cobb	Holloway	Stumbaugh

On the passage of the bill, the yeas were 47, nays 0.

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

HR 145. By Representatives Colwell of the 4th, Dobbs of the 74th, Cox of the 141st and others:

A resolution to adopt and ratify a temporary state plan of operation developed by the Department of Administrative Services in conformity with Section 203 (j) (4) (A) of the Federal Property and Administrative Services of 1949, as amended by Section 1 of Public Law 94-519, to serve as a permanent plan for the operation of the Federal Surplus Property Program in this state.

Senate Sponsor: Senator Cobb of the 28th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Coverdell	Harris
Barnes	Dawkins	Hill
Brantley	Deal	Hine
Broun of 46th	Dean	Horton
Brown of 47th	English	Howard
Bryant	Ingram	Huggins
Burton	Foster	Kennedy
Cobb	Garner	Kidd
Coggin	Gillis	Land
Coleman	Greene	Lester

Littlefield	Scott of 2nd	Thompson
McGill	Scott of 36th	Timmons
McKenzie	Scott of 43rd	Trulock
Peevy	Starr	Turner
Perry	Stumbaugh	Tysinger
Phillips	Tate	Walker

Those not voting were Senators:

Barker	Brannon	Holloway
Bond	Fincher	Hudgins
Bowen	Harrison	

On the adoption of the resolution, the yeas were 48, nays 0.

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

HB 93. By Representative Colbert of the 23rd:

A bill to amend Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to motor vehicle accident insurance, so as to require liability insurance providing certain coverages for motorcycles; to define a certain term.

Senate Sponsor: Senator Land of the 16th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barker	Fincher	Phillips
Bond	Foster	Scott of 36th
Brantley	Garner	Tate
Brown of 46th	Greene	Thompson
Burton	Harrison	Trulock
Coggin	Hine	Turner
Coverdell	Holloway	Tysinger
Deal	Huggins	Walker
English	Land	

Those voting in the negative were Senators:

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Barnes	Hill	McKenzie
Bowen	Horton	Peevy
Brannon	Howard	Perry
Brown of 47th	Hudgins	Scott of 2nd
Bryant	Kennedy	Scott of 43rd
Cobb	Kidd	Starr
Coleman	Lester	Stumbaugh
Dawkins	McGill	Timmons
Dean		

Not voting were Senators Gillis and Harris.

On the passage of the bill, the yeas were 29, nays 25.

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

Senator Scott of the 43rd gave notice that, at the proper time, he would move that the Senate reconsider its action in passing HB 93.

The President stated that, as provided for in Senate Rule 99, he would set the time to entertain the motion to reconsider immediately following the Senate's action on HB 138 on the Senate Rules Calendar for today.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House insists on its position in disagreeing to the substitute and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 121. By Representatives Lawson of the 9th, Snow of the 1st, Williams of the 48th and others:

A bill to implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts.

The Speaker has appointed on the part of the House:

Representatives Snow of the 1st, Karrh of the 109th and Lawson of the 9th.

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

SB 81. By Senator Coverdell of the 40th:

A bill to amend Part 9 of the Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system may remain members of local retirement systems.

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

HB 440. By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations and federal savings and loan associations.

The House has agreed to the Senate substitute, as amended by the House, to the following bill of the House:

HB 348. By Representatives Bishop of the 94th, Daugherty of the 33rd, Steinberg of the 46th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provision of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978."

The House has disagreed to the Senate amendment to the following resolution of the House:

HR 30. By Representatives Ware of the 77th, Lee of the 72nd, Bray of the 91st and others:

A resolution proposing an amendment to the Constitution so as to provide that the office of any state, county, or municipal elective official shall be declared vacant upon such elective official qualifying for another state, county, or municipal office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins prior to the expiration of such official's present term of office.

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

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HB 121. By Representatives Lawson of the 9th, Snow of the 1st, Williams of the 48th and others:

A bill to implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts.

Senator Deal of the 49th moved that the Senate adhere to the Senate substitute to HB 121, and that a Conference Committee be appointed.

On the motion, the yeas were 45, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to HB 121.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Deal of the 49th, Hine of the 52nd and Kidd of the 25th.

Time having arrived for the entertainment of the reconsideration motion, Senator Peevy of the 48th moved that the Senate reconsider its action previously today in defeating the following bill of the House:

HB 236. By Representatives Richardson of the 52nd, Galer of the 97th, Steinberg of the 46th and others:

A bill to amend Code Section 19-3-8 of the Official Code of Georgia Annotated, relating to the husband being the head of the family, so as no longer to presume one spouse to be head of the family, no longer to have one person subject to that person's spouse, and no longer to have one person's legal civil existence merged into that person's spouse.

On the motion, the yeas were 31, nays 7; the motion prevailed, and HB 236 was reconsidered and placed at the foot of the Senate General Calendar.

Senator Kennedy of the 4th, President Pro Tempore, resumed the Chair.

The following general resolutions of the House, favorably reported by the committees, were read the third time and put upon their adoption:

HR 67. By Representative Hudson of the 117th:

A resolution designating the bridge on U.S. Highway 341 over the Ocmulgee River at Hawkinsville in Pulaski County as the Roger H. Lawson Memorial Bridge.

Senate Sponsors: Senators Holloway of the 12th and Walker of the 19th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Foster	McGill
Barker	Garner	McKenzie
Bond	Gillis	Peevy
Bowen	Greene	Phillips
Brantley	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Coggin	Horton	Stumbaugh
Coverdell	Howard	Tate
Dawkins	Huggins	Thompson
Deal	Kidd	Turner
English	Land	Tysinger
Engram	Lester	Walker
Fincher		

Those not voting were Senators:

Barnes	Dean	Littlefield
Brannon	Harris	Perry
Broun of 46th	Hudgins	Timmons
Cobb	Kennedy (presiding)	Trulock
Coleman		

On the adoption of the resolution, the yeas were 43, nays 0.

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

HR 287 By Representatives Childs of the 53rd, Murphy of the 18th, Mostiler of the 75th and others:

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A resolution urging the Department of Human Resources to comply with Resolution No. 199, Ga. L. 1982, p. 1352, which urged the transfer of state property owned by the Department of Human Resources to the American Heart Association for the purpose of constructing the State Headquarters Building.

Senate Sponsor: Senator Howard of the 42nd.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	McGill
Barker	Foster	Peevy
Bond	Garner	Perry
Brannon	Gillis	Phillips
Brantley	Greene	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hill	Scott of 43rd
Bryant	Hine	Starr
Burton	Holloway	Stumbaugh
Coggin	Horton	Tate
Coleman	Hudgins	Thompson
Dawkins	Huggins	Timmons
Deal	Kidd	Turner
English	Land	Walker
Engram	Lester	

Those not voting were Senators:

Barnes	Dean	Littlefield
Bowen	Harris	McKenzie
Cobb	Howard	Trulock
Coverdell	Kennedy (presiding)	Tysinger

On the adoption of the resolution, the yeas were 44, nays 0.

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

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

HB 440. By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations and federal savings and loan associations.

Senator Lester of the 23rd moved that the Senate insist upon the Senate substitute to HB 440.

On the motion, the yeas were 35, nays 0; the motion prevailed, and the Senate insisted upon the Senate substitute to HB 440.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 138. By Representatives Walker of the 115th, Smyre of the 92nd and Evans of the 84th:

A bill 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 authorize a retired teacher to elect to return to service as a classroom aide or substitute teacher and still receive retirement benefits.

Senate Sponsor: Senator Trulock of the 10th.

The following fiscal note, as required by law, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: January 20, 1983

SUBJECT: Fiscal Note—House Bill 138 (LC 6 4812-EC)
Teachers' Retirement System (TRS)

This Bill would allow retired teachers to return to service on a part-time, hourly basis as classroom aides or substitute teachers without having their benefits suspended or rejoining the system and accruing additional retirement credits. Such retirees would continue to receive postretirement benefit adjustments during the period of part-time service. Currently, beneficiaries returning to service as a teacher must either cease receiving a retirement allowance and again become a contributing member or suspend receipt of a retirement allowance until cessation of service and not reinstate membership in the system.

The actuary for TRS has stated that this Bill would have a negligible financial impact on the system.

It should be noted that current law does not define part-time service.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

Senator Tate of the 38th offered the following amendment:

Amend HB 138 as follows:

By inserting a new sentence at the end of line 25 of Page 1 immediately preceding the quotation mark to read as follows:

“A beneficiary may be employed pursuant to the authority of this subsection only if another qualified applicant is not available for employment as a part-time classroom aide or as a substitute teacher.”

The following fiscal note, as required by the Rules of the Senate, was read by the Secretary:

Department of Audits
115 State Capitol
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Rudolph Johnson, Chairman
House Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: February 18, 1983

SUBJECT: Fiscal Note—Amendment to House Bill 138 (LC 6 4812-EC)
(AM 7 0528)
Teachers' Retirement System (TRS)

The amended version of this Bill would allow retired teachers to return

to service on a part-time, hourly basis as classroom aides or substitute teachers without having their benefits suspended or rejoining the system and accruing additional retirement credits. Such retirees would continue to receive postretirement benefit adjustments during the period of part-time service. Beneficiaries may be employed pursuant to this Bill only if another qualified person is not available for part-time employment as a classroom aide or as a substitute teacher. Currently, beneficiaries returning to service as a teacher must either cease receiving a retirement allowance and again become a contributing member or suspend receipt of a retirement allowance until cessation of service and not reinstate membership in the system.

The actuary for TRS has stated that this Bill would have a negligible financial impact on the system.

It should be noted that current law does not define part-time service.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

Senator Kidd of the 25th moved the previous question.

On the motion, the yeas were 44, nays 0; the motion prevailed, and the previous question was ordered.

On the adoption of the amendment offered by Senator Tate of the 38th, Senator Tate called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Fincher	Littlefield
Barker	Gillis	McGill
Bond	Greene	Scott of 2nd
Bowen	Harrison	Scott of 36th
Brantley	Holloway	Scott of 43rd
Bryant	Horton	Stumbaugh
Coggin	Huggins	Tate
Coleman	Kidd	Thompson
Coverdell	Land	Walker
English		

Those voting in the negative were Senators:

Barnes	Dawkins	Harris
Brannon	Deal	Hill
Broun of 46th	Dean	Hine
Brown of 47th	Engram	Hudgins
Burton	Foster	Lester
Cobb	Garner	McKenzie

Peevy
Perry
Phillips

Starr
Timmons
Trulock

Turner
Tysinger

Not voting were Senators Howard and Kennedy (presiding).

On the adoption of the amendment, the yeas were 28, nays 26, and the amendment was adopted.

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, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barnes
Bond
Bowen
Brannon
Brantley
Broun of 46th
Brown of 47th
Bryant
Cobb
Coggin
Coleman
Coverdell
Dawkins
Deal
Dean
English

Engram
Fincher
Foster
Garner
Gillis
Greene
Harris
Hill
Hine
Holloway
Horton
Howard
Hudgins
Huggins
Kidd
Lester
Littlefield

McGill
McKenzie
Peevy
Perry
Phillips
Scott of 2nd
Scott of 36th
Scott of 43rd
Starr
Stumbaugh
Tate
Timmons
Trulock
Turner
Tysinger
Walker

Those voting in the negative were Senators:

Barker
Burton

Land

Thompson

Not voting were Senators Harrison and Kennedy (presiding).

On the passage of the bill, the yeas were 50, nays 4.

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

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 325. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to clarify the procedure for acknowledging paternity.

The Conference Committee report on HB 325 was as follows:

The Conference Committee on HB 325 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 325 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Roy E. Barnes
Senator, 33rd District

/s/ Richard L. Greene
Senator, 26th District

/s/ Julian Bond
Senator, 39th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Wayne Snow
Representative, 1st District

/s/ Larry Walker
Representative, 115th District

/s/ Randolph C. Karrh
Representative, 109th District

Conference Committee substitute to HB 325:

A BILL TO BE ENTITLED AN ACT

To amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to clarify the procedure for acknowledging paternity; to correct punctuation; to provide definitions; to provide that garnishment based upon a court order for child support of a civil nature shall not be subject to requirements of departmental hearings; to provide for contracts; to provide for fees; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," is amended by striking Code Section 19-11-14, relating to the liability of the father for support of a child born out of wedlock, in its entirety and inserting in lieu thereof a new Code Section 19-11-14 to read as follows:

“19-11-14. Whenever a man has been adjudicated by a court of competent jurisdiction as the father of a child born out of wedlock or whenever he has acknowledged paternity under oath in an administrative hearing, in court, or by verified writing, he shall be legally liable for the support of the child in the same manner as he would owe the duty of support if the child were his child born in wedlock. The right of the child born out of wedlock to receive such support is enforceable in a civil action, notwithstanding any other provision of law.”

Section 2. Said article is further amended by striking Code Section 19-11-19, relating to garnishment and orders to withhold and deliver in child support cases, and inserting in its place a new Code section to read as follows:

“19-11-19. (a) For purposes of this Code section, the term:

(1) ‘Disposable earnings’ shall be construed to mean that part of the earnings of an individual remaining after the deduction from those earnings of the amounts otherwise required by law to be withheld plus any premium for group accident and health insurance offered by the employer, if any.

(2) ‘Earnings’ shall be construed to mean compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to pension or retirement programs or insurance policies of any type and includes unemployment compensation.

(b) If, after a court has issued a civil order directing child support be paid, or having received notice of the final determination of his support obligation, or having entered into a written agreement with the department to provide child support as provided in Code Section 19-11-15, the responsible parent fails to make the support payments within 30 days of the due date specified by the court order for child support of a civil nature, by the final determination or by a court order in affirmance of the final determination, or by the written support agreement, then the department shall be entitled to the process of garnishment of disposable earnings as in cases where judgment has been obtained or shall be authorized to issue an order to withhold and deliver.

(c) Except in cases of a court order for child support of a civil nature, prior to the institution of garnishment proceedings or the issuance of an order to withhold and deliver, the department shall conduct a hearing to determine finally:

(1) Whether the responsible parent as a defense or other legal excuse for his failure to make support payments; and

(2) The amount of support payments which are due and owing.

(d) The responsible parent shall be given at least 15 days’ notice of the hearing required by subsection (c) of this Code section, which notice shall specify the amount of support payments claimed to be overdue.

(e) After a final determination required by subsection (c) of this

Code section that the responsible parent had no legal excuse for failing to make support payments when due, the department shall be authorized to initiate garnishment proceedings of disposable earnings under subsection (f) of this Code section or issue an order to withhold and deliver disposable earnings under subsection (g) of this Code section.

(f) Pursuant to subsection (e) of this Code section, the department may initiate garnishment proceedings by causing to be made an affidavit stating the amount claimed to be due and attaching thereto a certified copy of the final determination. Bond shall not be required. All subsequent proceedings shall be the same as provided by law in relation to garnishments in other cases where judgment has been obtained.

(g) (1) Pursuant to subsection (e) of this Code section, the department may issue to any employer of the responsible parent an order to withhold and deliver to the department the disposable earnings which are due, owing, or belonging to the responsible parent; provided, however, that the maximum part of the aggregate disposable earnings of the responsible parent which may be subject to such an order shall not exceed that amount which is allowed by law to be subject to garnishment. The order to withhold and deliver shall be served at the same time on the employer and on the responsible parent either personally or by certified mail, return receipt requested, and shall include a statement as to the legal authority of the department to make such an order, the amount of the debt owing to the department, the amount of disposable earnings to be withheld and delivered to the department, and a summary of subsection (a) of this Code section and paragraph (2) of this subsection. Any employer of the responsible parent upon whom service is made is required to answer the order to withhold and deliver within 20 days, exclusive of the day of service, under oath and in writing, and shall file true answers to the matters inquired of therein. Based upon the answer filed by the employer, the department shall determine whether to rescind or continue the order to withhold and deliver. In the event there is in the possession of the employer any portion of the disposable earnings of the responsible parent which may be subject to the claim of the department under this article, the amount shall be withheld immediately upon receipt of the order to withhold and deliver and shall, after the 20 day period, be delivered forthwith to the department. The order to withhold and deliver shall continue to operate and require each employer to withhold and deliver to the department such amount of disposable earnings at each succeeding earnings disbursement interval until the entire overdue amount of the child support debt has been paid or until the department, after a redetermination based on change of circumstances, shall release the employer from the order to withhold and deliver. Delivery by the employer to the department of disposable earnings ordered to be withheld shall serve as full compliance with this article.

(2) Any employer which fails to answer an order to withhold and deliver within the time prescribed in this subsection or fails or refuses to deliver money pursuant to the order shall be liable to the department in an amount equal to 100 percent of the value of the debt which is the basis of the order, together with costs, interest, and reasonable attorney fees.

Section 3. Said article is further amended by striking Code Section 19-11-23, relating to authority of district attorneys, and inserting in its place a new Code section to read as follows:

“19-11-23. The district attorneys of this state shall be authorized to render such assistance to the department as the department may request and to file and prosecute, in any of the several courts of this state or of the United States, such civil or criminal actions on behalf of the department as may be necessary to ensure the proper enforcement of this article. In those cases in which the department contracts with the district attorneys of this state for services pursuant to this title, the department shall not require non-AFDC services in the collection of child support as a condition for contracting with the district attorneys.”

Section 4. Said article is further amended by adding at the end of Code Section 19-11-8, relating to support enforcement services, a new subsection (c) to read as follows:

“(c) The department shall develop a sliding scale application fee based on the applicant's income. The fee schedule will be reflected in standards established by the board but may be altered by the board in order to provide flexibility; and it is intended that the fee schedule be equitable and designed to recoup costs as nearly as possible. No fee for services shall be required if such requirement would result in the loss of federal funds to the department or any other entity. The fee will be required for the provision of non-AFDC services and will be in favor of the contracted district attorney in any circuit where that district attorney elects to include the non-AFDC collection in any contract with the department. In those cases where the district attorney does not contract for the non-AFDC function and it is performed under contract on behalf of the department, such fees shall be handled in accordance with Code Section 45-12-92. It is expressly provided that this subsection is supplementary to and not in derogation of any other provisions of the law.”

Section 5. All laws and parts of laws in conflict with this Act are repealed.

Senator Greene of the 26th moved that the Senate adopt the Conference Committee report on HB 325.

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

Those voting in the affirmative were Senators:

Allgood	Broun of 46th	Dawkins
Barker	Brown of 47th	Deal
Barnes	Bryant	Dean
Bond	Burton	English
Bowen	Cobb	Engram
Brannon	Coggin	Fincher
Brantley	Coleman	Foster

Garner	Hudgins	Scott of 36th
Gillis	Huggins	Scott of 43rd
Greene	Land	Starr
Harris	Lester	Stumbaugh
Harrison	Littlefield	Tate
Hill	McKenzie	Thompson
Hine	Peevy	Timmons
Holloway	Perry	Trulock
Horton	Phillips	Turner
Howard	Scott of 2nd	Tysinger

Those not voting were Senators:

Coverdell	Kidd	Walker
Kennedy (presiding)	McGill	

On the motion, the yeas were 51, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 325.

The following bill of the House was taken up for the purpose of considering the House amendment to the Senate substitute thereto:

HB 348. By Representatives Bishop of the 94th, Daugherty of the 33rd, Steinberg of the 46th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978"

The House amendment was as follows:

Amend the substitute to HB 348 offered by the Senate by placing a period instead of the semi-colon after the word "article" on Page 19, line 8, and striking the balance of lines 8, 9, 10, 11 and 12;

and

by placing a period instead of a comma after the word "Court" on Page 22, line 8, and striking the balance of lines 8 and 9.

Senator Barnes of the 33rd moved that the Senate disagree to the House amendment to the Senate substitute to HB 348.

On the motion, the yeas were 29, nays 0; the motion prevailed, and the Senate disagreed to the House amendment to the Senate substitute to HB 348.

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

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HR 30. By Representatives Ware of the 77th, Lee of the 72nd, Bray of the 91st and others:

A resolution proposing an amendment to the Constitution so as to provide that the office of any state, county, or municipal elective official shall be declared vacant upon such elective official qualifying, in a general election or primary, or special election or special primary, for another state, county, or municipal office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins prior to the expiration of such official's present term of office.

Senator Kidd of the 25th moved that the Senate recede from the Senate amendment to HR 30.

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

Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Barker	Foster	Littlefield
Barnes	Garner	McKenzie
Bond	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Brown of 47th	Harrison	Scott of 36th
Bryant	Hill	Starr
Burton	Hine	Tate
Cobb	Holloway	Thompson
Coggin	Horton	Timmons
Dawkins	Hudgins	Trulock
Deal	Huggins	Turner
Dean	Kidd	Tysinger
English	Land	Walker

Those voting in the negative were Senators:

Howard	Scott of 43rd	Stumbaugh
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Those not voting were Senators:

Bowen	Coverdell	McGill
Broun of 46th	Fincher	Scott of 2nd
Coleman	Kennedy (presiding)	

On the motion, the yeas were 45, nays 3; the motion prevailed, and the Senate receded from the Senate amendment to HR 30.

Senator Kennedy of the 4th, President Pro Tempore, who was presiding, announced that the Senate would stand in recess from 12:20 o'clock P.M. until 2:00 o'clock P.M.

At 2:00 o'clock P.M., the President called the Senate to order.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House insists on its position in disagreeing to the Senate amendment and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 374. By Representatives Snow of the 1st, Karrh of the 109th, Ginsberg of the 122nd and others:

A bill to provide for legislative intent; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions regarding the General Assembly, so as to define "population bill" and to prohibit the General Assembly from passing any population bill, with certain exceptions.

The Speaker has appointed on the part of the House:

Representatives Karrh of the 109th, Thomas of the 69th and Lawson of the 9th.

The House insists on its position in amending the Senate substitute and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

The Speaker has appointed on the part of the House:

Representatives Ross of the 82nd, Phillips of the 93rd and Sizemore of the 136th.

The House has agreed to the Senate amendments, as amended by the House, to the following bills of the House:

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HB 43. By Representatives Thomas of the 69th, Darden of the 20th, Karrh of the 109th and others:

A bill to amend Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to motor vehicle liability and uninsured motorists insurance, so as to provide for coverage for accidents caused by unknown motorists where the unknown motorist's vehicle does not physically contact the insured vehicle.

HB 658. By Representative Bolster of the 30th:

A bill to amend an Act providing for the establishment of a county-wide library system in Fulton County, so as to except from the operation of certain provisions of the Act that part of the City of Atlanta within DeKalb County.

The House insists on its position in amending the Senate substitute and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 348. By Representatives Bishop of the 94th, Daugherty of the 33rd, Steinberg of the 46th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978."

The Speaker has appointed on the part of the House:

Representatives Bishop of the 94th, Groover of the 99th and Johnson of the 72nd.

The House has agreed to the Senate substitute, as amended by the House, to the following bill of the House:

HB 107. By Representative Padgett of the 86th:

A bill to amend Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to credit for the Employees' Retirement System of Georgia for prior service, so as to provide credit for certain military service.

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

HB 348. By Representatives Bishop of the 94th, Daugherty of the 33rd, Steinberg of the 46th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978"

Senator Barnes of the 33rd moved that the Senate adhere to its disagreement to the House amendment to the Senate substitute to HB 348, and that a Conference Committee be appointed.

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

Those voting in the affirmative were Senators:

Allgood	Deal	Lester
Barker	Dean	McGill
Barnes	English	McKenzie
Brannon	Foster	Peevy
Broun of 46th	Gillis	Phillips
Brown of 47th	Greene	Scott of 43rd
Bryant	Holloway	Starr
Burton	Howard	Stumbaugh
Coggin	Huggins	Trulock
Coverdell	Kennedy	Turner
Dawkins		

Those not voting were Senators:

Bond	Harrison	Perry
Bowen	Hill	Scott of 2nd
Brantley	Hine	Scott of 36th
Cobb	Horton	Tate
Coleman	Hudgins	Thompson
Engram	Kidd	Timmons
Fincher	Land	Tysinger
Garner	Littlefield	Walker
Harris		

On the motion, the yeas were 31, nays 0; the motion prevailed, and the Senate adhered to its disagreement to the House amendment to the Senate substitute to HB 348.

The President appointed as a Conference Committee on the part of the Senate the following: www.libtool.com.cn

Senators Barnes of the 33rd, Bond of the 39th and Scott of the 2nd.

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

SB 81. By Senator Coverdell of the 40th:

A bill to amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system shall have the right to remain members of local retirement systems.

Senator Coverdell of the 40th moved that the Senate adhere to the Senate substitute to the House substitute to SB 81, and that a Conference Committee be appointed.

On the motion, the yeas were 28, nays 1; the motion prevailed, and the Senate adhered to the Senate substitute to the House substitute to SB 81.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Coverdell of the 40th, Engram of the 34th and Howard of the 42nd.

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 33. By Representatives Snow of the 1st, Lawson of the 9th, Bray of the 91st and others:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to the General Assembly of Georgia, so as to provide for the oath of office of members of the General Assembly.

The Conference Committee report on HB 33 was as follows:

The Conference Committee on HB 33 recommends that both the Sen-

ate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 33 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ J. Nathan Deal
Senator, 49th District

/s/ Edward Hine, Jr.
Senator, 52nd District

/s/ Harrill L. Dawkins
Senator, 45th District

**FOR THE HOUSE
OF REPRESENTATIVES:**

/s/ Wayne Snow, Jr.
Representative, 1st District

/s/ Denmark Groover
Representative, 99th District

J. Max Davis
Representative, 45th District

Conference Committee substitute to HB 33:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to the General Assembly of Georgia, so as to provide for the oath of office of members of the General Assembly; to change the provisions relating to the administration of the oath of office; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. It is the intent of this Act to implement the provisions of Article III, Section IV, Paragraph II of the Constitution of the State of Georgia.

Section 2. Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to the General Assembly of Georgia, is amended by striking Code Section 28-1-4, relating to the administration of the oath of office to members of the General Assembly, in its entirety and inserting in lieu thereof a new Code Section 28-1-4 to read as follows:

“28-1-4. (a) In addition to any other oath prescribed by law, each Senator and Representative, before taking the seat to which elected, shall take the following oath:

‘I do hereby solemnly swear or affirm that I will support the Constitution of this state and of the United States and, on all questions and measures which may come before me, I will so conduct myself, as will, in my judgment, be most conducive to the interests and prosperity of this state.’

(b) The oath of office prescribed by subsection (a) of this Code section may be administered to the members of the General Assembly by

any Justice of the Supreme Court, Judge of the Court of Appeals, or judge of the superior courts. Such Justice or judge shall be procured by the person organizing each branch."

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Deal of the 49th moved that the Senate adopt the Conference Committee report on HB 33.

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

Those voting in the affirmative were Senators:

Allgood	Dean	Lester
Barker	English	McGill
Barnes	Fincher	McKenzie
Bowen	Foster	Peevy
Brannon	Gillis	Phillips
Broun of 46th	Greene	Starr
Brown of 47th	Hine	Stumbaugh
Burton	Holloway	Thompson
Coggin	Huggins	Trulock
Dawkins	Kennedy	Turner
Deal	Land	Walker

Voting in the negative were Senators Howard and Scott of the 43rd.

Those not voting were Senators:

Bond	Garner	Littlefield
Brantley	Harris	Perry
Bryant	Harrison	Scott of 2nd
Cobb	Hill	Scott of 36th
Coleman	Horton	Tate
Coverdell	Hudgins	Timmons
Engram	Kidd	Tysinger

On the motion, the yeas were 33, nays 2; the motion prevailed, and the Senate adopted the Conference Committee report on HB 33.

The following bill of the House was taken up for the purpose of considering the House amendment to the Senate amendment thereto:

HB 43. By Representatives Thomas of the 69th, Darden of the 20th, Karrh of the 109th and others:

A bill to amend Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to motor vehicle liability and uninsured motorist insurance, so as to provide for coverage for accidents caused by unknown motorists where the unknown motorist's vehicle does not physically contact the insured's vehicle.

The House amendment was as follows:

Amend the Senate amendment to HB 43 by adding at the end thereof the following:

"And by striking from line 6 of Page 1 the following:

'to repeal conflicting laws;'

and inserting in lieu thereof the following:

'to amend Chapter 9 of Title 40 of the Official Code of Georgia Annotated, the "Motor Vehicle Safety Responsibility Act," so as to redefine the term "proof of financial responsibility"; to increase the amount of liability insurance required; to provide when judgments shall be deemed satisfied; to provide effective dates; to repeal conflicting laws;'

And by striking Section 2 and inserting in lieu thereof new Sections 2 through 6 to read as follows:

'Section 2. Chapter 9 of Title 40 of the Official Code of Georgia Annotated, the "Motor Vehicle Safety Responsibility Act," is amended by striking paragraph 5 of Code Section 40-9-2, relating to definitions, and inserting in its place a new paragraph to read as follows:

"(5) 'Proof of financial responsibility' means:

(A) Proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of said proof, in the amount of \$15,000.00 because of bodily injury to or death of one person in any one accident, and subject to said limit for one person, in the amount of \$30,000.00 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$10,000.00 because of injury to or destruction of property of others in any one accident; or

(B) Proof of ability to respond in compensation to certain injured individuals, without regard to fault, up to an aggregate minimum limit of \$5,000.00 per injured person in compliance with Chapter 34 of Title 33, the 'Georgia Motor Vehicle Accident Reparations Act.'"

Section 3. Said chapter is further amended by striking subsection

(a) of Code Section 40-9-37, relating to requirements for certain liability insurance policies, and inserting in its place a new subsection to read as follows:

“(a) No liability insurance policy shall be effective under Code Section 40-9-34 unless issued by an insurance company authorized to do business in this state, except as provided in subsection (b) of this Code section, and unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$15,000.00 because of bodily injury or death of one person in any one accident and, subject to such limit for one person, to a limit of not less than \$30,000.00 because of bodily injury or death to two or more persons in any one accident and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$10,000.00 because of injury to or destruction of property of others in any one accident.”

Section 4. Said chapter is further amended by striking Code Section 40-9-62, relating to duration of suspension of license, and inserting in its place a new Code Section 40-9-62 to read as follows:

“40-9-62. (a) A driver's license, vehicle registration, or nonresident's operating privilege suspended pursuant to Code Section 40-9-61 shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of the judgment debtor, whether or not he was previously licensed, unless and until every such judgment is stayed, or satisfied in full or to the extent provided in subsection (b) of this Code section, subject to the exceptions provided in this article.

(b) Judgment referred to in this article shall, for the purpose of this chapter only, be deemed satisfied:

(1) When \$15,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(2) When, subject to such limit of \$15,000.00 because of bodily injury to or death of one person, \$30,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) When \$10,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(c) Notwithstanding the provisions of subsection (b) of this Code section, a judgment referred to in this article, which is based upon an accident which occurred prior to January 1, 1984, shall be deemed satisfied:

(1) When \$10,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(2) When, subject to such limit of \$10,000.00 because of bodily injury to or death of one person, \$20,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) When \$5,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(d) Payments made in settlement of any claims because of bodily injury, death, or property damage arising from the accident shall be credited in reduction of the amounts provided for in this subsection."

Section 5. Sections 2 through 4 of this Act shall become effective on January 1, 1984. All other provisions of this Act shall become effective July 1, 1983.

Section 6. All laws and parts of laws in conflict with this Act are repealed.' "

Senator Barnes of the 33rd moved that the Senate agree to the House amendment to the Senate amendment to HB 43.

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

Those voting in the affirmative were Senators:

Allgood	Dean	McGill
Barker	English	McKenzie
Barnes	Foster	Peavy
Bowen	Gillis	Phillips
Brannon	Greene	Scott of 43rd
Brantley	Hill	Starr
Broun of 46th	Holloway	Stumbaugh
Brown of 47th	Howard	Thompson
Bryant	Huggins	Trulock
Burton	Kennedy	Turner
Coggin	Land	Tysinger
Dawkins	Lester	Walker
Deal	Littlefield	

Those not voting were Senators:

Bond	Garner	Kidd
Cobb	Harris	Perry
Coleman	Harrison	Scott of 2nd
Coverdell	Hine	Scott of 36th
Engram	Horton	Tate
Fincher	Hudgins	Timmons

On the motion, the yeas were 38, nays 0; the motion prevailed, and the Senate agreed to the House amendment to the Senate amendment to HB 43.

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 121. By Representatives Lawson of the 9th, Snow of the 1st, Williams of the 48th and others:

A bill to implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts.

The Conference Committee report on HB 121 was as follows:

The Conference Committee on HB 121 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 121 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Culver Kidd
Senator, 25th District

/s/ J. Nathan Deal
Senator, 49th District

/s/ Edward Hine, Jr.
Senator, 52nd District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Wayne Snow, Jr.
Representative, 1st District

/s/ Bobby Lawson
Representative, 9th District

/s/ Randolph C. Karrh
Representative, 109th District

Conference Committee substitute to HB 121:

A BILL TO BE ENTITLED
AN ACT

To implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county and for the jurisdiction, powers, officers, proceedings, and operation of such courts; to abolish constables, justices of the peace, and justice courts; to amend the Official Code of Georgia Annotated, so as to delete references to justices of the peace and their court and to change other references so that they refer to magistrates and magistrate courts; to repeal cer-

tain specific Code sections and chapters of the Official Code of Georgia Annotated, relating to constables, justices of the peace, and justice courts and proceedings therein; to repeal Chapter 22 of Title 15 of the Official Code of Georgia Annotated, the "Courts of Limited Jurisdiction Compensation Act of 1982"; to provide for the compensation of officers who will become magistrates; to provide for the compensation of certain probate judges; to provide for all other matters relative to the foregoing; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Part 1

Section 1-1. It is the intent of this Act to implement certain changes required by Article VI of the Constitution of the State of Georgia.

Part 2

Section 2-1. Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking Chapter 10, relating to justice of the peace courts, and inserting in its place a new Chapter 10, relating to magistrate courts, to read as follows:

"CHAPTER 10

ARTICLE I

15-10-1. There shall be one magistrate court in each county of the state which shall be known as the Magistrate Court of _____ County.

15-10-2. Each magistrate court and each magistrate thereof shall have jurisdiction and power over the following matters:

(1) The hearing of applications for and the issuance of arrest and search warrants;

(2) Issuance of warrants and related proceedings as provided in Article 4 of Chapter 6 of Title 17, relating to bonds for good behavior and bonds to keep the peace;

(3) The holding of courts of inquiry;

(4) The trial of charges of violations of county ordinances;

(5) The trial of civil claims including garnishment and attachment in which exclusive jurisdiction is not vested in the superior court and the amount demanded or the value of the property claimed does not exceed \$2,500.00;

(6) The issuance of summons, trial of issues, and issuance of writs and judgments in dispossessory proceedings and distress warrant proceedings as provided in Articles 3 and 4 of Chapter 7 of Title 44;

(7) The punishment of contempt by fine not exceeding \$200.00 or by imprisonment not exceeding ten days or both;

(8) The administration of any oath which is not required by law to be administered by some other officer;

(9) The granting of bail in all cases where the granting of bail is not exclusively committed to some other court or officer;

(10) The issuing of subpoenas to compel attendance of witnesses in the magistrate court; and

(11) Such other matters as are committed to their jurisdiction by other general laws.

15-10-2.1. (a) Any magistrate court in existence on June 30, 1983, which on that date has, under the law creating the court, any jurisdiction over misdemeanor cases and over the enforcement of municipal ordinances shall until July 1, 1985, continue to have the same jurisdiction over such matters as it had on June 30, 1983.

(b) This Code section shall be repealed effective July 1, 1985; but any case in which a court assumed jurisdiction under this Code section prior to July 1, 1985, may be retained for disposition by that court after that date.

15-10-3. (a) All magistrates, constables, and clerks of magistrate court shall before entering on the duties of their offices subscribe before the judge of the probate court the oaths prescribed by Code Sections 45-3-1 and 45-3-13 and the following oath:

'I swear or affirm that I will duly and faithfully perform all the duties required of me as (magistrate, constable, or clerk of magistrate court) of _____ County.'

(b) The probate judge shall make an entry of the oath on the minutes of the probate court and shall issue to the officer taking the oath a certificate which shall serve as the officer's commission.

(c) In the case of a probate judge serving as a magistrate, a clerk of superior court serving as clerk of magistrate court, or a sheriff or sheriff's deputy serving as constable, no oath, certificate, or commission shall be required except the oath and commission of the probate judge as probate judge, clerk of superior court as clerk of superior court, or sheriff or deputy as such.

15-10-4. The magistrate court shall not have fixed terms. The chief magistrate shall provide for sessions of court to be held at such times and in such places, within or without the county seat, as are necessary or convenient.

15-10-5. The county governing authority shall provide suitable offices and courtrooms for the use of the magistrate court and shall supply all fixtures, supplies, and equipment necessary for the proper functioning of the magistrate court.

15-10-6. The chief magistrate may with the approval of the chief

judge of superior court adopt local rules for the court not inconsistent with law and the rules adopted by the Supreme Court.

ARTICLE 2

15-10-20. (a) Each magistrate court shall have a chief magistrate and may have one or more other magistrates. Such magistrates shall be the judges of the magistrate court and shall be known as magistrates of the county. Unless otherwise provided by local law, the number of magistrates in each county shall be fixed from time to time by majority vote of the judges of the superior court of the county, but no magistrate shall be removed from office during a term of office except for cause as provided by Code Sections 15-10-24 and 15-10-25. The number of magistrates authorized for the county shall be one magistrate until increased by the judges of superior court or by local law; but this subsection shall not operate to remove a magistrate from office during his term of office.

(b) The term of office of any magistrate taking office prior to January 1, 1985, shall expire on December 31, 1984, except that this paragraph shall not operate to shorten any term of office in violation of Article VI, Section X, Paragraph II of the Constitution. The term of office of any magistrate taking office on or after January 1, 1985, shall be for four years beginning on the first day of an odd-numbered year, except that in selecting magistrates to fill newly created positions or if otherwise necessary, a magistrate may be selected for a term of less than four years to expire on the last day of an even-numbered year.

(c) (1) Unless otherwise provided by local law, all magistrates, other than the officers becoming magistrates pursuant to Code Section 15-10-120, who are selected to take office prior to January 1, 1985, shall be selected as provided in this subsection. The judges of the superior court of the county shall by majority vote appoint as chief magistrate either an officer becoming a magistrate pursuant to Code Section 15-10-120 or some other person meeting the qualifications specified in subsection (a) of Code Section 15-10-22. Any other magistrates, other than the officers becoming magistrates pursuant to Code Section 15-10-120, shall be appointed by the chief magistrate with the consent of the judges of superior court.

(2) (A) If the chief magistrate so selected is an officer becoming a magistrate pursuant to Code Section 15-10-120, then his term as chief magistrate will be as provided by this paragraph.

(B) If the term which he was serving on June 30, 1983, will expire on the last day of 1984 or 1986, then his term as chief magistrate will likewise expire on the last day of 1984 or 1986.

(C) If the term which he was serving on June 30, 1983, will expire other than on the last day of 1984 or 1986, then his term as chief magistrate will expire on December 31, 1984, even though he is granted a longer term as magistrate by Article VI, Section X, Paragraph II of the Constitution; but his term as magistrate shall not be shortened in violation of said paragraph of the Constitution. In any case covered by this subparagraph, the person whose term as chief magistrate expires December 31, 1984, but who is granted by the Constitution a longer term as

magistrate shall be eligible to succeed himself for a four-year term as chief magistrate beginning January 1, 1985, if he resigns his current term as magistrate prior to beginning such four-year term as chief magistrate.

(d) Unless otherwise provided by local law, all magistrates taking office on or after January 1, 1985, shall be selected as provided in this subsection. The chief magistrate shall be elected by the voters of the county at the general election next preceding the expiration of the term of the incumbent chief magistrate, in a partisan election in the same manner as county officers are elected, for a term beginning on the first day of January following his election. His successors shall likewise be elected quadrennially thereafter for terms beginning on the first day of January following their election. Magistrates other than the chief magistrate shall be appointed by the chief magistrate with the consent of the judges of superior court. The term of a magistrate so appointed shall run concurrently with the term of the chief magistrate by whom he was appointed.

(e) Unless otherwise provided by local law, a vacancy in the office of chief magistrate shall be filled by an appointment by majority vote of the judges of superior court for the remainder of the unexpired term; and a vacancy in the office of any other magistrate shall be filled by an appointment by the chief magistrate with the consent of the judges of superior court for the remainder of the unexpired term. If, however, a vacancy occurs which does not reduce the number of magistrates for the county below the number of magistrates authorized for the county, then such vacancy shall not be filled.

(f) The General Assembly may by local law provide for the number of magistrates of a county, provide for a different method of selecting magistrates than that specified in subsections (c) and (d) of this Code section, and provide for a different method of filling vacancies than that specified in subsection (e) of this Code section.

(g) The General Assembly may at any time provide by local law that the probate judge shall serve as chief magistrate and provide for compensation of the probate judge in his capacity as chief magistrate; and in such a case the chief magistrate shall not be separately elected but shall be the probate judge. In the absence of local law, the judges of superior court may, with the consent of the probate judge, provide that the probate judge shall serve as chief magistrate until January 1, 1985, and provide for his compensation in such capacity. Any compensation paid under this subsection shall be paid from county funds.

15-10-21. The chief magistrate shall assign cases among the several magistrates of the county and shall decide any disputes between the magistrates of the county.

15-10-22. (a) Each magistrate shall have been a resident of the county for one year next preceding the beginning of his term of office and shall as of such date be at least 21 years of age and shall possess a high school diploma or its equivalent. However, an officer becoming a magistrate pursuant to Code Section 15-10-120 shall be eligible to the office of

magistrate without the necessity of meeting these qualifications. Additional qualifications for the office of chief magistrate or magistrate or both may be imposed by local law.

(b) A magistrate who is an attorney may practice in other courts but may not practice in his own court or appear in any matter as to which his court has exercised any jurisdiction.

15-10-23. (a) Unless otherwise provided by local law, the chief magistrate of each county other than those counties where the probate judge serves as chief magistrate shall receive a minimum annual salary of the amount fixed in the following schedule:

Population	Minimum Salary
0— 5,999	\$3,950.00
6,000— 11,999	5,885.00
12,000— 19,999	6,710.00
20,000— 29,999	7,500.00
30,000— 39,999	8,910.00
40,000— 49,999	9,720.00
50,000— 99,999	10,320.00
100,000— 199,999	13,475.00
200,000— or more	17,700.00

The minimum salary for each affected magistrate shall be fixed from the above table according to the population of the county in which he serves as determined by the United States decennial census of 1980 or any future such census. The county governing authority may supplement the minimum annual salary of the chief magistrate in such amount as it may fix from time to time; but no chief magistrate's compensation or supplement shall be decreased during any term of office.

(b) Unless otherwise provided by local law, each magistrate other than the chief magistrate shall receive a minimum monthly salary of \$50.00 per month. The salary of each magistrate other than the chief magistrate may be supplemented by the county governing authority in such amount as it may fix from time to time; but no such magistrate's compensation or supplement shall be decreased during any term of office.

(c) Magistrates shall be compensated solely on a salary basis and not in whole or in part from fees; and the salaries and supplements of all magistrates shall be paid in equal monthly installments from county funds.

(d) The General Assembly may by local law fix the compensation of any or all of a county's magistrates.

(e) Notwithstanding the provisions of subsection (a) of this Code section, unless otherwise provided by local law, in any county in which more than 70 percent of the population according to the United States decennial census of 1980 or any future such census resides on property of the United States government which is exempt from taxation by this state, the minimum annual salary of the chief magistrate shall be \$2,500.00, which minimum annual salary may be supplemented by the

county governing authority as in other cases; and the salary of each magistrate other than the chief magistrate shall be fixed by the county governing authority without regard to the minimum specified by this Code section.

15-10-24. Magistrates shall be subject to discipline, removal, and involuntary retirement by the Judicial Qualifications Commission.

15-10-25. (a) All magistrates shall periodically satisfactorily complete a training course as provided in Article 8 of this chapter. A magistrate who is an active member of the State Bar of Georgia shall be exempt from such training requirements after he has completed the initial 40 hour training requirement.

(b) The Georgia Magistrate Courts Training Council shall keep records of training completed by magistrates.

(c) If any magistrate does not satisfactorily complete the required training in any year, the Georgia Magistrate Courts Training Council shall promptly notify the Judicial Qualifications Commission which shall remove the magistrate from office unless the Judicial Qualifications Commission finds that the failure was caused by facts beyond the control of the magistrate.

(d) The reasonable costs and expenses of such training shall be paid by the county governing authority from county funds.

15-10-26. In any case in which action is authorized under this chapter to be taken by local Act or local ordinance, no local ordinance shall be enacted which is inconsistent with a local Act.

15-10-27. (a) With respect to any county in which there exists a civil court of the county continued in existence by Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution and in which there are as of June 30, 1983, no officers who will become magistrates pursuant to Code Section 15-10-120, the provisions of this Code section shall control over any other conflicting provisions of this chapter.

(b) In any county subject to this Code section the judge of such civil court shall serve as chief magistrate for a term of office concurrent with his term as judge of civil court. The chief judge of superior court of any such county shall fix the compensation to be received by the chief magistrate for his services as chief magistrate, and such compensation may be less than the minimum salary otherwise specified by this chapter.

(c) In any county subject to this Code section the clerk of civil court shall serve as clerk of magistrate court and the sheriff and deputies of civil court shall serve as constables of magistrate court.

ARTICLE 3

15-10-40. This article shall govern civil proceedings in the magistrate court.

15-10-41. (a) There shall be no jury trials in the magistrate court.

(b) Appeals may be had from judgments returned in the magistrate court to the superior court of the county and the same provisions now provided for by general law for appeals contained in Code Section 5-3-23 shall be applicable to appeals from the magistrate court, the same to be a de novo appeal.

15-10-42. Proceedings in the magistrate court shall not be subject to Chapter 11 of Title 9, the 'Georgia Civil Practice Act.'

15-10-43. (a) Actions shall be commenced by the filing of a statement of claim, including the last known address of the defendant, in concise form and free from technicalities. The plaintiff or his agent shall sign and verify the statement of claim by oath or affirmation. At the request of any individual, the judge or clerk may prepare the statement of claim and other papers required to be filed in an action. The statement of claim shall include the address at which the plaintiff desires to receive the notice of hearing.

(b) A copy of the verified statement of claim shall be served on the defendant, and such service shall be sufficient to give the court jurisdiction in the premises. Service of said process shall be made within the county as provided in this Code section. Service outside the county shall be by second original as provided in Code Section 9-10-72. Said service shall be made by any official or person authorized by law to serve process in the superior court, by a constable, or by any person sui juris who is not a party to, or otherwise interested in, the action, who is specifically appointed by the judge of said court for that purpose. When the claim and notice are served by a private individual, such individual shall make proof of service by affidavit, showing the time and place of such service on the defendant.

(c) Upon the failure of the defendant to answer or appear for the hearing, the plaintiff shall be entitled to judgment by default, without further proof, when the claim of the plaintiff is for a liquidated amount. Upon the failure of the defendant to answer or appear for the hearing, the plaintiff may proceed to prove his damages and receive judgment if the claim is for an unliquidated amount.

(d) An answer to the claim must be filed with the court or orally presented to the judge of the court within 30 days after service of the statement of claim on the defendant to avoid a default judgment. The answer shall be in concise form and free from technicalities but must admit or deny the claim of the plaintiff. The answer shall contain the address at which the defendant desires to receive the notice of hearing. If the answer is presented to the judge orally, the judge shall reduce the answer to writing. A copy of the answer shall be forwarded to the plaintiff and defendant with the notice of hearing. If an answer is timely filed or presented, the judge shall within ten days of filing or presentation of the answer notify the defendant and the plaintiff of the calling of a hearing on the claim. The notice shall include the date, hour, and location of the hearing which date shall not be less than 15 nor more than 30 days after the date the notice is given. The notice shall be served on the plaintiff and the defendant by registered or certified mail to the address given by the plaintiff at the time he files his claim and the address given by the

defendant at the time he files or presents his answer. The date of mailing shall be the date the notice is given.

15-10-44. (a) The trial shall be conducted on the day set for the hearing, or at such later time as the judge may set. Immediately prior to the trial of any case, the judge shall counsel the parties to make an earnest effort to settle the controversy by conciliation. If the parties fail to settle their differences without a trial, the judge shall proceed with the hearing on its merits.

(b) The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law. All rules and regulations relating to pleading, practice, and procedure shall be liberally construed so as to administer justice.

(c) If the plaintiff fails to appear, the action may be dismissed for want of prosecution, the defendant may proceed to a trial on the merits, or the case may be continued as the judge may direct. If both parties fail to appear, the judge may continue the case, order the same dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice may require.

15-10-45. (a) If any defendant has a claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim which claim does not require for its adjudication the presence of third parties over whom the court cannot obtain jurisdiction, such claim must be asserted by the defendant at or before the hearing on plaintiff's claim or thereafter be barred.

(b) If any defendant has a claim against the plaintiff other than a compulsory counterclaim described in subsection (a) of this Code section, such claim may be asserted by the defendant at or before the hearing on the plaintiff's claim.

(c) If any defendant asserts a claim against the plaintiff, the defendant shall file with the court a statement of the claim in concise form and free from technicalities. The defendant shall sign and verify the statement of claim by oath or affirmation. At the request of a defendant, the judge or clerk may prepare the statement.

(d) If the amount of a counterclaim exceeds the jurisdictional limits of the magistrate court, the case shall be transferred to the state court of the county or to the superior court of the county if there is no state court.

(e) A counterclaim may in the discretion of the magistrate be tried either separately or jointly with the plaintiff's claim.

15-10-46. (a) When the judgment is to be rendered and the party against whom it is to be entered requests it, the judge shall inquire fully into the earnings and financial status of such party and shall have full discretionary power to stay the entry of judgment, to stay execution, and to order partial payments in such amounts, over such periods, and upon such terms as seem just under the circumstances and as will assure a

definite and steady reduction of the judgment until it is fully and completely satisfied.

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(b) The judge of the magistrate court shall not be obligated to collect such deferred partial payments on judgments so rendered but, if the plaintiff so requests, he may do so at the expense of the plaintiff for clerical and accounting costs incurred thereby, not to exceed 10 percent of each payment.

15-10-47. A judgment of the magistrate court shall constitute a lien on both the real and personal property of a defendant, regardless of where such property is situated within the state. Said lien shall become perfected at the time an execution based upon such judgment is filed in the office of the clerk of the superior court for the appropriate county and the entry thereof is made by the clerk in the general execution docket for said county.

15-10-48. The statement of claim, verification, and notice shall be in substantially the following form:

Magistrate Court of _____ County
State of Georgia

Plaintiff

Address

vs.

Defendant

Statement of Claim

(Here the plaintiff or, at his request, the court will insert a statement of the plaintiff's claim and, if the action is on a contract, either express or implied, the original statement of the plaintiff's claim which is to be filed with the court may be verified by the plaintiff or his agent as follows:)

STATE OF GEORGIA

COUNTY OF _____

_____, being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by defendant to plaintiff, exclusive of all setoffs and just grounds for defense.

Plaintiff
or agent

Sworn and subscribed
before me this _____
day of _____, 19____.

Notary public
or attesting
official

Notice

TO: _____
Defendant

Home Address

or

Business
Address

You are hereby notified that _____ has made a claim and is requesting judgment against you in the sum of _____ dollars (\$_____), as shown by the foregoing statement. The court will hold a hearing upon this claim at (address of court) at a time to be set after your answer is filed.

YOU ARE REQUIRED TO FILE OR PRESENT AN ANSWER TO THIS CLAIM WITHIN 30 DAYS AFTER SERVICE OF THIS CLAIM UPON YOU. IF YOU DO NOT ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU. YOUR ANSWER MAY BE FILED IN WRITING OR MAY BE GIVEN ORALLY TO THE JUDGE.

If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them with you at the time of hearing.

If you wish to have witnesses summoned, see the court at once for assistance.

If you have any claim against the plaintiff, you should notify the court at once.

If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

You may come with or without an attorney.

Magistrate of
_____County

15-10-49. (a) Procedure in attachment cases shall be subject to Chapter 3 of Title 18.

(b) Procedure in garnishment cases shall be subject to Chapter 4 of Title 18.

(c) Procedure in dispossessory proceedings and in distress warrant proceedings shall be subject to Articles 3 and 4 of Chapter 7 of Title 44.

ARTICLE 4

15-10-60. This article governs trials of violations of county ordinances which violations may be punished by incarceration or monetary penalty. Nothing in this chapter shall grant to any county more authority to enact or enforce such ordinances than the county has independently of this chapter. The punishment imposed for any ordinance violation shall not exceed a fine of \$500.00 or 60 days' imprisonment or both and shall not exceed the maximum punishment specified by the ordinance.

15-10-61. There shall be no jury trials in the magistrate court. Any defendant who is charged with one or more ordinance violations may, at any time before trial, demand that the case be removed for a jury trial to the state court of the county or to the superior court of the county if there is no state court. Such a demand shall be written. Upon such a demand the court shall grant the demand. Failure to so demand removal of the case shall constitute a waiver of any right to trial by jury which the defendant may otherwise have.

15-10-62. (a) Prosecutions for violations of county ordinances shall be upon citation as provided in Code Section 15-10-63 or upon accusation by the county attorney or such other attorney as the county governing authority may designate; and such attorney shall be the prosecuting attorney in cases tried upon accusations.

(b) Accusations of violations of county ordinances and citations shall be personally served upon the person accused. Each accusation shall state the time and place at which the accused is to appear for trial. The accused shall not be arrested prior to the time of trial; but any defendant who fails to appear for trial shall thereafter be arrested on the warrant of the magistrate and required to post a bond for his future appearance.

15-10-63. (a) The governing authority of any county may provide that ordinance violations may be tried upon citations with or without a prosecuting attorney as well as upon accusations.

(b) Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the county agent who completes and serves it.

(c) Prosecutions for violations of county ordinances upon citations shall be commenced by the completion, signing, and service of a citation by any agent of the county who is authorized by the county governing

authority to issue citations. The original of the citation shall be personally served upon the accused; and a copy shall promptly be filed with the court.

(d) No person shall be arrested prior to the time of trial; but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the magistrate and required to post a bond for his future appearance.

15-10-64. (a) Execution may issue immediately upon any fine imposed by the court and not immediately paid.

(b) The sheriff of the county shall receive and house all persons sentenced to confinement for contempt or violation of county ordinances.

15-10-65. Review of convictions shall be by certiorari to the superior court.

15-10-66. The county attorney or another attorney designated by the county governing authority may act as prosecuting attorney.

ARTICLE 5

15-10-80. (a) Upon filing any civil action the plaintiff shall pay a filing deposit as established by local court rule not to exceed \$20.00 which shall cover all costs of the action except service of process.

(b) Upon filing any civil action the plaintiff shall pay the actual cost of serving each party required to be served but not more than the amount of the fee charged by sheriffs for serving process for each party to be served.

(c) For issuing a writ of fieri facias the fee charged shall be \$2.00 which shall be paid by the person requesting the same.

(d) As between the parties, costs shall be taxed against the losing party.

15-10-81. In cases of conviction of violation of county ordinances, costs of \$30.00 shall be taxed against the defendant.

15-10-82. For hearing an application for an arrest or search warrant the fee charged shall be \$5.00 but this fee may be waived by the issuing magistrate if he finds that because of the financial circumstances of the party applying for the warrant or for other reasons this fee should not be charged in justice.

15-10-83. For levying on executions and conducting judicial sales constables shall collect the same fees as are charged by sheriffs.

15-10-84. For administering any oath other than in connection with a matter before the court, a magistrate shall collect a fee of \$1.00.

15-10-85. All fees, costs, and other funds collected by officers of

the magistrate court shall be accounted for and paid into the county treasury not less often than once a month.

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15-10-86. Law library fees shall not be charged unless otherwise provided by local law.

15-10-87 When any case is transferred from the magistrate court to the state court or superior court, the magistrate court shall transmit to the state court clerk or superior court clerk the filing fee paid to the magistrate court. The state court clerk or superior court clerk shall file the case without further deposit against costs or filing fee, but as between the parties the costs shall be as in other cases in the state court or superior court.

ARTICLE 6

15-10-100. (a) Unless otherwise provided by local law, the county governing authority may provide for the appointment of constables by the chief magistrate. Constables so appointed shall serve at the pleasure of the chief magistrate. The compensation of constables so appointed shall be fixed by the county governing authority.

(b) If no provision is made for the appointment of constables the sheriff and his deputies shall perform the duties of constables.

(c) The General Assembly may by local law provide for the appointment of constables and their salaries.

(d) All constables shall be compensated solely on a salary basis and not in whole or in part from fees; and their salaries shall be paid in equal monthly installments from county funds.

(e) If there is more than one constable, one shall be appointed as chief constable and shall supervise the other constables.

15-10-101. The eligibility for constable is the same as for magistrate.

15-10-102. The powers and duties of constables include the following:

- (1) To attend regularly all sessions of magistrate court;
- (2) To promptly pay over money collected by them to the magistrate court;
- (3) To execute and return all warrants, summonses, executions, and other processes directed to them by the magistrate court; and
- (4) To perform such other duties as are required of them by law or as necessarily appertain to their offices.

15-10-103. Constables shall exercise the power of arrest only with a warrant or at the direction of and in the presence of a magistrate or the judge of another court.

15-10-104. Constables shall not be subject to Chapter 8 of Title 35 relating to employment and training of peace officers.

15-10-105. (a) The General Assembly may provide by local law for the superior court clerk to serve as clerk of magistrate court or for the selection of some other person as the clerk of magistrate court and for the compensation of the clerk of magistrate court. In the absence of local law, the selection and compensation of the clerk of magistrate court shall be as provided by subsections (b), (c), and (d) of this Code section.

(b) With the consent of the clerk of superior court the county governing authority may provide that the clerk of superior court shall serve as clerk of magistrate court and shall be compensated for his services as clerk of magistrate court in an amount not less than \$200.00 per month. Such compensation shall be retained by the clerk of superior court as his personal funds without regard to whether he is otherwise compensated on a fee basis or salary basis or both.

(c) If the clerk of superior court does not serve as clerk of magistrate court, then the county governing authority may provide for the appointment by the chief magistrate of a clerk to serve at the pleasure of the chief magistrate. A clerk of magistrate court so appointed shall be compensated in an amount fixed by the county governing authority at not less than \$200.00 per month.

(d) If there is no clerk of magistrate court, the chief magistrate or some other magistrate appointed by the chief magistrate shall perform the duties of clerk. A chief magistrate performing the duties of clerk, or another magistrate appointed by the chief magistrate to perform the duties of clerk, shall receive in addition to any other compensation to which he is entitled compensation for performing the duties of clerk, the amount of which compensation shall be fixed by the county governing authority at not less than \$200.00 per month.

(e) The compensation of the clerk or magistrate performing the duties of clerk shall be paid in equal monthly installments from county funds.

(f) The eligibility for clerk is the same as for magistrate.

(g) In any case any magistrate may perform any duty to be performed by the clerk.

15-10-106. If necessary, the county governing authority may provide for the appointment by the chief magistrate of secretaries and other personnel to assist the magistrates or clerk or both. Personnel so appointed shall serve at the pleasure of the chief magistrate. The compensation of such personnel shall be fixed by the county governing authority and paid from county funds.

ARTICLE 7

15-10-120. (a) Except as otherwise provided in subsection (b) of this Code section, on July 1, 1983, each of the following officers shall

become a magistrate of the county in which he formerly exercised jurisdiction:

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- (1) Each justice of the peace in office on June 30, 1983;
- (2) Each notary public ex officio justice of the peace in office on June 30, 1983;
- (3) Each judge of a small claims court in office on June 30, 1983;
- (4) Each magistrate or judge of a magistrate court in office on June 30, 1983; and
- (5) Each judge of the County Court of Echols County.

(b) Any officer who was required to be certified under former Article 5 of this chapter, 'The Georgia Justice Courts Training Council Act,' and who was not so certified as of June 30, 1983, or any officer holding over beyond the expiration of the term for which he was selected shall not so become a magistrate on July 1, 1983.

(c) Each magistrate taking office on July 1, 1983, shall continue in office for a term which shall expire on the date of expiration of the term which he was serving in such other capacity. Such magistrates may thereafter be reappointed or reelected as provided in Article 2 of this chapter. However, at the expiration of the term of any magistrate other than the chief magistrate, no magistrate shall be selected to replace him unless the number of magistrates remaining in office is less than the number fixed by local law or by the judges of superior court under Code Section 15-10-20.

15-10-121. On July 1, 1983, any matter pending in the court of an officer referred to in Code Section 15-10-120 shall by operation of law be transferred to the magistrate court of the same county. Such pending matters shall be decided by the magistrate court of the county even if the magistrate court would not otherwise have jurisdiction over the case.

15-10-122. This chapter, the Act enacting this chapter, and future Acts amending this chapter shall not be construed as laws affecting municipal courts, county recorder's courts, or the civil courts of Richmond and Bibb counties.

15-10-123. Unless otherwise apparent from the context, references in local laws to justices of the peace and their courts shall be deemed on and after July 1, 1983, to refer to magistrates and magistrate courts.

ARTICLE 8

15-10-130. This article shall be known and may be cited as 'The Georgia Magistrate Courts Training Council Act.'

15-10-131. As used in this article, the term:

(1) 'Certified magistrate' means a magistrate judge who has the appropriate required certificate of training issued by the council and on file with the council.

(2) 'Council' means the Georgia Magistrate Courts Training Council.
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(3) 'School' means any school, college, university, academy, or training program approved by the council and the Judicial Council of Georgia which offers basic, in-service, advanced, specialized, or continuing judicial training or a combination thereof, and includes within its meaning a combination of course curriculum, instructors, and facilities which meet the standards required by the council.

15-10-132. (a) There is established a council which shall be known and designated as the 'Georgia Magistrate Courts Training Council' and which shall be composed of the director of the Administrative Office of the Courts or his designee, which member shall not be a voting member, and five magistrate judges, either elected or appointed, who shall be appointed by the Governor for terms of two years.

(b) Membership on the council does not constitute public office and no member shall be disqualified from holding office by reason of his membership.

(c) Members of the Georgia Justice Courts Training Council serving as of June 30, 1983, shall continue on and automatically become members of the Georgia Magistrate Courts Training Council with the same term and office as held on June 30, 1983.

15-10-133. Immediately and before entering upon the duties of office, the members of the Georgia Magistrate Courts Training Council shall take the oath of office and shall file the same in the office of the Judicial Council, which, upon receiving the oath of office, shall issue to each member a certificate of appointment.

15-10-134. (a) A chairman and vice-chairman shall be elected at the first meeting of each calendar year.

(b) The director of the Administrative Office of the Courts or his designee shall serve as secretary to the council.

(c) A simple majority of the members of the council shall constitute a quorum for the transaction of business.

(d) The council shall maintain minutes of its meetings and such other records as it deems necessary.

(e) The council shall report at least annually to the Governor and to the General Assembly as to its activities.

15-10-135. The members of the council shall receive no salary but shall be reimbursed for their reasonable and necessary expenses actually incurred in the performance of their functions; provided, however, that such expenses shall not exceed those allowed to members of the General Assembly.

15-10-136. The council is vested with the following functions, powers, and responsibilities:

(1) To make all the necessary rules and regulations to carry out this article;
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(2) To cooperate with and secure the cooperation of every department, agency, or instrumentality of the state government or its political subdivisions in furtherance of the purposes of this article;

(3) To approve schools and to prescribe minimum qualifications for instructors at approved schools;

(4) To issue a certification to any magistrate judge satisfactorily complying with an approved training program established;

(5) To do any and all things necessary or convenient to enable it wholly and adequately to perform its duties and to exercise the power granted to it; and

(6) To prescribe, by rules and regulations, the minimum requirements for curricula and standards composing the initial in-service, advanced, specialized, and continuing training courses for certification.

15-10-137. (a) Any person who takes office as a magistrate on July 1, 1983, and who was certified under the former Justice Courts Training Council shall satisfactorily complete 40 hours of training prior to December 31, 1984, in order to become certified under this article.

(b) Except as provided in subsection (a) of this Code Section, any person who becomes a magistrate on or after July 1, 1983, shall satisfactorily complete 40 hours of training in the performance of his duties and shall attend the first scheduled training session held after the date of his election or appointment in order to become certified under this article.

(c) In order to maintain the status of a certified magistrate judge, each person certified as such who is not an active member of the State Bar of Georgia shall complete 20 hours of additional training per annum during each calendar year after the year of his initial certification in which he serves as a magistrate judge."

Part 3

Section 3-1. Code Section 5-3-29 of the Official Code of Georgia Annotated, relating to de novo appeals to superior court, is amended to read as follows:

"5-3-29. An appeal to the superior court from a magistrate court or probate court, and in any other case where not otherwise provided by law, is a de novo investigation. It brings up the whole record from the court below; and all competent evidence shall be admissible on the trial thereof, whether adduced on a former trial or not. Either party is entitled to be heard on the whole merits of the case."

Section 3-2. Code Section 5-3-31 of the Official Code of Georgia Annotated, relating to damages for frivolous appeals, is amended to read as follows:

"5-3-31. If upon the trial of any appeal it shall appear to the jury

that the appeal was frivolous and intended for delay only, they shall assess damages against the appellant and his security, if any, in favor of the appellee for such delay, not exceeding 25 percent on the principal sum which they shall find due, which damages shall be specially noted in their verdict.

Section 3-3. Subsection (a) of Code Section 9-10-5 of the Official Code of Georgia Annotated, relating to written charges of court in civil cases, is amended to read as follows:

“(a) The judges of the superior, state, and city courts, when counsel for either party requests it before argument begins, shall write out their charges and read them to the jury; and it shall be error to give any other or additional charge than that so written and read; provided, however, that this Code section shall not apply when there is an official court reporter in attendance thereon who records the full charge of the trial judge in the case upon the direction of the court.”

Section 3-4. Code Section 9-10-180 of the Official Code of Georgia Annotated, relating to time limits for arguments of counsel, is amended to read as follows:

“9-10-180. Counsel shall be limited in their arguments to two hours on a side.”

Section 3-5. Subsection (b) of Code Section 9-12-86, relating to recording of judgments, is amended to read as follows:

“(b) No judgment, decree, or order or any writ of fieri facias issued pursuant to any judgment, decree, or order of any superior court, city court, magistrate court, municipal court, or any federal court shall in any way affect or become a lien upon the title to real property until the judgment, decree, order, or writ of fieri facias is recorded in the office of the clerk of the superior court of the county in which the real property is located and is entered in the indexes to the applicable records in the office of the clerk. Such entries and recordings must be requested and paid for by the plaintiff or the defendant, or his attorney at law.”

Section 3-6. Code Section 9-13-163 of the Official Code of Georgia Annotated, relating to judicial sales of perishable property, is amended to read as follows:

“9-13-163. Whenever any personal property which is of a perishable nature or liable to deteriorate from keeping or the keeping of which is attended by expense is levied on by virtue of any fi. fa., attachment, or other process, and the defendant fails to recover possession of the same and it remains in the hands of the levying officer, upon the facts being made plainly to appear to the judge of the court from which the process has issued or to the judge of the superior court of the county or to the judge of the probate court of the county in which the levy has been made during the absence of the judge of the superior court, it shall be the duty of the judge to order a sale of the property. The sale shall be at the usual place of holding sheriff's sales for the county where the property is located.”

Section 3-7. Subsections (a) and (b) of Code Section 9-13-164 of the Official Code of Georgia Annotated, relating to notice of judicial sales, are amended to read as follows:

“(a) The time and place of holding a sale under Code Section 9-13-163 shall be advertised at the courthouse and at two other public places at least ten days before the day of sale.

(b) The judge or judge of the probate court may order a sale of livestock, fruit, or other personal property in a perishable condition, after three days’ notice.”

Section 3-8. Code Section 9-13-165 of the Official Code of Georgia Annotated, relating to sales of perishable property under tax fi. fas. or county court fi. fas., is amended to read as follows:

“9-13-165. Whenever a tax fi. fa. is levied on property which is of a perishable nature or is liable to deteriorate in value from keeping or which is attended with expense in keeping, the same may be sold under Code Sections 9-13-163 and 9-13-164.”

Section 3-9. Subsection (c) of Code Section 10-1-186 of the Official Code of Georgia Annotated, relating to “stop-sale” orders of adulterated brake fluid, is amended to read as follows:

“(c) Any brake fluid not in compliance with this part shall be subject to seizure upon complaint of the Commissioner or any of his agents, inspectors, or representatives to a superior court in the county in which said brake fluid is located. In the event the court finds that any brake fluid is adulterated or misbranded, it may order the condemnation of said brake fluid; and such brake fluid shall be disposed of in any manner consistent with the rules and regulations of the Commissioner and the laws of this state, provided that in no instance shall the disposition of said brake fluid be ordered by the court without first giving the claimant or owner of same an opportunity to apply to the court for the release of said brake fluid or for permission to process or label said brake fluid so as to bring it into compliance with this part.”

Section 3-10. Paragraphs (3) and (4) of Code Section 15-6-8 of the Official Code of Georgia Annotated, relating to jurisdiction and powers of superior courts, is amended to read as follows:

“(3) To exercise appellate jurisdiction from judgments of the probate or magistrate courts as provided by law;

(4) To exercise a general supervision over all inferior tribunals and to review and correct, in the manner prescribed by law, the judgments of:

- (A) Magistrates;
- (B) Municipal corporation or police courts or councils;
- (C) Any inferior judicature;
- (D) Any person exercising judicial powers; and

(E) Judges of the probate courts, except in cases touching the probate of wills and the granting of letters of administration, in which a jury must be impaneled;

Section 3-11. Code Section 15-6-51 of the Official Code of Georgia Annotated, relating to authority of clerks of superior courts to sit as clerks of other courts, is amended to read as follows:

“15-6-51. Clerks of the superior courts shall be eligible to hold the office of clerk of the city or state court in the counties of their residence, on taking the oath and giving bond and security as prescribed by law.”

Section 3-12. Code Section 15-6-89 of the Official Code of Georgia Annotated, relating to additional remuneration of superior court clerks, is amended to read as follows:

“15-6-89. In addition to the minimum salary provided in Code Section 15-6-88, each clerk of the superior court of any county who also serves as clerk of a state court, city court, or civil court under any applicable general or local law of this state shall receive for his services in such other court a salary of not less than \$100.00 per month, to be paid from the funds of the county. In the event any such court for which a clerk of the superior court is serving as clerk is abolished, the clerk of the superior court shall continue to receive the amount provided above.”

Section 3-13. Code Section 15-9-10 of the Official Code of Georgia Annotated, relating to vacancies in office of the judge of probate court, is amended to read as follows:

“15-9-10. (a) Until a vacancy in the office of judge of the probate court is filled, the chief judge of the city or state court, as the case may be, shall serve as the judge and shall be vested with all the powers of the judge. If there is no such chief judge or if for some reason the chief judge cannot serve as judge, the clerk of the superior court of the county shall serve as judge and shall be vested with all the powers of the judge. In the event that the clerk of the superior court, for some reason, cannot serve as judge, the chief judge of the superior court of the county shall appoint a person to serve as judge; such person shall be vested with all the powers of the judge. The board of county commissioners or, in those counties which have no commissioners, the chief judge of the superior court shall fix the compensation of the person who serves as judge until the vacancy is filled. The compensation shall be paid from the general funds of the county. The fees collected during such period of time shall be paid into the general funds of the county.

(b) Notwithstanding subsection (a) of this Code section or other laws to the contrary, in the event the office of judge of the probate court becomes vacant in any county of this state having a population of not less than 200,000 nor more than 250,000 according to the United States decennial census of 1970 or any future such census, the vacancy shall be filled by majority vote of the superior court judges of the judicial circuit in which the county lies. The person appointed to fill the vacancy shall serve until the next succeeding general election, at which election a successor shall be elected to serve for the remainder of the unexpired term or for a full term, as the case may be. A person appointed to fill a va-

cancy in the office of judge of the probate court of any county described in this subsection shall receive the same compensation that the judge of the probate court was receiving at the time the office became vacant.”

Section 3-14. Subsection (a) of Code Section 15-9-13 of the Official Code of Georgia Annotated, relating to replacement of the judge of the probate court where he is disqualified or unable to act, is amended to read as follows:

“(a) Whenever a judge of the probate court is disqualified to act in any case or because of sickness, absence, or any other reason is unable to act in any case, the judge of the city or state court, as the case may be, shall exercise all the jurisdiction of the judge of the probate court in the case.”

Section 3-15. Subsection (a) of Code Section 15-12-4 of the Official Code of Georgia Annotated, relating to ineligibility of jurors to serve at next succeeding terms, is amended to read as follows:

“(a) Any juror who has served as a grand or trial juror at any session of the superior courts, state courts, or city courts shall be ineligible for duty as a juror at the next succeeding term of the court in which he has previously served. Nothing herein contained shall prevent any trial juror from serving as a grand juror at the next term of the superior court of his county. This subsection shall not apply to any court in any county wherein the grand jury box contains not exceeding 100 names and the trial jury box contains not exceeding 350 names.”

Section 3-16. Subsection (a) of Code Section 16-13-46 of the Official Code of Georgia Annotated, relating to administrative inspections and warrants, is amended to read as follows:

“(a) Issuance and execution of inspection warrants shall be as follows:

(1) A judge of the superior, state, city, or magistrate court, or any municipal officer clothed by law with the powers of a magistrate, upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting inspections authorized by this article, or rules hereunder, and seizures of property appropriate to the inspections. For purpose of the issuance of inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this article, or rules hereunder, sufficient to justify inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant;

(2) A warrant shall issue only upon an affidavit of a designated officer, drug agent, or employee of the State Board of Pharmacy having knowledge of the facts alleged, sworn to before the judicial officer and establishing the grounds for issuing the warrant. If the judicial officer is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, registrant, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:

(A) State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(B) Be directed to persons authorized by Code Section 16-13-45 to execute it;

(C) Command the persons to whom it is directed to inspect the area, premises, building, registrant, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(D) Identify the item or types of property to be seized, if any; and

(E) Designate the judicial officer to whom it shall be returned;

(3) A warrant issued pursuant to this Code section must be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided upon request to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. A copy of the inventory shall be delivered upon request to the person from whom or from whose premises the property was taken and to the applicant for the warrant;

(4) The judicial officer who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the superior court for the county in which the inspection was made."

Section 3-17. Code Section 17-4-40 of the Official Code of Georgia Annotated, relating to persons authorized to issue arrest warrants, is amended to read as follows:

"17-4-40. Any judge of a superior, city, state, or magistrate court, or any municipal officer clothed by law with the powers of a magistrate may issue his warrant for the arrest of any offender against the penal laws, based either on his own knowledge or on the information of others given to him under oath. Any warrant for the arrest of a peace officer for any offense alleged to have been committed while in the performance of his duties may be issued only by a judge of a superior court, a judge of a state court, or a judge of a probate court."

Section 3-18. The introductory language of subsection (a) of Code Section 17-6-3 of the Official Code of Georgia Annotated, relating to recognizance bonds for military personnel, not including the five paragraphs of the subsection, is amended to read as follows:

"In the case of any person engaged in military service who is charged with a misdemeanor and whose bond has been fixed at not more than \$400.00 plus costs, any sheriff shall be allowed to accept, in lieu of bail, a recognizance bond executed and signed by the commanding officer of the person or the officer's lawfully delegated subordinates. Any person so charged may be taken into custody on behalf of the military installa-

tion by his commanding officer or by persons designated by the commanding officer of the military installation under the following terms and conditions:

Section 3-19. Code Section 17-7-20 of the Official Code of Georgia Annotated, relating to courts of inquiry, is amended to read as follows:

“17-7-20. Any judge of a superior or state court, judge of the probate court, magistrate, or officer of a municipality who has the criminal jurisdiction of a magistrate may hold a court of inquiry to examine into an accusation against a person legally arrested and brought before him. The time and place of the inquiry shall be determined by him.”

Section 3-20. Code Section 17-8-36 of the Official Code of Georgia Annotated, relating to entry of continuances on court dockets, is amended to read as follows:

“17-8-36. The judges of the superior, state, and city courts shall, upon the continuance of any case, enter the date of the continuance upon their dockets opposite the case and in open court make public announcement of the continuance.”

Section 3-21. Subsection (a) of Code Section 17-8-54 of the Official Code of Georgia Annotated, relating to written charges of court in criminal cases, is amended to read as follows:

“(a) The judges of the superior, state, and city courts shall, when the counsel for either party requests it before argument begins, write out their charges and read them to the jury; and it shall be error to give any other or additional charge than that so written and read.”

Section 3-22. Paragraph (1) of Code Section 17-13-1 of the Official Code of Georgia Annotated, relating to applications for extradition of fugitives, is amended to read as follows:

“(1) The application for a requisition shall be made to the Governor by a district attorney, prosecuting attorney of a state court, judge of a city or state court, or the mayor of any municipal corporation of this state and must show the full name of the fugitive for whom extradition is asked, the crime charged, the state or territory to which he has fled, the full name of the person suggested to act as agent of this state to receive and convey the fugitive to this state, the agent in no case to be the prosecutor; but the Governor may, in his discretion, appoint some other suitable person as agent of this state to receive and convey the fugitive. The application must also show that the ends of public justice require that the fugitive shall be brought back to this state for trial and that the requisition is not wanted for the purpose of enforcing the collection of a debt or for any private purpose whatever but solely for the purpose of a criminal prosecution as provided by law;”

Section 3-23. Subsection (a) of Code Section 24-8-24 of the Official Code of Georgia Annotated, relating to establishment of lost or destroyed papers, is amended to read as follows:

“(a) The owner of a lost or destroyed paper which is not an office

paper as defined in Code Section 24-8-20 who desires to establish the same shall present to the clerk of the superior court of the county where the maker of the paper resides, if the maker is a resident of this state, a petition in writing, together with a copy, in substance, of the paper lost or destroyed, as nearly as he can recollect, which copy shall be sworn to by the petitioner, his agent, or his attorney."

Section 3-24. Code Section 24-10-27 of the Official Code of Georgia Annotated, relating to witness fees for police officers, is amended to read as follows:

"24-10-27. Notwithstanding any other provision in this article, any member of the Georgia State Patrol, Georgia Bureau of Investigation, or municipal or county police force, or any deputy sheriff who shall be required by writ of subpoena to attend any superior court, other courts having jurisdiction to enforce the penal laws of this state, municipal or police court having jurisdiction to enforce the penal laws of this state as provided by Code Section 40-13-21, juvenile court, or grand jury, or hearing or inquest held or called by a coroner, or magistrate court involving any criminal matter, as a witness on behalf of the state during any hours except the regular duty hours to which the officer is assigned, shall be paid for such attendance at a rate fixed by the court, but not less than the per diem paid grand jurors in the preceding term of the superior court of such county or \$20.00 per diem, whichever is greater. The claim for the witness fees shall be endorsed on the subpoena showing the dates of attendance and stating that attendance was required during the hours other than the regular duty hours to which the claimant was assigned. The claimant shall verify this statement. The dates of attendance shall be certified by the judge or the prosecuting attorney of the court attended. The director of the Georgia Bureau of Investigation, the commanding officer of the Georgia State Patrol, the chief of police, or the sheriff shall certify that the claimant has been paid no additional compensation nor given any time off on account of such service. The amount due shall be paid by the governing body authorized to dispense public funds for the operation of the court. However, no such officer may claim or receive more than one witness fee per day for attendance in any court or before the grand jury regardless of the number of subpoenas which the officer may have received requiring him to appear in such court or before the grand jury on any one day."

Section 3-25. Code Section 31-21-20 of the Official Code of Georgia Annotated, relating to the board for distribution of dead bodies, is amended to read as follows:

"31-21-20. Professors and demonstrators of anatomy and the deans of medical and dental colleges incorporated under the laws of this state shall constitute a board for the distribution and delivery of dead bodies described in Code Section 31-21-21 to and among such institutions as are entitled thereto. This board shall have power to establish rules and regulations for its governance and to appoint and remove its officers and shall keep minutes of its transactions. Records shall be kept, under its direction, of all bodies received and distributed and of the persons or institutions to whom they may be distributed, which records shall be open at all

times to the inspection of members of this board, any district attorney, or prosecuting attorney of any city or state court.”

Section 3-26. Code Section 36-32-3 of the Official Code of Georgia Annotated, relating to criminal jurisdiction of police and recorders' courts, is amended to read as follows:

“36-32-3. All police court recorders and judges of all recorders' courts in this state shall have and are given the same powers and authorities as magistrates in the matter of and pertaining to criminal cases of whatever nature in the several courts of this state.”

Section 3-27. Subsection (b) of Code Section 38-2-6 of the Official Code of Georgia Annotated, relating to ordering organized militia into active service, is amended to read as follows:

“(b) Whenever any judge of a superior, city, or state court, sheriff, or mayor of a municipality shall apprehend the outbreak of insurrection, riot, breach of the peace, or combination to oppose the enforcement of the law by force or violence within the jurisdiction of which such officer is by law the conservator of the peace, or in the event of disaster or other grave emergency, it shall be the duty of the judge, sheriff, or mayor, when it appears that the unlawful combination or disaster has progressed beyond the control of the civil authorities, to notify the Governor, and the Governor may then, in his discretion, if he deems the apprehension well founded or the disaster or emergency of sufficient magnitude, order into the active service of the state for such period, to such extent, and in such manner as he may deem necessary all or any part of the organized militia.”

Section 3-28. Subsection (b) of Code Section 40-11-4 of the Official Code of Georgia Annotated, relating to liens for removal or storage of automobiles, is amended to read as follows:

“(b) The lien acquired under subsection (a) of this Code section may be foreclosed in any court which is competent to hear civil cases, including, but not limited to, magistrate courts. Liens shall be foreclosed in magistrate courts only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.”

Section 3-28.1. Subsection (b) of Code Section 44-7-53, relating to answer and trial in dispossessory cases, is amended to read as follows:

“(b) If the tenant answers, a trial of the issues shall be had in accordance with the procedure prescribed for civil actions in courts of record except that if the action is tried in the magistrate court the trial shall be had in accordance with the procedures prescribed for that court. Every effort should be made by the trial court to expedite a trial of the issues. The defendant shall be allowed to remain in possession of the premises pending the final outcome of the litigation; provided, however, that, at the time of his answer, the tenant must pay rent into the registry of the court pursuant to Code Section 44-7-54.”

Section 3-29. Code Section 44-7-71 of the Official Code of Georgia

Annotated, relating to applications for distress warrants, is amended to read as follows:

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“44-7-71. When rent is due or the tenant is seeking to remove his property, the landlord, his agent, his attorney in fact, or his attorney at law may, upon a statement of the facts under oath, apply for a distress warrant before the judge of the superior court, the state court, the civil court, or the magistrate court within the county where the tenant may reside or where his property may be found.”

Section 3-30. Code Section 44-7-72 of the Official Code of Georgia Annotated, relating to issuance of process regarding distress warrants, is amended to read as follows:

“44-7-72. When the affidavit provided for in Code Section 44-7-71 is made, the judge of the superior court, the state court, the civil court, or the magistrate court before whom it was made shall grant and issue a summons to the marshal or the sheriff or his deputy of the county where the tenant resides or where his property may be found. A copy of the summons and the affidavit shall be personally served upon the defendant. If an officer is unable to serve the defendant personally, service may be given by delivering the summons and affidavit to any person who is sui juris residing on the premises. The summons served on the defendant pursuant to this Code section shall command and require the tenant to appear at a hearing on a day certain not less than five nor more than seven days from the date of actual service.”

Section 3-30.1. Subsection (c) of Code Section 44-7-74, relating to answer and trial in dispossessory warrant cases, is amended to read as follows:

“(c) If the tenant answers, a trial of the issues shall be had in accordance with the procedure prescribed for civil actions in courts of record except that if the action is tried in the magistrate court the trial shall be had in accordance with the procedures prescribed for that court. Every effort shall be made by the trial court to expedite a trial of the issues. The defendant shall be allowed to remain in possession of the premises and his property pending the final outcome of the litigation, provided that he complies with Code Section 44-7-75.”

Section 3-31. Code Section 44-14-303 of the Official Code of Georgia Annotated, relating to defenses to certain mortgage foreclosures, is amended to read as follows:

“44-14-303. The mortgagor may avail himself of any defense he may have to the foreclosure in the same manner and upon the same conditions as allowed by law in case of foreclosure of chattel mortgages in the superior courts. Whenever any such defense is filed by the mortgagor, the magistrate issuing the execution shall have the power and jurisdiction to hear and determine the issues made thereon as in other cases at law.”

Section 3-32. Code Section 45-3-31 of the Official Code of Georgia Annotated, relating to officers' commissions, is amended to read as follows:

“45-3-31. The commissions of all other civil officers except officers

of magistrate courts of the state or county shall be under the seal of the Office of the Governor, signed by the Governor, and countersigned by one of his secretaries. All officers of the militia of the grade of lieutenant or higher shall have commissions under the seal of the office of the Governor.”

Section 3-33. The first sentence of Code Section 45-11-4 of the Official Code of Georgia Annotated, relating to malpractice in office, is amended to read as follows:

“Any judge of the probate court or member of any board of commissioners who shall be charged with malpractice in office; or with using oppression or tyrannical partiality; or with willfully refusing or failing to preside in or hold his court at the regular terms thereof, or when it is his duty under the law to do so; or with using any other means to delay or avoid the due course or proceeding of law; or with any other conduct unbecoming the character of an upright magistrate; or who shall willfully and knowingly demand more cost than he is entitled to by law in the administration and under color of his office may be indicted.”

Section 3-34. Code Section 48-4-1 of the Official Code of Georgia Annotated, relating to procedure for sales under tax executions, is amended to read as follows:

“48-4-1. If the levy is made upon real or personal property, the property shall be advertised and sold as provided for fi. fas. and judicial sales. Sales under tax executions shall be made under the rules governing judicial sales.”

Section 3-35. Subsection (f) of Code Section 48-5-359 of the Official Code of Georgia Annotated, relating to sales of property for taxes due municipalities, is amended to read as follows:

“(f) The marshal of a municipality and other officers of the municipality whose duty it is to collect the taxes and other revenues of the municipality by levy and sale shall be subject to be ruled for money in the hands of the officer arising from the public sale of any property pursuant to process issued by the municipality. Action pursuant to this Code section may be taken either in the superior court, city court, or state court in the county where the municipality is located and shall be accomplished in the same manner as sheriffs and constables are ruled for the distribution of money coming into their hands from the sale of any property.”

Part 4

Section 4-1. The following Code sections of the Official Code of Georgia Annotated are amended by striking the terms “justice of the peace” and “justices of the peace” wherever they occur and inserting in their places the terms “magistrate” and “magistrates,” respectively:

- (1) Code Section 4-5-6, relating to destruction of diseased and disabled animals;
- (2) Code Section 9-10-113, relating to verification of pleadings;

- (3) Code Section 9-12-18, relating to confession of judgment;
- (4) Code Section 9-12-80, relating to dignity of judgments;
- (5) Code Section 9-15-9, relating to costs on recoveries of less than \$50.00;
- (6) Code Section 9-15-11, relating to inclusion of costs in judgments;
- (7) Code Section 14-9-114, relating to acknowledgement of certificates of limited partnership;
- (8) Code Section 15-1-8, relating to disqualification of judicial officers;
- (9) Code Section 15-9-33, relating to authority of probate courts to take oaths;
- (10) Code Section 15-13-3, relating to demand for money collected by court officers;
- (11) Code Section 15-13-4, relating to grant of rule nisi;
- (12) Code Section 15-13-7, relating to liability of court officers to be ruled;
- (13) Code Section 15-13-8, relating to liability of court officers to be ruled;
- (14) Code Section 15-13-30, relating to court fees not charged to the state;
- (15) Code Section 19-3-30, relating to marriage licenses;
- (16) Code Section 19-3-39, relating to certification of marriage;
- (17) Code Section 19-3-42, relating to marriages performed by unauthorized officers;
- (18) Code Section 19-3-46, relating to penalties for performing unauthorized marriages;
- (19) Code Section 19-3-48, relating to penalties for performing illegal marriages;
- (20) Code Section 29-2-82, relating to attestation of receipts of guardians from wards;
- (21) Code Section 35-3-36, relating to duties of criminal justice agencies to submit data to the Georgia Crime Information Center;
- (22) Code Section 44-2-15, relating to attestation of registerable instruments;
- (23) Code Section 44-7-50, relating to dispossessory demands;

- (24) Code Section 44-7-51, relating to dispossessory summons;
- (25) Code Section 44-14-231, relating to petitions for writs of possession;
- (26) Code Section 44-14-300, relating to foreclosure of mortgages on personal property;
- (27) Code Section 44-14-301, relating to notice of foreclosure proceedings;
- (28) Code Section 45-3-5, relating to oaths of county officers;
- (29) Code Section 50-18-91, relating to definitions used in the "Georgia Records Act";
- (30) Code Section 51-7-42, relating to malicious prosecution in courts of inquiry;
- (31) Code Section 53-7-166, relating to receipts of settlement given to administrators and executors; and
- (32) Code Section 53-12-152, relating to small claims against trust estates.

Section 4-2. The following Code sections and chapters of the Official Code of Georgia Annotated are stricken in their entirety and each such Code section or chapter shall be designated in the Official Code of Georgia Annotated as "Reserved.":

- (1) Chapter 2 of Title 5, relating to appeals to juries in justice of the peace courts;
- (2) Code Section 5-3-1, relating to appeals from county courts and justice of the peace courts;
- (3) Code Section 5-3-26, relating to written defenses in appeals from justice of the peace courts;
- (4) Code Section 5-4-4, relating to certiorari from justice of the peace court cases tried by a jury;
- (5) Code Section 15-16-17, relating to service of sheriffs in justice of the peace courts;
- (6) Chapter 17 of Title 15, relating to constables;
- (7) Code Section 17-7-33, relating to billing and payment of costs of justices of the peace and constables;
- (8) Code Section 24-7-22, relating to transcripts of proceedings in justice of the peace courts;
- (9) Code Section 24-8-23, relating to establishment of lost papers in justice of the peace courts;

(10) Code Sections 36-2-5 through 36-2-7, relating to the effect on justice of the peace courts of changes in militia district lines; and

(11) Chapter 8 of Title 51, relating to actions for forcible entry and detainer.

Part 5

Section 5-1. Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and disposition of fines and forfeitures, is amended by striking Code Section 15-21-2, relating to payment into the county treasury, and inserting in its place a new Code section to read as follows:

“15-21-2. (a) The officers of the several courts, including the prosecuting officers, shall pay into the county treasury of the county where the court is held all moneys arising from fines and forfeitures collected by them and, upon failure to do so, shall be subject to rule and attachment as in the case of defaulting sheriffs.

(b) No officer shall be required to pay any money into the treasury until all the legal claims on the funds held and owned by the officer bringing the money into court in the particular case by which the funds for distribution were brought into court have been allowed and paid.”

Section 5-2. Said chapter is further amended by striking Code Section 15-21-6 which reads as follows:

“15-21-6. Any officer of the county court having jurisdiction for the trial of misdemeanors in any county or any notary public or justice of the peace having a like claim for costs or before whom a preliminary investigation has been conducted and also constables having a like claim for costs shall present the same to the judge of the county court in the form prescribed in Code Section 15-21-5. When an order is approved and entered on the minutes of the county court, if any, and if not, on a book prepared and kept by the county court, notary public, or justice of the peace for that purpose, the same shall be a warrant on the county treasurer to be paid out of any fines and forfeitures arising from proceedings in the county court, in accordance with the laws providing for the distribution of fines and forfeitures in the superior court.”,

and inserting in its place the following:

“15-21-6. Reserved.”

Section 5-3. Said chapter is further amended by striking Code Section 15-21-11, relating to priorities for distribution, and inserting in its place a new Code section to read as follows:

“15-21-11. Unless otherwise provided by law, money arising from fines for a violation of the penal laws or collected on forfeited recognizances in the superior courts shall be first applied to the extinguishment of the insolvent lists of the officers bringing the funds into court and then to the orders of former officers in proportion to their claims.”

Section 5-4. Said chapter is further amended by striking Code Section 15-21-12 which reads as follows:

“15-21-12. (a) Costs due justices of the peace and constables in the cases listed in subsection (b) of this Code section shall be paid out of fines and forfeitures upon the order of the judge of the superior court, are of equal dignity with the accounts of the officers of the superior court, and are entitled to participate pro rata upon a distribution of any funds arising from fines and forfeitures.

(b) This Code section shall apply to cases:

(1) When a party has been acquitted;

(2) When a party is unable to pay costs;

(3) In counties in which there are no county courts, when persons have been bound over by the justice of the peace or have been committed to jail in default of bail and the grand jury makes a return of ‘no bill’;

(4) When, after an investigation, the party has been discharged by the justice of the peace;

(5) In counties where there are county courts, in felony cases; and

(6) In misdemeanor cases in which an indictment has been demanded.”,

and inserting in its place the following:

“15-21-12. Reserved.”

Section 5-5. Said chapter is further amended by striking Code Section 15-21-13, relating to priority of claims, and inserting in its place a new Code section to read as follows:

“15-21-13. (a) All claims for fees of solicitors of city courts, sheriffs, clerks, and district attorneys shall be paid from the funds arising from fines imposed in criminal cases before any claim or order of any claimant or distributee shall be paid.

(b) Nothing contained in subsection (a) of this Code section shall in any way affect the fines and forfeitures of any court whose officers are on salaries and where the fines and forfeitures are remitted to the county treasury.”

Section 5-6. Said chapter is further amended by striking Article 2, relating to compensation of justices of the peace and constables in certain criminal cases, and inserting in its place the following:

“ARTICLE 2

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Reserved.”

Part 6

Section 6-1. Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by striking from subsection (a) of Code Section 21-2-5, relating to qualifications of candidates, the following:

“, except for the office of justice of the peace,”

Section 6-2. Said title is further amended by striking from subsection (a) of Code Section 21-2-6, relating to qualifications of candidates for county office, the following:

“and for the office of justice of the peace”

Section 6-3. Said title is further amended by striking from Code Section 21-2-9, relating to election dates, the following:

“county officers, and justices of the peace”,

and inserting in lieu thereof the following:

“and county officers”

Section 6-4. Said title is further amended by striking from paragraph (1) of subsection (a) of Code Section 21-2-131, relating to qualification fees, the following:

“, except that the fee for the office of justice of the peace shall be \$10.00”

Section 6-5. Said title is further amended by striking from paragraph (1) of subsection (c) of Code Section 21-2-132, relating to notice of candidacy, the following:

“, except that such filing shall not apply to a candidate for a militia district office (justice of the peace)”

Section 6-6. Said title is further amended by striking from subparagraph (C) of paragraph (4) of Code Section 21-2-497, relating to election returns, the following:

“, justice of the peace,”

Section 6-7. Said title is further amended by striking from subsection (d) of Code Section 21-2-502, relating to certificates of election, the following:

“and justices of the peace”,

and by striking from said subsection (d) the following:

“or justice of the peace”

Section 6-8. Said title is further amended by striking from subparagraph (A) of paragraph (3) of Code Section 21-4-3, relating to definitions pertaining to recall, the following:

“except justices of the peace”,

and by striking from subparagraph (B) of said paragraph (3) the following:

“and justices of the peace”

Section 6-9. Said title is further amended by striking from paragraph (2) of subsection (b) of Code Section 21-4-12, relating to recall elections, the following:

“or justice of the peace”,

by striking from paragraph (1) of subsection (d) of said Code section the following:

“other than a justice of the peace”,

and by striking from paragraph (2) of subsection (d) of said Code section the following:

“or justice of the peace”

Section 6-10. Said title is further amended by striking from paragraph (1) of subsection (a) of Code Section 21-5-5, relating to campaign financial disclosure reports, the following:

“and justices of the peace”,

by striking from paragraph (3) of subsection (a) of said Code section the following:

“or for justice of the peace”,

and by striking from paragraph (5) of subsection (g) of said Code section the following:

“, county officials, or justices of the peace”,

and inserting in lieu of said immediately preceding stricken matter the following:

“or county officials”

Part 7

Section 7-1. Effective June 30, 1983, Chapter 22 of Title 15 of the Official Code of Georgia Annotated, the “Courts of Limited Jurisdiction Compensation Act of 1982,” is repealed in its entirety.

Section 7-2. Not later than June 15, 1983, the governing authority of each county shall fix the compensation to be received by each officer other than a probate judge who will become a magistrate pursuant to this Act. Such compensation shall not be less than the minimum compensation speci-

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fied by Code Section 15-10-23 of the Official Code of Georgia Annotated enacted by this Act. The salaries so fixed shall become effective on June 30, 1983. If, however, any county governing authority fails to act under this section, it will be deemed to have fixed for such officer a salary equal to the greater of the salary he was receiving immediately prior to June 30, 1983, or the minimum specified by Code Section 15-10-23 enacted by this Act. Probate judges formerly compensated under Chapter 22 of Title 15 of the Official Code of Georgia Annotated shall, on and after June 30, 1983, continue to receive the same salary they were receiving immediately prior to that date but not less than the amount specified in Code Sections 15-9-63 through 15-9-67; and such salary shall be in lieu of any and all fees formerly received by such probate judges as compensation for their services as probate judges, which fees shall be accounted for and paid to the county treasury not less often than monthly. This section shall not prohibit any otherwise lawful local Act relating to any probate judge's or magistrate's compensation.

Section 7-3. As to any other matter which a county governing authority or judges of superior court will after July 1, 1983, be authorized to act upon under Chapter 10 of Title 15 of the Official Code of Georgia Annotated, as enacted by this Act, the county governing authority or judges of superior court may act prior to July 1, 1983, if the effective date of such action is delayed until July 1, 1983, or later.

Section 7-4. With respect to each officer other than a probate judge who becomes a magistrate on July 1, 1983, pursuant to Article VI, Section X, Paragraph II of the Constitution, the position or office in which such officer was formerly serving shall be abolished for all purposes immediately upon the expiration of the term of the incumbent; and no person shall be selected to fill such office thereafter. This section shall not operate to shorten the term which any such officer will serve as magistrate pursuant to said paragraph of the Constitution and shall not operate to prevent any such officer from thereafter being selected as a magistrate.

Part 8

Section 8-1. The provisions of Parts 3, 4, 5, and 6 of this Act shall wherever possible be construed in harmony with other Acts of the 1983 General Assembly. In the event of an irreconcilable conflict between the provisions of Part 3, 4, 5, or 6 of this Act and another Act of the 1983 General Assembly, the provisions of such other Act shall control over the provisions of Part 3, 4, 5, or 6 of this Act.

Section 8-2. (a) Part 7 of this Act shall become effective upon approval of this Act by the Governor.

(b) Except as provided in subsection (a) of this section, this Act shall become effective July 1, 1983.

Section 8-3. All laws and parts of laws in conflict with this Act are repealed.

Senator Deal of the 49th moved that the Senate adopt the Conference Committee report on HB 121.

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

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Those voting in the affirmative were Senators:

Allgood	English	McGill
Barnes	Fincher	Peavy
Bond	Foster	Phillips
Brannon	Garner	Scott of 2nd
Brantley	Gillis	Scott of 36th
Broun of 46th	Hill	Scott of 43rd
Brown of 47th	Hine	Starr
Bryant	Holloway	Stumbaugh
Burton	Howard	Tate
Coggin	Huggins	Timmons
Dawkins	Kennedy	Trulock
Deal	Kidd	Tysinger
Dean	Land	Walker

Those voting in the negative were Senators:

Bowen	McKenzie	Turner
Lester		

Those not voting were Senators:

Barker	Greene	Hudgins
Cobb	Harris	Littlefield
Coleman	Harrison	Perry
Coverdell	Horton	Thompson
Engram		

On the motion, the yeas were 39, nays 4; the motion prevailed, and the Senate adopted the Conference Committee report on HB 121.

The following bill of the House was taken up for the purpose of considering the House amendment to the Senate substitute thereto:

HB 107. By Representative Padgett of the 86th:

A bill to amend Code Section 47-2-96 of the Official Code of Georgia Annotated, relating to credit for the Employees' Retirement System of Georgia for prior service, so as to provide credit for certain military service.

The House amendment was as follows:

Amend the Senate Substitute to HB 107 as follows:

By inserting in line 5 on Page 1 between the word and semicolon "contributions;" and the word "to" the following:

“to provide that credit for such military service shall not be used to qualify for retirement because of involuntary separation;”

By inserting between the period and quotation mark appearing in line 16 on Page 2 a new sentence to read as follows:

“Under no circumstances shall credit for military service obtained pursuant to the authority of this subsection be used to qualify for retirement as a result of involuntary separation.”

By striking Section 4 on Page 4 in its entirety.

By renumbering Section 5 on Page 4 as Section 4.

Senator Lester of the 23rd moved that the Senate agree to the House amendment to the Senate substitute on HB 107

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

Those voting in the affirmative were Senators:

Allgood	Fincher	Littlefield
Barnes	Garner	McGill
Bond	Gillis	McKenzie
Bowen	Greene	Peevy
Brannon	Hill	Phillips
Broun of 46th	Hine	Scott of 36th
Brown of 47th	Holloway	Scott of 43rd
Bryant	Howard	Starr
Burton	Hudgins	Tate
Coggin	Huggins	Timmons
Coverdell	Kennedy	Trulock
Dawkins	Kidd	Turner
Deal	Land	Tysinger
Dean	Lester	Walker
English		

Voting in the negative were Senators Brantley and Stumbaugh.

Those not voting were Senators:

Barker	Foster	Perry
Cobb	Harris	Scott of 2nd
Coleman	Harrison	Thompson
Engram	Horton	

On the motion, the yeas were 43, nays 2; the motion prevailed, and the Senate agreed to the House amendment to the Senate substitute to HB 107.

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 530. By Representative Couch of the 40th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to application for homestead exemption, so as to change the date for filing application for homestead exemption in all counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census.

The Conference Committee report on HB 530 was as follows:

The Conference Committee on HB 530 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 530 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ R. T. Phillips
Senator, 9th District

/s/ Frank E. Coggin
Senator, 35th District

/s/ Rooney L. Bowen
Senator, 13th District

**FOR THE HOUSE
OF REPRESENTATIVES:**

/s/ Barbara Couch
Representative, 40th District

/s/ Betty Aaron
Representative, 56th District

/s/ Earleen Sizemore
Representative, 136th District

Conference Committee substitute to HB 530:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to change the date for making tax returns; to change the date for filing application for homestead exemption; to provide that it shall be unlawful for any person, firm, or corporation to solicit, either directly or by mail or advertisement, any other person for the purpose of filing on behalf of such other person the application and schedule for homestead exemption if a fee is charged therefor; to provide for a penalty; 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 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by striking subsection (a) of Code Section 48-5-18, relating to the time for making tax

returns, in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

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“(a) Except as otherwise provided in this Code section, each tax commissioner and tax receiver shall open his books for the return of taxes on January 1 and shall close his books on April 1 of each year.”

Section 2. Said chapter is further amended by striking subsection (a) of Code Section 48-5-45, relating to application for homestead exemptions, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) An applicant seeking a homestead exemption as provided in Code Section 48-5-44 shall file on or before April 1 and, in the case of an exemption from taxes levied by a consolidated city-county government, on or before April 1 of the year in which exemption from taxation is sought a written application and schedule with the tax receiver or tax commissioner charged with the duty of receiving returns of property for taxation. The failure to file properly the application and schedule shall constitute a waiver of the homestead exemption on the part of the applicant failing to make the application for such exemption for that year.”

Section 3. Said Code Section is further amended by adding at the end thereof a new subsection (e) to read as follows:

“(e) It is unlawful for any person, firm, or corporation to solicit, either directly or by mail or advertisement, any other person for the purpose of filing on behalf of such other person the application and schedule for homestead exemption required by this Code section if a fee is charged for filing such application and schedule on behalf of such other person. A violation of this subsection shall be a misdemeanor.”

Section 4. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

Senator Coggin of the 35th moved that the Senate adopt the Conference Committee report on HB 530.

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

Those voting in the affirmative were Senators:

Allgood	Brown of 47th	Deal
Barnes	Bryant	Dean
Bond	Burton	English
Bowen	Cobb	Engram
Brannon	Coggin	Fincher
Brantley	Coverdell	Foster
Brown of 46th	Dawkins	Gillis

Greene	Kidd	Scott of 43rd
Harris	Land	Starr
Hill	Lester	Stumbaugh
Hine	Littlefield	Tate
Holloway	McGill	Timmons
Howard	McKenzie	Trulock
Hudgins	Peevy	Turner
Huggins	Perry	Tysinger
Kennedy	Phillips	Walker

Those not voting were Senators:

Barker	Harrison	Scott of 36th
Coleman	Horton	Thompson
Garner	Scott of 2nd	

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 530.

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

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

Senator Starr of the 44th moved that the Senate adhere to its disagreement to the House amendment to the Senate substitute to HB 532, and that a Conference Committee be appointed.

On the motion, the yeas were 35, nays 0; the motion prevailed, and the Senate adhered to its disagreement to the House amendment to the Senate substitute to HB 532.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Starr of the 44th, Foster of the 50th and Dean of the 31st.

The following local bill of the House was taken up for the purpose of considering the House amendment to the Senate amendment thereto:

HB 658. By Representative Bolster of the 30th:

A bill to amend an Act providing for the establishment of a county-wide library system in Fulton County, so as to except from the operation of certain provisions of the Act that part of the City of Atlanta within DeKalb County.

The House amendment was as follows:

Amend the amendment offered by the Senate to HB 658 as follows:

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing for the establishment of a county-wide library system in Fulton County, approved April 12, 1982 (Ga. L. 1982, p. 4174), so as to authorize the City of Atlanta to create a special district within that portion of said city lying within DeKalb County for the provision of library services therein pursuant to a contract with certain other local governments; to provide for the authority of the library board of trustees; to provide for a director and deputy director of library services to be appointed by the board of trustees; to provide for other personnel; to provide for funding the county-wide library system and for procedures and requirements relative thereto; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act providing for the establishment of a county-wide library system in Fulton County, approved April 12, 1982 (Ga. L. 1982, p. 4174), is amended by adding at the end of Section 1 a new subsection (h) to read as follows:

“(h) Notwithstanding any other provisions of this Act, pursuant to a contract with either Fulton County or DeKalb County for the provision of public library services and facilities within that portion of the City of Atlanta lying within DeKalb County, the City of Atlanta may create within that portion of the City of Atlanta lying within DeKalb County a special district for the provision of library services and levy and collect within such special district fees, assessments, and taxes to pay the cost of such services. The levy of an ad valorem tax by the city for such purposes shall equal the ad valorem tax millage rate set by Fulton County to support the county-wide library system provided for by this Act. The levy of such ad valorem tax by the city within the special district shall not constitute a violation of the contract provided for in subsection (g) of this section.”

Section 2. Said Act is further amended by adding at the end of Section 4 a new subsection (c) to read as follows:

“(c) The library board of trustees provided for in this section shall have general supervision of the county-wide library system provided for in this Act and shall have power to make reasonable rules and regulations for the operation of the county-wide library system. Said board of trustees may establish branches and stations wherever deemed advisable and may carry on other forms of library extension service. Said board of trustees shall create the office of director and deputy director of library services and fix the terms of office and compensation of said officers, and said offices shall be filled by persons with professional library training and experience who shall be appointed by the board of trustees. Notwithstanding the provisions of Section 2 of this Act, the director and deputy director of library services shall not be subject to the civil service laws and regulations of Fulton County. Other employees of the library board of trustees shall be subject to the civil service laws and regulations of Fulton County as provided in Section 2 of this Act, but such employees shall be subject to the supervision and control of the library board of trustees. The county-wide library system and the board of trustees shall be subject to the budgetary laws and purchasing procedures and requirements of Fulton County in the same manner as other departments of the Fulton County government, and said county-wide library system shall be funded by appropriations made to the library board of trustees by the county in accordance with the budgetary laws and purchasing procedures and requirements of Fulton County. In addition thereto, the board of trustees may also receive funds to support financially the county-wide library system pursuant to a contract entered into under the provisions of subsection (h) of Section 1 of this Act. The board of trustees may also accept grants, bequests, or donations from any source to carry out the purposes and functions of the county-wide library system. The board of trustees may contract within the limits of funds made available to the board, provided that any such contract shall be made in accordance with the purchasing and contracting laws and regulations of Fulton County.”

Section 3. This Act shall become effective on July 1, 1983.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Coverdell of the 40th moved that the Senate agree to the House amendment to the Senate amendment to HB 658.

On the motion, the yeas were 38, nays 0; the motion prevailed, and the Senate agreed to the House amendment to the Senate amendment to HB 658.

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

HB 374. By Representatives Snow of the 1st, Karrh of the 109th, Ginsberg of the 122nd and others:

A bill to provide for legislative intent; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions regarding

the General Assembly, so as to define "population bill" and to prohibit the General Assembly from passing any population bill, with certain exceptions.

Senator Hine of the 52nd moved that the Senate adhere to the Senate amendment to HB 374, and that a Conference Committee be appointed.

On the motion, the yeas were 29, nays 2; the motion prevailed, and the Senate adhered to the Senate amendment to HB 374.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Scott of the 43rd, Hine of the 52nd and Hudgins of the 15th.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 326. By Representative Evans of the 84th:

A bill to amend Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to forfeiture proceedings for bonds or recognizances, so as to repeal certain provisions relating to institution of forfeiture proceedings generally.

Senate Sponsor: Senator Coggin of the 35th.

The Senate Committee on Judiciary offered the following substitute to HB 326:

A BILL TO BE ENTITLED AN ACT

To amend Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to forfeiture proceedings for bonds or recognizances, so as to repeal certain provisions relating to institution of forfeiture proceedings generally; to provide that notice of hearings on execution of a bond forfeiture shall be by first-class mail; to provide that, if a defendant has not been brought to trial within three years, no judgment of forfeiture may be enforced against the surety on the bond; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to forfeiture proceedings for bonds or recognizances, is amended by repealing Code Section 17-6-70, relating to institution of forfeiture proceedings generally, as enacted by an Act approved April 16, 1982 (Ga. L. 1982, p. 1658), and redesignated as Code Section

17-6-70.1 by HB 3 of the 1983 session of the General Assembly, which reads as follows:

“17-6-70.1. Upon the failure of any principal in any bond or recognizance given by a person charged with a penal offense to appear or of a witness to appear and testify, the prosecuting attorney shall proceed to forfeit such bond or recognizance.”,

in its entirety.

Section 2. Said article is further amended by striking in its entirety subsection (a) of Code Section 17-6-71, relating to hearings on executions of bond forfeitures, and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) The judge shall upon the failure to appear set an execution hearing for a date at least 90 days after the failure to appear or as soon thereafter as the case may be heard. Notice of the hearing shall be mailed by first-class mail by the clerk of court to the principal and to each surety at the addresses given on the bond.”

Section 3. Said article is further amended by striking in its entirety subsection (d) of Code Section 17-6-72, relating to the time at which a judgment of forfeiture shall be entered, as enacted by an Act approved April 16, 1982 (Ga. L. 1982, p. 1658), and redesignated as subsection (c) by HB 3 of the 1983 session of the General Assembly, which reads as follows:

“(c) No judgment shall be rendered decreeing the forfeiture of any appearance bond if the defendant has not been brought to trial for a period of three years after the date of posting bond.”,

and inserting in lieu thereof a new subsection (c) to read as follows:

“(c) If the prosecution does not try the charges against a defendant within a period of three years after the date of posting bond, no judgment rendered after such period decreeing the forfeiture of the appearance bond may be enforced against the surety on the bond. This provision shall not apply where the prosecution's failure to try the charges is due to the fault of the defendant.”

Section 4. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 29, nays 1, and the 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, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Engram	Littlefield
Barnes	Fincher	McGill
Bond	Garner	Peevy
Bowen	Gillis	Perry
Brannon	Harris	Phillips
Brantley	Hill	Scott of 2nd
Brown of 47th	Hine	Scott of 36th
Bryant	Holloway	Scott of 43rd
Burton	Howard	Starr
Cobb	Hudgins	Stumbaugh
Coggin	Huggins	Tate
Dawkins	Kennedy	Trulock
Deal	Kidd	Turner
Dean	Land	Tysinger
English	Lester	

Those not voting were Senators:

Barker	Foster	McKenzie
Broun of 46th	Greene	Thompson
Coleman	Harrison	Timmons
Coverdell	Horton	Walker

On the passage of the bill, the yeas were 44, nays 0.

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

HB 606. By Representatives Lee of the 72nd, Murphy of the 18th, Burruss of the 20th and others:

A bill to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, generally, so as to prohibit certain conduct by public officials and public employees; to provide a code of ethics for public servants.

Senate Sponsors: Senators Starr of the 44th and Barnes of the 33rd.

Senators Barnes of the 33rd and Dean of the 31st offered the following substitute to HB 606:

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A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to conflicts of interest, generally, so as to prohibit certain conduct by public officials, public employees, and certain businesses; to provide definitions; to provide legislative intent; to make it unlawful for public officials and employees to engage in certain business transactions; to provide civil penalties; to provide exceptions; to provide for applicability; to require certain disclosures; to provide civil penalties for failing to make such disclosures; to provide for civil sanctions and for removal from office or employment; to provide for other matters relating thereto; to continue certain provisions relating to the State Merit System of Personnel Administration; to amend Code Section 16-10-6 of the Official Code of Georgia Annotated, relating to transactions with the state by certain persons, so as to delete certain references to prohibited transactions; 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 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to conflicts of interest, generally, is amended by striking Part 1 thereof, which reads as follows:

“Part 1

45-10-20. (a) It shall be unlawful for any full-time appointive state official or employee to contract to buy from or sell to the state any real or personal property, goods, or services, or a combination thereof, when such purchase or sale would benefit or be likely to benefit such official or employee, provided that upon compliance with the conditions and procedures set forth in this part, a chaplain, fireman, any person holding a doctoral or master's degree from an accredited college or university, a licensed physician, dentist, or psychologist, or a registered nurse or licensed practical nurse, if employed full time by the state, may sell his services to another department, agency, commission, or authority of the state on a part-time basis. The exclusive procedure to be followed in such instances is as follows:

(1) The chief executive officer of the department, agency, commission, or authority which desires to obtain the services of a chaplain, fireman, any person holding a doctoral or master's degree from an accredited college or university, a licensed physician, dentist, or psychologist, or a registered nurse or licensed practical nurse presently employed full time by another department, agency, commission, or authority of the state shall certify in writing the need for the services and set forth by the best interest of the state will be served by obtaining the part-time services of such person in lieu of obtaining such services from a person not presently employed by the state;

(2) The chief executive officer of the department, agency, commis-

sion, or authority presently employing the chaplain, fireman, any person holding a doctoral or master's degree from an accredited college or university, the licensed physician, dentist, or psychologist, or the registered nurse or licensed practical nurse on a full-time basis shall certify in writing that the person whose services are desired is available to perform such services, that the performance of such services will not detract or have a detrimental effect on the performance of said person's full-time employment and, where appropriate, that the part-time employment of such person by the department, agency, commission, or authority desirous of obtaining the services will be in the best interest of the state;

(3) The departments, agencies, commissions, or authorities, after having complied with paragraphs (1) and (2) of subsection (a) of this Code section shall, by agreement, establish the procedures under which the employee shall perform the additional services. The agreement shall specify the means of employment either as a part-time employee or as a consultant, the compensation, and other pertinent details and conditions of the employment relationship. The agreement shall be terminable at any time by either of the departments, agencies, commissions, or authorities.

(b) The Public Service Commission may contract with state agencies to use state employees.

(c) Notwithstanding any other provision of this part to the contrary, the Georgia Public Service Commission shall be authorized to employ and to pay for the services of any full-time state employee who has any particular expertise or knowledge which may be of assistance to the Georgia Public Service Commission or the Consumers' Utility Counsel in fulfilling its duties and responsibilities under Title 46. The terms and conditions of such employment shall be solely determined by the Georgia Public Service Commission; but, in any event, the full-time employee may not provide services to the Georgia Public Service Commission during such times as he is regularly scheduled to be at his primary place of employment unless the employee has received permission to do so from his regular employer or unless the employee is on annual leave or leave without pay.

(d) This Code section shall in no way amend or repeal any statute or regulation promulgated pursuant thereto pertaining to the State Merit System of Personnel Administration.

(e) This Code section shall not apply to employees of departments of state government employed part time by the Georgia Building Authority as custodial and cleaning workers or to employees of the Georgia School for the Deaf and the Atlanta Area School for the Deaf employed part time by other agencies of state government.

45-10-21. No member of any state board, bureau, commission, or other state agency by whatever name called or of any authority created by law shall make any contract in any capacity whatsoever to furnish any goods or supplies, or both, to the state, except after competitive bid thereon. No such person shall act as dealer, agent, or broker, or in any

other manner in connection with the sale of goods or services, or both, to the state, except after competitive bid thereon.

45-10-22. No member of any state board, bureau, commission, or other state agency by whatever name called or of any authority created by law shall act as dealer, agent, or broker, or in any other manner in connection with the sale of goods or services, or both, to the state, unless such person operates a regularly established business enterprise which, when selling such goods or services, or both, to the state, meets all the legal requirements relative to submission of bids, posting of bonds, quality of goods or services, or both, and all other requirements in connection with such transactions.

45-10-23. No person who is a member of any state board, bureau, commission, or other state agency by whatever name called or of any authority created by law shall engage in any transaction with any such board, bureau, commission, committee, or other state agency or any such authority of which such person is a member.

45-10-24. All bids, agreements, contracts, or other instruments in connection with the furnishing of goods or services, or both, to the state shall include a statement to the effect that the signers of such instrument certify that this part has not been violated and will not be violated in any respect.

45-10-25. Any full-time appointive official or employee of the state government who violates any provision of this part shall be discharged immediately from the service of the state. The membership of any member of any board, bureau, commission, or other state agency by whatever name called, or of any authority created by law, who violates any of the provisions of this part, shall be immediately vacated, and such vacancy shall be filled as provided by law. Any person, firm, or corporation violating any of the provisions of this part shall be barred from further business dealings with the state until the violation complained of is corrected.

45-10-26. Any person who violates this part shall be guilty of a misdemeanor.”,

and inserting in lieu thereof a new Part 1 to read as follows:

“Part 1

45-10-20. As used in this article, the term:

(1) ‘Agency’ means any agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia but shall not mean a political subdivision of the State of Georgia.

(2) ‘Business’ means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.

(3) ‘Employee’ means any person who, pursuant to a written or oral contract, is employed by an agency.

(4) 'Family' means spouse and dependents.

(5) 'Full-time' means 30 hours of work for the state per week for more than 26 weeks per calendar year.

(6) 'Limited powers' means those powers other than state-wide powers.

(7) 'Part-time' means any amount of work other than full-time work.

(8) 'Person' means any person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or other legal entity.

(9) 'Public official' means any person elected to a state office and means any person appointed to a state office where in the conduct of such office the person so appointed has administrative and discretionary authority to receive and extend public funds and to perform certain functions concerning the public which are assigned to him by law.

(10) 'State-wide powers' means those powers exercised by public officials which affect and influence all of state government. Public officials who exercise such powers include but are not limited to the Governor, the Lieutenant Governor, members of the General Assembly, Justices of the Supreme Court, Judges of the Court of Appeals, the Secretary of State, the Attorney General, the state auditor, the commissioner of the Department of Administrative Services, the commissioner of the State Merit System of Personnel Administration and members of the State Personnel Board, the director of the Office of Planning and Budget, judges of the superior courts, and district attorneys.

(11) 'Substantial interest' means the direct or indirect ownership of more than 25 percent of the assets or stock of any business.

(12) 'Transact business' or 'transact any business' means to buy, sell, or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative.

45-10-21. (a) It is essential to the proper operation of democratic government that public officials be independent and impartial, that governmental decisions and policy be made in the proper channels of the governmental structure, that public office not be used for private gain other than the remuneration provided by law, and that there be public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, therefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly,

legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

(c) The General Assembly declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the General Assembly, to committees of the General Assembly, and to officials of the executive branch their opinions on legislation, on pending executive actions, and on current issues and that, to preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade members of the General Assembly or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this article shall be liberally construed to promote complete disclosure of such information so as to assure that the public interest will be fully protected.

(d) It is the policy and purpose of this article to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service.

45-10-22. (a) (1) It shall be unlawful for any full-time public official who has state-wide powers, for himself or on behalf of any business, or for any business in which such public official or member of his family has a substantial interest to transact any business with any agency.

(2) It shall be unlawful for any public official or employee who has limited powers, for himself or on behalf of any business, or for any business in which such public official or member of his family has a substantial interest to transact any business with the agency for which such public official serves.

(b) Any person who knowingly violates subsection (a) of this Code section shall be subject to the penalties provided for in Code Section 45-10-28.

45-10-23. (a) It shall be unlawful for any full-time employee, for himself or on behalf of any business, or for any business in which such employee or member of his family has a substantial interest to transact any business with the agency by which such employee is employed.

(b) Any person who knowingly violates subsection (a) of this Code

section shall be subject to the penalties provided for in Code Section 45-10-28.

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45-10-24. (a) (1) Except as provided in subsection (b) of this Code section, it shall be unlawful for any part-time public official who has state-wide powers, for himself or on behalf of any business, or for any business in which such public official or member of his family has a substantial interest to transact any business with any agency.

(2) Except as provided in subsection (b) of this Code section, it shall be unlawful for any part-time employee, for himself or on behalf of any business, or for any business in which such employee or member of his family has a substantial interest to transact any business with the agency by which such employee is employed.

(b) The provisions of subsection (a) shall not apply to:

(1) Any transaction made pursuant to sealed competitive bids;

(2) Any transaction when the amount of a single transaction does not exceed \$250.00 and when the aggregate of all such transactions does not exceed \$9,000.00 per calendar year; and

(3) Any transaction involving the lease of real property to or from any agency of such transaction has been approved by the State Properties Commission or the Space Management Division of the Department of Administrative Services.

(c) Any person who knowingly violates subsection (a) of this Code section shall be subject to the penalties provided for in Code Section 45-10-28.

45-10-25. The provisions of Code Sections 45-10-22, 45-10-23, and 45-10-24 shall not apply to:

(1) Any transaction involving the sale of real property to the state or any agency through eminent domain;

(2) Any transaction involving the purchase by the public official or employee of any health or life insurance, disability benefits, or retirement or pension benefits offered as a part of a public official's or employee's service or employment;

(3) Any transaction between a public official or employee or any business in which such public official or employee or any member of his family has a substantial interest and any person, the cost of which transaction is paid directly or indirectly by state funds, if the property or services involved in the transaction are for the private use and benefit of the person to whom such property or services are sold or rendered and such person does not subsequently sell or lease such property or services to an agency;

(4) Any transaction between a public official or employee or any business in which such public official or employee or any member of his family has a substantial interest and any state contractor if there was no

agreement prior to the transaction that the public official or employee would assist, other than by providing goods or services as required under the terms of the agreement underlying the transaction, the contractor in obtaining, retaining, or fulfilling the state contract and if the public official or employee does not assist, other than by providing goods or services as required under the terms of the agreement underlying the transaction, the contractor in obtaining, retaining, or fulfilling the state contract;

(5) Any transaction involving part-time employment by the Georgia Building Authority of custodial and cleaning workers who work for other agencies;

(6) Any transaction involving part-time employment by any agency of a chaplain, fireman, any person holding a doctoral or master's degree from an accredited college or university, a licensed physician, dentist, or psychologist, or a registered nurse or licensed practical nurse, if employed by the state, if:

(A) The chief executive officer of the department, agency, commission, or authority which desires to obtain the services of a chaplain, fireman, any person holding a doctoral or master's degree from an accredited college or university, a licensed physician, dentist, or psychologist, or a registered nurse or licensed practical nurse presently employed by another department, agency, commission, or authority of the state shall certify in writing the need for the services and set forth why the best interest of the state will be served by obtaining the part-time services of such a person in lieu of obtaining such services from a person not presently employed by the state;

(B) The chief executive officer of the department, agency, commission, or authority presently employing the chaplain, fireman, any person holding a doctoral or master's degree from an accredited college or university, the licensed physician, dentist, or psychologist, or the registered nurse or licensed practical nurse shall certify in writing that the person whose services are desired is available to perform such services, that the performance of such services will not detract or have a detrimental effect on the performance of said person's employment and, where appropriate, that the part-time employment of such person by the department, agency, commission, or authority desirous of obtaining the services will be in the best interest of the state;

(C) The departments, agencies, commissions, or authorities, after having complied with subparagraphs (A) and (B) of this paragraph shall, by agreement, establish the procedures under which the employee shall perform the additional services. The agreement shall specify the means of employment either as a part-time employee or as a consultant, the compensation, and other pertinent details and conditions of the employment relationship. The agreement shall be terminable at any time by either of the departments, agencies, commissions, or authorities;

(7) Any transaction involving the Public Service Commission's employment of any state employee who has any particular expertise or knowledge which may be of assistance to the Georgia Public Service Commission or the Consumers' Utility Counsel in fulfilling its duties and

responsibilities under Title 46. The terms and conditions of such employment shall be solely determined by the Georgia Public Service Commission; but, in any event, the employee may not provide services to the Georgia Public Service Commission during such times as he is regularly scheduled to be at his primary place of employment unless the employee has received permission to do so from his regular employer or unless the employee is on annual leave or leave without pay;

(8) Any transaction involving an emergency purchase by any agency which must be made to protect the health, safety, or welfare of the citizens or property of Georgia;

(9) Any transaction involving property or a service for which the only source of supply in the State of Georgia is from the public official or employee or a business in which such public official or employee or member of his family has a substantial interest;

(10) Any transaction occurring prior to March 1, 1983;

(11) Any transaction occurring prior to qualifying to run for elective office, accepting appointment to public office, or accepting public employment and any transaction occurring after qualifying to run for elective office, accepting appointment to public office, or accepting public employment if the legal obligation and duty to undertake such transaction arose prior to qualifying to run for elective office, accepting appointment to public office, or accepting public employment;

(12) Any transaction whereby a public official or employee or any business in which such public official or employee or any member of his family has a substantial interest collects a fee or commission as compensation for performing a service for the state when such performance is required or authorized by law, including but not limited to the collection of state sales tax, the collection of license fees, and the collection of excise taxes; or

(13) Any transaction whereby an appointed public official or employee, under the procedures specified in this paragraph, sells to a unit of the University System of Georgia services as a teacher or instructor of an evening or night course or program, if:

(A) The chief executive officer of the unit of the University System of Georgia shall certify in writing the need for the services and set forth why the best interest of the state will be served by obtaining the services of such state official or employee in lieu of obtaining such services from a person not presently employed by the state;

(B) The chief executive officer of the department, agency, commission, or authority presently employing the state official or employee shall certify in writing that the person whose services are desired is available to perform such services, that the performance of such services will not detract or have a detrimental effect on the performance of said person's full-time employment, and, where appropriate, that the employment of such person by the unit of the University System of Georgia will be in the best interest of the state; and

(C) The departments, agencies, commissions, authorities, and units, after having complied with paragraphs (1) and (2) of this subsection, shall, by agreement, establish the procedures under which the official or employee shall perform the additional services. The agreement shall specify the means of employment, the compensation, and other pertinent details and conditions of the employment relationship. The agreement shall be terminable at any time by either of the departments, agencies, commissions, authorities, or units.

45-10-26. (a) Any public official or employee, whether for himself or on behalf of any business, or for any business in which such public official or employee or any member of his family has a substantial interest who transacts business with the state shall disclose such transactions. Such disclosure shall be submitted prior to December 31 each year to the Secretary of State on such forms as he shall prescribe and shall include a general description of that year's transactions. Such disclosure statements shall be public records.

(b) Any person who fails to file a disclosure statement as required in subsection (a) of this Code section shall be subject to the penalties provided for in Code Section 45-10-28.

45-10-27. This part shall in no way amend or repeal any statute or regulation promulgated pursuant thereto pertaining to the State Merit System of Personnel Administration.

45-10-28. (a) (1) Any appointed public official or employee who violates Code Section 45-10-22, 45-10-23, 45-10-24, or 45-10-26 shall be subject to:

(A) Removal from office or employment;

(B) A civil fine not to exceed \$10,000.00; and

(C) Restitution to the state of any pecuniary benefit received as a result of such violation.

(2) Any elected public official who violates Code Section 45-10-22, 45-10-23, 45-10-24, or 45-10-26 shall be subject to:

(A) A civil fine not to exceed \$10,000.00; and

(B) Restitution to the state of any pecuniary benefit received as a result of such violation.

(3) Any business which violates Code Section 45-10-22, 45-10-23, 45-10-24, or 45-10-26 shall be subject to:

(A) A civil fine not to exceed \$10,000.00; and

(B) Restitution to the state of any pecuniary benefit received as a result of such violation.

(b) The penalties provided for in subsection (a) of this Code section may be imposed in any civil action brought for that purpose, and such actions shall be brought by the Attorney General."

Section 2. Code Section 16-10-6 of the Official Code of Georgia Annotated, relating to transactions with the state by certain persons, is amended by striking said Code section in its entirety and inserting in lieu thereof a new Code Section 16-10-6 to read as follows:

"16-10-6. (a) (1) Any employee, appointive officer, or elective officer of a political subdivision, hereafter referred to as 'employing political subdivision,' or agency thereof who for himself or in behalf of any business entity sells any real or personal property to:

- (A) The employing political subdivision;
- (B) An agency of the employing political subdivision;
- (C) A political subdivision for which local taxes for education are levied by the employing political subdivision; or
- (D) A political subdivision which levies local taxes for education for the employing political subdivision

shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

(2) Paragraph (1) of this subsection shall not apply to:

(A) Sales of personal property of less than \$200.00 per calendar quarter;

(B) Sales of personal property made pursuant to sealed competitive bids made by the employee, appointive officer, or elective officer, either for himself or on behalf of any business entity; or

(C) Sales of real property in which a disclosure has been made:

(i) To the grand jury or judge of the probate court of the county in which the purchasing political subdivision is wholly included or, if not wholly included in any one county, to the grand jury or judge of the probate court of any county in which the purchasing political subdivision is partially included and which shall have been designated by the purchasing political subdivision to receive such disclosures;

(ii) At least 15 days prior to the date the contract or agreement for such sale will become final and binding on the parties thereto;

(iii) Which shows that an employee, appointive officer, or elective officer of an employing political subdivision or agency thereof has a personal interest in such sale, which interest includes, without being limited to, any commission, fee, profit, or similar benefit and which gives the name of such person, his position in the political subdivision or agency, the purchase price, and location of the property.

(b) Notwithstanding subparagraph (a)(2)(A) of this Code section, paragraph (1) of subsection (a) of this Code section shall not apply to sales of personal property of less than \$1,000.00 per calendar quarter

made by an employee of a municipality having a population of not less than 4,133 nor more than 4,140 according to the United States decennial census of 1970 or any future such census either for himself or in behalf of any business entity.”

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Howard of the 42nd offered the following amendment:

Amend the substitute to HB 606 offered by Senators Barnes of the 33rd and Dean of the 31st by striking from Page 20, lines 1 through 9.

On the adoption of the amendment, the yeas were 40, nays 0, and the amendment was adopted.

Senator Burton of the 5th offered the following amendment:

Amend the substitute to HB 606 offered by Senators Barnes of the 33rd and Dean of the 31st by deleting on Page 16, lines 29 and 30, the following:

“a general description of that year’s transactions.”

and substituting in lieu thereof the following:

“an itemized list of that year’s transactions with the dollar amount of each transaction reported and totaled.”

On the adoption of the amendment, the yeas were 39, nays 1, and the amendment was adopted.

Senator Stumbaugh of the 55th offered the following amendment:

Amend the substitute to HB 606 offered by Senators Barnes of the 33rd and Dean of the 31st by striking section (3) on Pages 10 and 11 and renumbering the following bill as needed.

On the adoption of the amendment, Senator Stumbaugh of the 55th called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker
Bond

Brannon
Brantley

Broun of 46th
Burton

Deal	Horton	Scott of 43rd
Engram	Howard	Stumbaugh
Foster	Huggins	Tate
Greene	Land	Thompson
Harrison	Peevy	Trulock
Holloway	Phillips	Tysinger

Those voting in the negative were Senators:

Allgood	English	Littlefield
Barnes	Garner	McGill
Bowen	Gillis	Perry
Brown of 47th	Harris	Scott of 2nd
Bryant	Hill	Scott of 36th
Cobb	Hine	Starr
Coggin	Hudgins	Timmons
Coleman	Kennedy	Turner
Coverdell	Kidd	Walker
Dean	Lester	

Those not voting were Senators:

Dawkins	Fincher	McKenzie
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On the adoption of the amendment, the yeas were 24, nays 29, and the amendment was lost.

Senator Stumbaugh of the 55th moved that HB 606 be committed to the Senate Committee on Governmental Operations.

Senator Barnes of the 33rd moved the previous question.

The President stated that the motion offered by Senator Barnes of the 33rd takes precedence.

On the motion offered by Senator Barnes of the 33rd, the yeas were 40, nays 0; the motion prevailed, and the previous question was ordered.

On the adoption of the substitute, the yeas were 44, nays 0, and the substitute was adopted as amended.

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, a roll call was taken, and the vote was as follows:

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Those voting in the affirmative were Senators:

Allgood	Gillis	McKenzie
Barnes	Greene	Peevy
Bowen	Harris	Perry
Broun of 46th	Hill	Scott of 2nd
Brown of 47th	Hine	Scott of 36th
Bryant	Holloway	Scott of 43rd
Cobb	Hudgins	Starr
Coggin	Huggins	Tate
Coleman	Kennedy	Thompson
Dawkins	Kidd	Timmons
Deal	Lester	Trulock
Dean	Littlefield	Turner
English	McGill	Walker
Garner		

Those voting in the negative were Senators:

Barker	Coverdell	Howard
Bond	Engram	Land
Brannon	Foster	Phillips
Brantley	Harrison	Stumbaugh
Burton	Horton	Tysinger

Not voting was Senator Fincher.

On the passage of the bill, the yeas were 40, nays 15.

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

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 121. By Senators Greene of the 26th, Lester of the 23rd, Holloway of the 12th and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for policy and purpose; to provide for definitions; to provide for a Health Policy Council and its functions and for the compensation and allowances of its members.

The House substitute to SB 121 was as follows:

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**A BILL TO BE ENTITLED
AN ACT**

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for policy and purpose; to provide for definitions; to provide for a Health Policy Council and its functions and for the compensation and allowances of its members; to provide for a Health Planning Agency and its functions, duties, and executive director; to provide for construction and intent; to provide for certificates of need prior to the offering of certain new institutional health services or health care facilities; to provide for considerations and exceptions thereto; to provide for applications, actions thereon, and reviews; to provide for hearings and reports; to provide for a Health Planning Review Board and the expenses and counsel thereof; to provide for notice, appeals, and judicial review; to provide for issuance, denial, and revocation of certificates of need; to provide for penalties and injunctions; to provide for exceptions; to provide for emergency situations; to provide for rules; to provide for applicability; to abolish a certain commission, agency, council, and board which performed health planning functions and provide for certain successors thereto; to provide for transition; to provide for the applicability of certain provisions of this Act to certain other programs; 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 31 of the Official Code of Georgia Annotated, relating to health, is amended by striking Chapter 6, relating to state health planning and development, and inserting in its place a new Chapter 6 to read as follows:

“CHAPTER 6

ARTICLE 1

31-6-1. The policy of this state and the purposes of this chapter are to ensure that adequate health care services and facilities are developed in an orderly and economical manner and are made available to all citizens and that only those health care services found to be in the public interest shall be provided in this state. To achieve this public policy and purpose, it is essential that appropriate health planning activities be undertaken and implemented and that a system of mandatory review of new institutional health services be provided. Health care services and facilities should be provided in a manner that avoids unnecessary duplication of services, that is cost effective, and that is compatible with the health care needs of the various areas and populations of the state.

31-6-2. As used in this chapter, the term:

(1) ‘Ambulatory surgical or obstetrical facility’ means a public or private facility, not a part of a hospital, which provides surgical or obstetrical treatment to patients not requiring hospitalization. Such term does not include the offices of private physicians or dentists, whether for individual or group practice.

(2) 'Application' means a written request for a certificate of need made to the planning agency, containing such documentation and information as the planning agency may require.

(3) 'Bed capacity' means space used exclusively for inpatient care, including space designed or remodeled for inpatient beds even though temporarily not used for such purposes. The number of beds to be counted in any patient room shall be the maximum number for which adequate square footage is provided as established by rules of the Department of Human Resources, except that single beds in single rooms shall be counted even if the room contains inadequate square footage.

(4) 'Certificate of need' means an official determination by the planning agency, evidenced by certification issued pursuant to an application, that the action proposed in the application satisfies and complies with the criteria contained in this chapter and rules promulgated pursuant hereto.

(5) 'Clinical health services' means diagnostic, treatment, or rehabilitative services provided in a health care facility, or parts of the physical plant where such services are located in a health care facility, and includes, but is not limited to, radiology, radiation therapy, surgery, intensive care, coronary care, pediatrics, gynecology, obstetrics, dialysis, general medical care, medical/surgical care, inpatient nursing care, whether intermediate, skilled, or extended care, cardiac catheterization, open-heart surgery, inpatient rehabilitation, and alcohol, drug abuse, and mental health services.

(6) 'Consumer' means a person who is not employed by any health care facility or provider and who has no financial or fiduciary interest in any health care facility or provider.

(7) 'Develop,' with reference to a project' means:

(A) Constructing, remodeling, installing, or proceeding with a project, or any part of a project, or a capital expenditure project, the cost estimate for which exceeds \$600,000.00; or

(B) The expenditure or commitment of funds exceeding \$400,000.00 for orders, purchases, leases, or acquisitions through other comparable arrangements of major medical equipment.

Notwithstanding subparagraphs (A) and (B) of this paragraph, the expenditure or commitment or incurring an obligation for the expenditure of funds to develop certificate of need applications, studies, reports, schematics, preliminary plans and specifications, or working drawings, or to acquire, develop, or prepare sites shall not be considered to be the developing of a project.

(8) 'Health care facility' means hospitals; other special care units, including podiatric facilities, skilled nursing facilities, and kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities; personal care homes not in existence on the effective date of this chapter; ambulatory surgical or obstetrical facilities; health maintenance organizations; and home health agencies.

(9) 'Health maintenance organization' means a public or private organization organized under the laws of this state which:

(A) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physicians' services, hospitalization, laboratory, X-ray, emergency and preventive services, and out-of-area coverage;

(B) Is compensated, except for copayments, for the provision of the basic health care services listed in subparagraph (A) of this paragraph to enrolled participants on a predetermined periodic rate basis; and

(C) Provides physicians' services primarily:

(i) Directly through physicians who are either employees or partners of such organization; or

(ii) Through arrangements with individual physicians organized on a group practice or individual practice basis.

(10) 'Health Policy Council' or 'council' means the body created by this chapter to advise the Health Planning Agency and adopt the state health plan.

(11) 'Home health agency' means a public agency or private organization, or a subdivision of such an agency or organization, which is primarily engaged in providing to individuals who are under a written plan of care of a physician, on a visiting basis in the places of residence used as such individuals' homes, part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse, and one or more of the following services:

(A) Physical therapy;

(B) Occupational therapy;

(C) Speech therapy;

(D) Medical social services under the direction of a physician; or

(E) Part-time or intermittent services of a home health aide.

(12) 'Hospital' means an institution which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. Such term includes public, private, psychiatric, rehabilitative, geriatric, osteopathic, and other specialty hospitals.

(13) 'Intermediate care facility' means an institution which provides, on a regular basis, health related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but who, because of their mental or physical condition, require health related care and services beyond the provisions of room and board.

(14) 'New institutional health service' means:

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(A) The construction, development, or other establishment of a new health care facility;

(B) Any expenditure by or on behalf of a health care facility in excess of \$600,000.00 which, under generally accepted accounting principles consistently applied, is a capital expenditure, except expenditures for acquisition of an existing health care facility not owned or operated by or on behalf of a political subdivision of this state, or any combination of such political subdivisions, or by or on behalf of a hospital authority, as defined in Article 4 of Chapter 7 of Title 31 or certificate of need owned by such facility in connection with its acquisition;

(C) Any increase in the bed capacity of a health care facility except as provided in Code Section 31-6-47;

(D) Clinical health services which are offered in or through a health care facility, which were not offered on a regular basis in or through such health care facility within the 24 month period prior to the time such services would be offered;

(E) Any conversion or upgrading of a facility such that it is converted from a type of facility not covered by this chapter to any of the types of health care facilities which are covered by this chapter; or

(F) The purchase or lease by or on behalf of a health care facility of diagnostic or therapeutic equipment with a value in excess of \$400,000.00. The acquisition of one or more items of functionally related diagnostic or therapeutic equipment shall be considered as one project.

The dollar amounts specified in subparagraphs (B) and (F) of this paragraph and of paragraph (7) of this Code section shall be adjusted annually by an amount calculated by multiplying such dollar amounts (as adjusted for the preceding year) by the annual rate of change in the composite construction index, published by the Bureau of the Census of the Department of Commerce of the United States government for the preceding calendar year, commencing on July 5, 1983, and on each anniversary thereafter of publication of the index. The planning agency shall immediately institute rule-making procedures to adopt such adjusted dollar amounts. In calculating the dollar amounts of a proposed project for purposes of subparagraphs (B) and (F) of this paragraph and of paragraph (7) of this Code section, the costs of all items subject to review by this chapter and items not subject to review by this chapter associated with and simultaneously developed or proposed with the project shall be counted, except for the expenditure or commitment of or incurring an obligation for the expenditure of funds to develop certificate of need applications, studies, reports, schematics, preliminary plans and specifications or working drawings, or to acquire sites. In the event that the minimum dollar thresholds of \$600,000.00 and \$400,000.00 for review of capital expenditures or major medical equipment, respectively, are changed by federal enactment above or below the levels contained in subparagraphs (B) and (F) of this paragraph and of paragraph (7) of this Code section, then the planning agency shall immediately institute rule-making procedures to adopt such thresholds. The planning agency rules

will provide that the new thresholds will at least be applicable to all applications submitted after the effective date of the new planning agency rule. It is the intention of the General Assembly that the minimum thresholds for certificate of need review of capital expenditures and major medical equipment in subparagraphs (B) and (F) of this paragraph and of paragraph (7) of this Code section shall be at least as high as those similar thresholds contained in such federal legislation.

(15) 'Nonclinical health services' means services or functions provided or performed by a health care facility, and the parts of the physical plant where they are located in a health care facility that are not diagnostic, therapeutic, or rehabilitative services to patients and are not clinical health services defined in this chapter.

(16) 'Offer' means that the health care facility is open for the acceptance of patients or performance of services and has qualified personnel, equipment, and supplies necessary to provide specified clinical health services.

(17) 'Person' means any individual, trust or estate, partnership, corporation (including association, joint-stock companies, and insurance companies), state, political subdivision, hospital authority, or instrumentality (including a municipal corporation) of a state as defined in the laws of this state.

(18) 'Personal care home' means a residential facility having at least 25 beds and providing, for compensation, protective care and oversight of ambulatory, nonrelated persons who need a monitored environment but who do not have injuries or disabilities which require chronic or convalescent care, including medical, nursing, or intermediate care. Personal care homes include those facilities which monitor daily residents' functioning and location, have the capability for crisis intervention, and provide supervision in areas of nutrition, medication, and provision of transient medical care. Such term does not include:

(A) Old age residences which are devoted to independent living units with kitchen facilities in which residents have the option of preparing and serving some or all of their own meals; or

(B) Boarding facilities which do not provide personal care.

(19) 'Planning agency' means the Health Planning Agency created by this chapter to carry out the state's health planning and certificate of need programs.

(20) 'Project' means a proposal to take an action for which a certificate of need is required under this chapter. A project or proposed project may refer to the proposal from its earliest planning stages up through the point at which the new institutional health service is offered.

(21) 'Review board' means the Health Planning Review Board created by this chapter.

(22) 'Skilled nursing facility' means a public or private institution or a distinct part of an institution which is primarily engaged in providing

inpatient skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(23) 'State health plan' means a comprehensive program adopted by the Health Policy Council, approved by the Governor, and implemented by the State of Georgia for the purpose of providing adequate health care services and facilities throughout the state.

ARTICLE 2

31-6-20 (a) There is created a Health Policy Council to be appointed by the Governor, subject to confirmation by the Senate. The council shall be composed of 25 members. There shall be at least two members from each of the congressional districts in the state, and the remaining five members of the council shall be appointed at large, at least three of whom shall be consumers. The Governor shall appoint the chairman of the council. From each congressional district the Governor shall appoint a consumer of health care and a representative of providers of health care. The members shall serve for a term of two years.

(b) The members of the council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall receive no salary but shall be reimbursed for their expenses in attending meetings and for transportation costs as authorized by Code Section 45-7-21, which provides for the compensation and allowances of certain state officials.

(c) The functions of the council shall be to:

(1) Adopt the state health plan and submit it to the Governor for his approval:

(2) Review, comment on, and make recommendations to the planning agency on proposed rules for the administration of this chapter, except emergency rules prior to their adoption by the planning agency; and

(3) Perform such other functions as may be specified for the council by the planning agency.

31-6-21. (a) There is created the Health Planning Agency which is authorized to administer the certificate of need program established under this chapter, and within the appropriations made available to the planning agency by the General Assembly of Georgia and consistently with the laws of the State of Georgia, a state health plan adopted by the policy council and approved by the Governor. The planning agency shall provide, by rule, for its own organization and procedures to administer its functions and shall be attached to the Department of Human Resources for administrative purposes only, as set forth in Code Section 50-4-3.

(b) The functions of the planning agency shall be:

(1) To conduct the health planning activities of the state and to implement those parts of the state health plan which relate to the government of the state;

(2) To prepare and revise a draft state health plan for submission to the policy council for adoption and submission to the Governor;

(3) To assist the policy council in the performance of its functions;

(4) With the prior advice, comment, and recommendations of the policy council, to adopt, promulgate, and implement rules and procedures sufficient to administer the provisions of this chapter, except emergency rules, including the certificate of need program. Such rules and procedures shall be adopted, promulgated, and implemented in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The rules and procedures of the planning agency shall be submitted to the Human Resources Committee of the Senate and the Health and Ecology Committee of the House of Representatives not later than 30 days prior to the intended action by the planning agency. Each rule or part thereof shall be subject to the making of an objection by either such committee. Any rule or part thereof to which no objection is made shall become adopted at the end of such 30 day approval period. Any rule or part thereof to which an objection is made by both such committees shall not be adopted by the planning agency, and the rule or part thereof not withdrawn may be introduced in either house of the General Assembly within 30 days of the commencement of such next regular session, and upon such resolution receiving an affirmative majority vote of both houses of the General Assembly, the rule shall be disapproved. If such resolution does not receive approval by both houses of the General Assembly, the rule shall become adopted at the end of such next regular session of the General Assembly.

(5) To define, by rule, the form, content, schedules, and procedures for submission of applications for certificates of need and periodic reports;

(6) To establish time periods and procedures consistent with this chapter to hold hearings and to obtain the view points of interested persons prior to issuance or denial of a certificate of need;

(7) To provide, by rule, for such fees as may be necessary to cover the costs of preparing the record for appeals before the review board of the decisions of the planning agency, which costs may include reasonable sharing between the planning agency and the parties to appeal hearings;

(8) To provide, by rule, for a reasonable and equitable fee schedule for certificate of need applications;

(9) To grant, deny, or revoke a certificate of need as applied for or as amended; and

(10) To perform powers and functions delegated by the Governor, which delegation may include the powers to carry out the duties and powers which have been delegated to the planning agency under Section 1122 of the Social Security Act of 1935, as amended.

31-6-22. The planning agency shall be directed by an executive director appointed by the Governor.

ARTICLE 3

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31-6-40. (a) From and after July 1, 1979, only such new institutional health services or health care facilities as are found by the planning agency to be needed shall be offered in the state. Prior to that date, only such new institutional health services or health care facilities which had been found to be needed by the planning agency under the immediately prior provisions of this chapter and the regulations issued thereunder shall have been offered in the state, unless otherwise exempt from the requirements of the law or unless that law was not applicable. It is the intent of this provision to assure that no new institutional health services or health care facilities, as defined prior to July 1, 1983, are allowed to avoid the requirements of the immediately prior provisions of this chapter, and applicable regulations, if those laws and regulations were applicable to them.

(b) Any person proposing to develop or offer a new institutional health service or health care facility shall, before commencing such activity, submit an application to the planning agency and obtain a certificate of need in the manner provided in this chapter unless such activity is excluded from the scope of this chapter.

31-6-41. (a) A certificate of need shall be valid only for the defined scope, location, cost, service area, and person named in an application, as it may be amended, and as such scope, location, area, cost, and person are approved by the planning agency, unless such certificate of need owned by an existing health care facility is transferred to a person who acquires such existing facility. In such case, the certificate of need shall be valid for the person who acquires such a facility and for the scope, location, cost, and service area approved by the planning agency.

(b) A certificate of need shall be valid and effective for a period of 12 months after it is issued, or such greater period of time as may be specified by the planning agency at the time the certificate of need is issued. Within the effective period after the grant of a certificate of need, the applicant of a proposed project shall fulfill reasonable performance and scheduling requirements specified by the planning agency, by rule, to assure reasonable progress toward timely completion of a project.

(c) By rule, the planning agency may provide for extension of the effective period of a certificate of need when an applicant, by petition, makes a good faith showing that the conditions to be specified according to subsection (b) of this Code section will be performed within the extended period and that the reasons for the extension are beyond the control of the applicant.

31-6-42. (a) The written findings of fact and decision, with respect to the planning agency's grant or denial of a certificate of need, shall be based on the applicable considerations specified in this Code section and reasonable rules promulgated by the planning agency interpretive thereof. The planning agency shall issue a certificate of need to each applicant whose application is consistent with the following considerations and such rules deemed applicable to a project, except as specified in subsection (d) of Code Section 31-6-43:

(1) The proposed new institutional health services are reasonably consistent with the relevant general goals and objectives of the state health plan;

(2) The population residing in the area served, or to be served, by the new institutional health service has a need for such services;

(3) Existing alternatives for providing services in the service area the same as the new institutional health service proposed are neither currently available, implemented, similarly utilized, nor capable of providing a less costly alternative, or no certificate of need to provide such alternative services has been issued by the planning agency and is currently valid;

(4) The project can be adequately financed and is, in the immediate and long term, financially feasible;

(5) The effects of new institutional health service on payors for health services, including governmental payors, are not unreasonable;

(6) The costs and methods of a proposed construction project, including the costs and methods of energy provision and conservation, are reasonable and adequate for quality health care;

(7) The new institutional health service proposed is financially and physically accessible to the residents of the proposed service area;

(8) The proposed new institutional health service has a positive relationship to the existing health care delivery system in the service area;

(9) The proposed new institutional health service encourages more efficient utilization of the health care facility proposing such service;

(10) The proposed new institutional health service provides, or would provide, a substantial portion of its services to individuals not residing in its defined service area or the adjacent service area;

(11) The proposed new institutional health service conducts biomedical or behavioral research projects or new service development which is designed to meet a national, regional, or state-wide need;

(12) The proposed new institutional health service meets the clinical needs of health professional training programs which request assistance;

(13) The proposed new institutional health service fosters improvements or innovations in the financing or delivery of health services; promotes health care quality assurance or cost effectiveness; or fosters competition that is shown to result in lower patient costs without a loss of the quality of care; and

(14) The proposed new institutional health service fosters special needs and circumstances of health maintenance organizations.

(b) In the case of applications for the development or offering of a new institutional health service or health care facility for osteopathic medicine, the need for such service or facility shall be determined on the

basis of the need and availability in the community for osteopathic services and facilities in addition to the considerations in subsection (a) of this Code section. Nothing in this chapter shall, however, be construed as otherwise recognizing any distinction between allopathic and osteopathic medicine.

(c) If the denial of an application for a certificate of need for a new institutional health service proposed to be offered or developed by a:

(1) Minority administered hospital facility serving socially and economically disadvantaged minority population in an urban setting; or

(2) Minority administered hospital facility utilized for the training of minority medical practitioners would adversely impact upon the facility and population served by said facility, the special needs of such hospital facility and the population served by said facility for the new institutional health service shall be given extraordinary consideration by the planning agency in making its determination of need as required by this Code section. The planning agency shall have the authority to vary or modify strict adherence to the provisions of this chapter and the rules enacted pursuant hereto in considering the special needs of such facility and its population served and to avoid an adverse impact on the facility and the population served thereby. For purposes of this subsection, the term 'minority administered hospital facility' means a hospital controlled or operated by a governing body or administrative staff composed predominantly of members of a minority race.

(d) For the purposes of the considerations contained in this Code section and in the planning agency's applicable rules, relevant data which were unavailable or omitted when the state health plan or rules were prepared or revised may be considered in the evaluation of a project.

(e) The planning agency shall specify in its written findings of fact and decision which of the considerations contained in this Code section and the planning agency's applicable rules are applicable to an application and its reasoning as to and evidentiary support for its evaluation of each such applicable consideration and rule.

31-6-43. (a) Each application for a certificate of need shall be reviewed by the planning agency and within ten working days after the date of its receipt a determination shall be made as to whether the application complies with the rules governing the preparation and submission of applications. If the application complies with the rules governing the preparation and submission of applications, the planning agency shall declare the application complete for review, shall accept and date the application, and shall notify the applicant of the timetable for its review. The planning agency shall also notify a newspaper of general circulation in the county in which the project shall be developed that the application has been deemed complete. The planning agency shall also notify the appropriate area planning and development commission and the chief elected official of the county and municipal governments, if any, in whose boundaries the proposed project will be located that the application is complete for review. If the application does not comply with the rules governing the preparation and submission of applications, the planning

agency shall notify the applicant in writing and provide a list of all deficiencies. The applicant shall be afforded an opportunity to correct such deficiencies, and upon such correction, the application shall then be declared complete for review within ten days of the correction of such deficiencies, and notice given to a newspaper of general circulation in the county in which the project shall be developed that the application has been so declared. The planning agency shall also notify the appropriate area planning and development commission and the chief elected official of the county and municipal governments, if any, in whose boundaries the proposed project will be located that the application is complete for review or when in the determination of the planning agency a significant amendment is filed.

(b) An applicant may amend its application at any time no later than ten days prior to the end of the review period, and the planning agency may request an applicant to make amendments. The planning agency decision shall be made on an application as amended, if at all, by the applicant.

(c) Except as provided in subsection (d) of this Code section, there shall be a time limit of 90 days for review of a project, beginning on the day the planning agency declares the application complete for review. The planning agency may adopt rules for determining when it is not practicable to complete a review in 90 days and may extend the review period upon written notice to the applicant but only for an extended period of not longer than an additional 30 days.

(d) The planning agency may order the joinder of an application which is complete for review with one or more subsequently filed applications declared complete for review when:

(1) The first and subsequent applications involve similar projects in the same service area or overlapping medical service areas; and

(2) The subsequent applications are filed and are declared complete for review within 30 days of the date the first application was declared complete for review.

Following joinder of the first application with subsequent applications, none of the subsequent applications so joined may be considered as a first application for the purposes of future joinder. The planning agency shall notify the applicant to whose application a joinder is ordered and all other applicants previously joined to such application of the fact of each joinder pursuant to this subsection. In the event one or more applications have been joined pursuant to this subsection, the time limits for planning agency action for all of the applicants shall run from the latest date that any one of the joined applications was declared complete for review. In the event of the consideration of one or more applications joined pursuant to this subsection, the planning agency may award no certificate of need, or one or more certificates of need to the application or applications, if any, which are consistent with the considerations contained in Code Section 31-6-42, the planning agency's applicable rules, and the award of which will best satisfy the purposes of this chapter.

(e) The planning agency shall review the application and all written

information submitted by the applicant in support of the application to determine the extent to which the proposed project is consistent with the applicable considerations stated in Code Section 31-6-42 and in the planning agency's applicable rules. During the course of the review, the planning agency staff may request additional information from the applicant as deemed appropriate. Pursuant to rules adopted by the planning agency, a public hearing on applications covered by those regulations may be held prior to the date of the agency's decision thereon. Such rules shall provide that when good cause has been shown, a public hearing shall be held by the planning agency. Any interested person may submit information to the planning agency concerning an application, and an applicant shall be entitled to notice of and to respond to any such submission.

(f) In the event that the planning agency's initial review of an application indicates that an application is not consistent with the applicable considerations contained in Code Section 31-6-42 and in the planning agency's applicable rules, on or before the sixtieth day after an application, or the last application joined pursuant to subsection (d) of this Code section, is declared complete for review, the planning agency shall provide the applicant an opportunity to meet with the planning agency to discuss the application and an opportunity to submit additional information. Such additional information shall be submitted prior to the seventy-fifth day after the application, or the last application joined pursuant to subsection (d) of this Code section, is declared complete for review.

(g) The planning agency shall, no later than 90 days after an application is declared complete for review, or in the event joinder is ordered pursuant to subsection (d) of this Code section, then 90 days after the last joined application is declared complete for review, provide written notification to an applicant of the planning agency's decision to issue or to deny issuance of a certificate of need for the proposed project. In the event the planning agency has extended the review period pursuant to subsection (c) of this Code section, then the planning agency shall provide such written notification within 120 days after the application, or the last application joined pursuant to subsection (d) of this Code section, was declared complete for review. Such notice shall contain the planning agency's written findings of fact and decision as to each applicable consideration or rule and a detailed statement of the reasons and evidentiary support for issuing or denying a certificate of need for the action proposed by each applicant. The planning agency shall also mail such notification to the appropriate area planning and development commission and the chief elected official of the county and municipal governments, if any, in whose boundaries the proposed project will be located. In the event such decision is to issue a certificate of need, the certificate of need shall be effective on the day of the decision unless the decision is appealed to the review board in accordance with this chapter.

(h) Should the planning agency fail to provide written notification of the decision within the time limitations set forth in this Code section, an application shall be deemed to have been approved as of the ninety-first day, or the one hundred twenty-first day if the review period was extended pursuant to subsection (c) of this Code section, following notice from the planning agency that an application, or the last of any applica-

tions joined pursuant to subsection (d) of this Code section, is declared 'complete for review.'

31-6-44. (a) There is created the Health Planning Review Board, which shall be an agency separate and apart from the planning agency. The review board shall be composed of ten members appointed by the Governor, one from each congressional district, and shall include two attorneys. The Governor shall appoint persons to the board who are familiar with the health care industry but who do not have a financial interest in any health care facility. The Governor shall also name the chairman of the review board who shall be an attorney. The purpose of the review board shall be to conduct appeal hearings on decisions of the planning agency, as set forth in this Code section. The review board shall promulgate reasonable rules for its operation and rules of procedure for the conduct of its hearings. The members of the review board shall receive no salary, but shall be reimbursed for their expenses in attending meetings and for transportation costs as authorized by Code Section 45-7-21, which provides for compensation and allowances of certain state officials, and shall also be compensated for services rendered to the review board outside of attendance at an appeal hearing. Such compensation to the members of the review board shall be made by the Department of Administrative Services.

(b) Any applicant for a project, or any competing applicant, or any competing health care facility that has notified the planning agency prior to its decision that such facility is opposed to the application before the planning agency, or any county or municipal government in whose boundary the proposed project will be located, who is aggrieved by a decision of the planning agency shall have the right to an appeal hearing before a three-member panel of the review board or to intervene in such hearing. Such hearing shall be the administrative remedy for decisions of the planning agency. Such hearing shall be requested within 30 days of the effective date of a decision made pursuant to Code Section 31-6-43. The chairman of the review board shall name the panel for each such hearing, and the panel shall include one lawyer, who shall be the chairman of the panel, and two nonlawyer members of the review board. The member of the review board from the congressional district in which the proposed project is located shall be one of such three members of the panel. The chairman of the panel shall make such rulings as may be required for the conduct of the hearing. The chairman of the panel shall also make all arrangements for scheduling of the hearing.

(c) In fulfilling the functions and duties of this chapter, the panel shall act, and the hearing shall be conducted as a full evidentiary hearing, in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' relating to contested cases, except as otherwise specified in this Code section. All files, working papers, studies, notes, and other writings or information used by the planning agency in making its decisions shall be public records and available to the parties, and the chairman of the panel may permit each party to exercise such reasonable rights of prehearing discovery of such information used by the parties as will expedite the hearing.

(d) The issue for decision by the panel shall be whether, and the

panel shall order the issuance of a certificate of need if, in the panel's judgment the application is consistent with the considerations as set forth in Code Section 31-6-42 and the planning agency's rules, as the panel deems such considerations and rules applicable to review of the project. The panel shall also consider whether the planning agency committed prejudicial procedural error in its consideration of the application. The panel shall make written findings of facts and conclusions of law as to each such consideration or rule, including a detailed statement of the reasons for the decision of the panel. Appellant or applicants shall proceed first with their cases before the panel in the order determined by the chairman of the panel, and the planning agency, if a party, shall proceed last. In the event of a consolidated hearing on applications which were joined pursuant to subsection (d) of Code Section 31-6-42, the review board shall have the same powers specified for the planning agency in subsection (d) of Code Section 31-6-42 to issue no certificate of need or one or more certificates of need.

(e) Unless otherwise agreed by the parties, all evidence shall be presented at the hearing. A party or intervenor may present any relevant evidence on all issues raised by the panel or any party to the hearing or revealed during discovery, except that, unless in response to an issue raised by an opponent or the panel or revealed during discovery, a party or intervenor may not present a new need study or analysis that is substantially different from any such study or analysis submitted to the planning agency prior to its decision and that could reasonably have been available for submission to the planning agency prior to its decision. Except for such limitation on new studies or analyses, the panel may consider the latest data available, including updates of studies previously submitted, in deciding whether an application is consistent with the applicable considerations and rules.

(f) After the issuance of a decision by the planning agency, no party to an appeal hearing, nor any person on behalf of any such party, shall make any ex parte contact with any member of the review board in regard to a project under appeal.

(g) The decision of the panel shall be the final administrative decision for purposes of judicial appeal of any certificate of need decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(h) In the event that the review board, its chairman, or a panel of the review board requires legal counsel, the chairman shall make a request for such advice to the Attorney General.

(i) Any party to the appeal hearing, including the planning agency, may seek judicial review of the panel's decision in accordance with the method set forth in Chapter 13 of Title 50, the 'Georgia Administrative Procedures Act'; provided, however, that in conducting such review, the court may reverse or modify the decision only if substantial rights of the appellant have been prejudiced because the procedures followed by the planning agency, or the review board, or the administrative findings, inferences, conclusions, and decisions of the review board are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the agency;
- (3) Made upon unlawful procedures;
- (4) Affected by other error of law;
- (5) Not supported by substantial evidence, which shall mean that the record does not contain such relevant evidence as a reasonable mind might accept as adequate to support such findings, inferences, conclusions, or decisions, which such evidentiary standard shall be in excess of the 'any evidence' standard contained in other statutory provisions; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

31-6-45. (a) The planning agency may revoke a certificate of need after notice to the holder of the certificate and a fair hearing pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' for the following reasons:

- (1) Failure to comply with the provisions of Code Section 31-6-41; or
- (2) The intentional provision of false information to the planning agency by an applicant in that applicant's application.

The planning agency may not, however, revoke a certificate of need if the applicant changes the defined location of the project within the same county less than three miles from the location specified in the certificate of need for financial reasons or other reasons beyond its control, including but not limited to, failure to obtain any required approval from zoning or other governmental agencies or entities, provided such change in location is otherwise consistent with the considerations and rules applied in the evaluation of the project.

(b) Any health care facility offering a new institutional health service without having obtained a certificate of need and which has not been previously licensed as a health care facility shall be denied a license to operate.

(c) In the event that a new institutional health service is knowingly offered or developed without having obtained a certificate of need as required by this chapter, or the certificate of need for such service is revoked according to the provisions of this Code section, a facility or applicant shall be fined the sum of \$500.00 per day for every day that the violation of this chapter has existed and knowingly and willingly continues; provided, however, that the expenditure or commitment of or incurring an obligation for the expenditure of funds to take or perform actions not subject to this chapter or to acquire, develop, or prepare a health care facility site for which a certificate of need application is denied, shall not be a violation of this chapter and shall not be subject to such a fine. The director of the planning agency shall determine, after notice and a hearing, whether the fines provided in this Code section shall be levied.

(d) In addition, for purposes of this Code section, the State of Georgia, acting by and through the planning agency, or any other interested person, shall have standing in any court of competent jurisdiction or maintain an action for injunctive relief to enforce the provisions of this chapter.

31-6-46. The planning agency shall prepare and submit an annual report to the Human Resources Committee of the Senate and the Health and Ecology Committee of the House of Representatives about its operations and decisions for the preceding 12 month period, not later than 30 days prior to each convening of the General Assembly in regular session. Either committee may request any additional reports or information, including decisions, from the planning agency at any time, including a period in which the General Assembly is not in regular session.

31-6-47. (a) Notwithstanding the other provisions of this chapter, this chapter shall not apply to:

(1) Infirmaries operated by educational institutions for the sole and exclusive benefit of students, faculty members, officers, or employees thereof;

(2) Infirmaries or facilities operated by businesses for the sole and exclusive benefit of officers or employees thereof, provided that such infirmaries or facilities make no provision for overnight stay by persons receiving their services;

(3) Institutions operated exclusively by the federal government or by any of its agencies;

(4) Offices of private physicians or dentists whether for individual or group practice;

(5) Christian Science sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts;

(6) Site acquisitions for health care facilities or preparation or development costs for such sites prior to the decision to file a certificate of need application;

(7) Expenditures related to adequate preparation and development of an application for a certificate of need;

(8) The commitment of funds conditioned upon the obtaining of a certificate of need;

(9) Expenditures for acquisition of existing health care facilities not owned or operated by or on behalf of a political subdivision of this state, or any combination of such political subdivisions, or by or on behalf of a hospital authority, as defined in Article 4 of Chapter 7 of Title 31, by stock or asset purchase, merger, consolidation, or other lawful means, or acquisitions of certificates of need owned by such facilities to be acquired, except as otherwise provided pursuant to paragraph (10) of subsection (b) of Code Section 31-6-21;

(10) Expenditures for the minor repair of a health care facility, or parts thereof or services provided or equipment used therein, or replacement of equipment, including, but not limited to, CT scanners;

(11) Capital expenditures otherwise covered by this chapter required solely to eliminate or prevent safety hazards as defined by federal, state, or local fire, building, environmental, occupational health, or life safety codes or regulations, to comply with licensing requirements of the Department of Human Resources, or to comply with accreditation standards of the Joint Commission on Accreditation of Hospitals;

(12) Cost overruns whose percentage of the cost of a project is equal to or less than the cumulative annual rate of increase in the composite construction index, published by the Bureau of the Census of the Department of Commerce, of the United States government, calculated from the date of approval of the project;

(13) Transfers from one health care facility to another such facility of major medical equipment previously approved under or exempted from certificate of need review, except where such transfer results in the institution of a new clinical health service for which a certificate of need is required in the facility's acquiring said equipment, provided that such transfers are recorded at net book value of the medical equipment as recorded on the books of the transferring facility;

(14) New institutional health services provided by or on behalf of health maintenance organizations or related health care facilities in circumstances defined by the planning agency pursuant to federal law; and

(15) Increases in the bed capacity of a hospital up to ten beds or 10 percent of capacity, whichever is less, in any consecutive two-year period, in a hospital that has maintained an overall occupancy rate greater than 85 percent for the previous 12 month period.

(b) The planning agency shall establish, by rule, procedures whereby requirements for the process of review and issuance of a certificate of need may be modified and expedited as a result of emergency situations.

(c) By rule, the planning agency shall establish a procedure for expediting or waiving reviews of certain projects the nonreview of which it deems compatible with the purposes of this chapter, in addition to expenditures exempted from review by this Code section.

31-6-48. The State Health Planning and Development Agency, the State-wide Health Coordinating Council, and the State Health Planning Review Board existing immediately prior to the effective date of this chapter are abolished, and their respective successors on and after the effective date of this chapter shall be the Health Planning Agency, the Health Policy Council, and the Health Planning Review Board, as established in this chapter. For purposes of any existing contract with the federal government, or federal law referring to such abolished agency, council, or board, the successor agency, council, or board established in this chapter shall be deemed to be the abolished agency, council, or board and shall succeed to the abolished agency's, council's, or board's func-

tions. The State Health Planning and Development Commission is abolished.

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31-6-49. In order to assure an orderly transition between the state entities responsible for health planning and the operation of the certificate of need program prior to the effective date of this chapter and those entities so responsible after the effective date of this chapter, the following provisions shall apply:

(1) All matters pending before the State Health Planning and Development Agency, the State Health Planning Review Board, and the State-wide Health Coordinating Council prior to the effective date of this chapter shall automatically be transferred to the respective successor agencies created by this chapter;

(2) No later than July 5, 1983, the health planning agency will propose rules in accordance with the procedures set forth in Code Section 31-6-21;

(3) Prior to and until the effective date of any portion of the rules provided for in paragraph (2) of this Code section, the rules of the State Health Planning and Development Agency in effect on June 30, 1983, will remain in effect as the rules for the Health Planning Agency and for the Health Planning Review Board, except for procedural rules promulgated by the review board. The rules in effect on June 30, 1983, if not inconsistent with this chapter, shall govern the procedures of the planning agency created by this chapter, and certificate of need decisions made by the Health Planning Agency and the Health Planning Review Board before the effective date of any portion of the new rules referenced in paragraph (2) of this Code section; and

(4) If all or any part of the rules of the planning agency proposed in accordance with paragraph (2) of this Code section are objected to as provided in Code Section 31-6-21 of this chapter, and the planning agency determines that it cannot render a decision on an application or class of applications without such rule or rules or parts thereof, it may impose a temporary moratorium on the receipt of or action on any certificate of need applications, which are affected by the rule or part to which objection has been made. This moratorium shall include applications pending on the date of such objections and shall serve as an automatic extension of the time limits for decision on such applications set out in Code Section 31-6-43. Such moratorium shall last no longer than the time at which the rule or rules or parts thereof become effective as provided in Code Section 31-5-21 of this chapter, or April 1, 1984, whichever is earlier.

31-6-50. From and after the effective date of this chapter, the review and appeal considerations and procedures set forth in Code Sections 31-6-42, 31-6-43, and 31-6-44, respectively, shall apply to and govern the review of capital expenditures under the Section 1122 program of the Social Security Act of 1935, as amended, including, but not limited to, any application for approval under Section 1122 which is under consideration by the planning agency or on appeal before the review board as of the effective date of this chapter."

Section 2. Title 31 of the Official Code of Georgia Annotated, relating to health, is further amended by inserting in subparagraph (6) of Code Section 31-7-75 a new sentence immediately following the first sentence of said subparagraph (6) to read as follows:

“In the event a hospital authority undertakes to sell a hospital facility, such authority shall, prior to the execution of a contract of sale, provide reasonable public notice of such sale and provide for a public hearing to receive comments from the public concerning such sale.”

Section 3. This Act shall become effective on July 1, 1983.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Greene of the 26th moved that the Senate agree to the House substitute to SB 121 as amended by the following amendment:

Amend the House Substitute to SB 121 by adding on line 12 of Page 17 between the word “is” and the word “financially” the following:

“reasonably”

On the motion to agree to the House substitute as amended by the Senate, the President ordered a roll call, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Ingram	McKenzie
Barnes	Gillis	Peevy
Bond	Greene	Perry
Bowen	Harrison	Phillips
Brannon	Hine	Scott of 2nd
Brantley	Holloway	Scott of 36th
Broun of 46th	Horton	Scott of 43rd
Brown of 47th	Howard	Starr
Bryant	Hudgins	Stumbaugh
Burton	Huggins	Tate
Cobb	Kennedy	Thompson
Coggin	Kidd	Trulock
Coleman	Land	Turner
Dawkins	Lester	Tysinger
Dean	Littlefield	Walker

Those not voting were Senators:

Coverdell	Foster	Hill
Deal	Garner	Timmons
Fincher	Harris	

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 121 as amended by the Senate.

The following local bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 296. By Senator Bowen of the 13th:

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Dooly County into the Office of tax commissioner of Dooly County, as amended, so as to change the compensation provisions relating to the tax commissioner.

The House substitute to SB 296 was as follows:

**A BILL TO BE ENTITLED
AN ACT**

To amend an Act consolidating the offices of tax receiver and tax collector of Dooly County into the office of tax commissioner of Dooly County, approved February 25, 1949 (Ga. L. 1949, p. 1628), as amended, particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 3700), so as to change the compensation provisions relating to the tax commissioner; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act consolidating the offices of tax receiver and tax collector of Dooly County into the office of tax commissioner of Dooly County, approved February 25, 1949 (Ga. L. 1949, p. 1628), as amended, particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 3700), is amended by striking from Section 3 the following:

“seven thousand two hundred (\$7,200.00) dollars”,

and inserting in lieu thereof the following:

“\$7,800.00”,

so that when so amended Section 3 shall read as follows:

“Section 3. The salary of the tax commissioner of Dooly County shall be \$7,800.00 per annum and shall be paid in equal monthly installments from the funds of Dooly County. The tax commissioner shall be authorized to employ assistants and clerical help and the salaries of these assistants and clerks shall be fixed by the board of commissioners of Dooly County.”

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Bowen of the 13th moved that the Senate agree to the House substitute to SB 296. www.libtool.com.cn

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 296.

The President announced that the Senate would stand in recess from 4:10 o'clock P.M. until 4:45 o'clock P.M.

At 4:45 o'clock P.M., the President called the Senate to order.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House insists on its position in disagreeing to the Senate substitute and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 440. By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations and federal savings and loan associations.

The Speaker has appointed on the part of the House:

Representatives Williams of the 6th, Collins of the 144th and Pinkston of the 100th.

The House has disagreed to the amendment to the following bill of the House:

HB 138. By Representatives Walker of the 115th, Smyre of the 92nd and Evans of the 84th:

A bill 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 authorize a retired teacher to elect to return to service as a classroom aide or substitute teacher and still receive retirement benefits.

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

SB 184. By Senators Howard of the 42nd, Fincher of the 54th and Kidd of the 25th:

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A bill to amend Article 2 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmaceuticals, so as to change qualifications for pharmacist's license; to provide for nuclear pharmacies; to provide a short title.

SB 56. By Senators Tysinger of the 41st, McKenzie of the 14th and Foster of the 50th:

A bill to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to require the board to provide injured workers with certain information concerning rights, benefits, and obligations of injured workers under the workers' compensation laws.

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

SB 239. By Senators Starr of the 44th, Allgood of the 22nd and Barnes of the 33rd:

A bill to amend Code Section 9-10-91 of the Official Code of Georgia Annotated, relating to grounds for exercise of personal jurisdiction over nonresidents, so as to provide for personal jurisdiction over nonresidents in certain domestic relations cases.

The House adheres to its position in disagreeing to the Senate substitute to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the Senate:

SB 81. By Senator Coverdell of the 40th:

A bill to amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system may remain members of local retirement systems.

The Speaker has appointed on the part of the House:

Representatives Johnson of the 72nd, Brooks of the 34th and Steinberg of the 46th.

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

SB 96. By Senator Coggin of the 35th:

A bill to amend Chapter 12 of Title 47 of the Official Code of Georgia Annotated, relating to district attorneys emeritus, so as to change the provisions relating to practicing law while serving as district attorney emeritus.

The House has dissolved the Committee of Conference; has receded from the Murphy amendment to the Senate substitute and has disagreed to the Senate substitute to the following bill of the House:

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 478. By Representatives Lawson of the 9th, Thomas of the 69th and Darden of the 20th:

A bill to amend Article 2 of Chapter 8 of Title 17, relating to continuances in criminal cases, so as to provide that, when a case is subject to continuance because the attorney is a member of the General Assembly, the party shall not be required to be present at the call of the case.

Senate Sponsor: Senator Deal of the 49th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Cobb	Harris
Barnes	Dawkins	Harrison
Bond	Deal	Hine
Brannon	English	Holloway
Brantley	Ingram	Howard
Brown of 47th	Foster	Hudgins
Burton	Greene	Huggins

Kennedy	Scott of 43rd	Timmons
Land	Starr	Trulock
Peevy	Stumbaugh	Turner
Perry	Tate	Tysinger
Scott of 2nd	Thompson	Walker
Scott of 36th		

Those not voting were Senators:

Allgood	Dean	Kidd
Bowen	Fincher	Lester
Broun of 46th	Garner	Littlefield
Bryant	Gillis	McGill
Coggin	Hill	McKenzie
Coleman	Horton	Phillips
Coverdell		

On the passage of the bill, the yeas were 37, nays 0.

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

HB 118. By Representatives Lord of the 107th, Cox of the 141st, Barger of the 108th and others:

A bill to amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, the "Georgia Post-mortem Examination Act," so as to require the release of certain dead bodies within a certain time limit in the absence of certain findings.

Senate Sponsor: Senator Brannon of the 51st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Burton	Engram
Barnes	Cobb	Fincher
Bond	Coggin	Foster
Bowen	Coleman	Garner
Brannon	Coverdell	Greene
Brantley	Dawkins	Harris
Broun of 46th	Dean	Hine
Brown of 47th	English	Holloway

Horton	McKenzie	Stumbaugh
Howard	Peevy	Tate
Huddins	Perry	Thompson
Huggins	Phillips	Timmons
Kennedy	Scott of 2nd	Trulock
Kidd	Scott of 36th	Turner
Land	Scott of 43rd	Tysinger
Lester	Starr	Walker
McGill		

Those not voting were Senators:

Allgood	Gillis	Hill
Bryant	Harrison	Littlefield
Deal		

On the passage of the bill, the yeas were 49, nays 0.

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

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

HB 440. By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations and federal savings and loan associations.

Senator Lester of the 23rd moved that the Senate adhere to the Senate substitute to HB 440, and that a Conference Committee be appointed.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to HB 440.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Turner of the 8th, McKenzie of the 14th and Broun of the 46th.

Senator Starr of the 44th moved that the First Conference Committee on the fol-

lowing bill of the House be discharged, and that a Second Conference Committee be appointed;www.libtool.com.cn

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

On the motion, the yeas were 36, nays 1; the motion prevailed, and the First Conference Committee on HB 532 was discharged.

The President appointed as a Second Conference Committee on the part of the Senate the following:

Senators Starr of the 44th, Foster of the 50th and Dean of the 31st.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 91. By Senator Littlefield of the 6th:

A bill to amend Code Section 45-10-20 of the Official Code of Georgia Annotated, relating to unlawful sale of property, goods, or services to the state by state officers and employees, so as to authorize officers and employees under certain conditions to sell to units of the University System of Georgia their services as instructors of evening sports and recreation courses.

The House substitute to SB 91 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 45-10-20 of the Official Code of Georgia Annotated, relating to unlawful sale of property, goods, or services to the state by state officers and employees, so as to authorize officers and employees under certain conditions to sell to units of the University System of Georgia their services as instructors of evening sports and recreation courses; 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 45-10-20 of the Official Code of Georgia Annotated, relating to unlawful sale of property, goods, or services to the state by state officers and employees, is amended by adding a new subsection (f) to read as follows:

“(f) Any full-time appointive state official or employee may be authorized under the procedures specified in subsection (a) of this Code section to sell to a unit of the University System of Georgia services as a teacher or instructor of an evening or night course or program.

Any retiree of the state may be authorized under the procedures specified in subsection (a) of this Code section to sell to a unit of the University System of Georgia services as a teacher or instructor of any course or program. Any compensation received for such service shall not reduce those benefits or entitlements being drawn by the retiree under the State Retirement System, nor shall such service entitle said retiree of the state to become a member of the Teachers Retirement System of Georgia.”

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Littlefield of the 6th moved that the Senate agree to the House substitute to SB 91.

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

Those voting in the affirmative were Senators:

Barker	Fincher	Littlefield
Barnes	Foster	McGill
Bond	Gillis	Peevy
Bowen	Greene	Perry
Brannon	Harris	Phillips
Brantley	Harrison	Scott of 2nd
Broun of 46th	Hill	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coggin	Howard	Tate
Coleman	Hudgins	Thompson
Coverdell	Huggins	Timmons
Dawkins	Kennedy	Trulock
Dean	Kidd	Turner
English	Land	Tysinger
Engram	Lester	Walker

Those not voting were Senators:

Allgood	Deal	McKenzie
Bryant	Garner	

On the motion, the yeas were 51, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 91.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 435. By Representative Cox of the 141st:

A bill to amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, so as to change the provisions relating to delayed registration of birth; to change the provisions relating to permits for disposition.

Senate Sponsor: Senator Trulock of the 10th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Barker	Fincher	McGill
Barnes	Foster	McKenzie
Bond	Garner	Peevy
Bowen	Gillis	Perry
Brannon	Greene	Phillips
Brantley	Harris	Scott of 2nd
Broun of 46th	Hill	Scott of 43rd
Bryant	Hine	Starr
Burton	Holloway	Stumbaugh
Cobb	Horton	Thompson
Coggin	Howard	Timmons
Coleman	Huggins	Trulock
Coverdell	Kennedy	Turner
Dawkins	Kidd	Tysinger
Dean	Land	Walker
English		

Those not voting were Senators:

Brown of 47th	Hudgins	Scott of 36th
Deal	Littlefield	Tate
Harrison		

On the passage of the bill, the yeas were 49, nays 0.

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

The following bill of the Senate was taken up for the purpose of considering the House amendments thereto:

SB 56. By Senators Tysinger of the 41st, McKenzie of the 14th and Foster of the 50th:

A bill to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to require the board to provide injured workers with certain information concerning rights, benefits, and obligations of injured workers under the workers' compensation laws.

The House amendments were as follows:

Amendment No. 1:

Amend SB 56 by striking line 6 of Page 1 and inserting in lieu thereof the following:

"compensation laws; to change the provisions relating to compensation for expenses of a deceased employee's last illness and burial expenses; to repeal conflicting laws; and for other"

By redesignating Section 2 as Section 3 and by adding between lines 21 and 22 of Page 1 a new Section 2 to read as follows:

"Section 2. Said chapter is further amended by striking in its entirety paragraph (1) of subsection (b) of Code Section 34-9-265, relating to compensation for expenses of a deceased employee's last illness and burial expenses, and inserting in lieu thereof a new paragraph (1) to read as follows:

'(1) The employer shall, in addition to any other compensation, pay the reasonable expenses of the employee's last sickness and burial expenses not to exceed \$1,500.00. If the employee leaves no dependents, this shall be the only compensation;'"

Amendment No. 2:

Amend SB 56 by adding after the semicolon on line 21, Page 1, a new sentence to read:

"This Code Section 34-9-81.1 shall become effective January 1, 1984."

Amendment No. 3:

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Said Code Chapter is further amended by adding to Code Section 34-9-2 the following language at the end of Subsection (a) of that Code Section:

; nor to any person performing services as a licensed real estate salesperson or associate broker who has a written contract of employment providing that he or she shall perform all services as an independent contractor.

so that when so amended Code Section 34-9-2 shall read as follows:

(a) This Chapter shall not apply to common carriers, by railroad engaged in intrastate trade or commerce, nor shall this Chapter be construed to lessen the liability of such common carriers or take away or diminish any right that any employee of such common carrier or, in case of his death, the personal representative of such employee may have under the laws of this State; nor shall this Chapter apply to employees whose employment is not in the usual course of trade, business, occupation or profession of the employer or not incidental thereto; nor to farm laborers or domestic servants; nor to employers of such employees; nor to any person, firm or private corporation, including any public service corporation, that has regularly in service less than three employees in the same business within this State, unless such employees and their employers voluntarily elect to be bound; nor to any person performing services as a licensed real estate salesperson or associate broker who has a written contract of employment providing that he or she shall perform all services as an independent contractor.

Senator Tysinger of the 41st moved that the Senate agree to the House amendments to SB 56.

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

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brannon
Brantley
Broun of 46th
Bryant
Burton
Cobb
Coggin
Coleman
Dean
Engram
Fincher

Foster
Garner
Gillis
Greene
Harris
Hill
Hine
Holloway
Howard
Hudgins
Huggins
Kennedy
Kidd
Land
Lester

McGill
McKenzie
Peevy
Perry
Phillips
Scott of 2nd
Scott of 36th
Scott of 43rd
Starr
Stumbaugh
Thompson
Timmons
Trulock
Tysinger
Walker

Those not voting were Senators:

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Brown of 47th
Coverdell
Dawkins
Deal

English
Harrison
Horton

Littlefield
Tate
Turner

On the motion, the yeas were 46, nays 0; the motion prevailed, and the Senate agreed to the House amendments to SB 56.

The following bills of the House were taken up for the purpose of considering the Conference Committee reports thereon:

HB 374. By Representatives Snow of the 1st, Karrh of the 109th, Ginsberg of the 122nd and others:

A bill to provide for legislative intent; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions regarding the General Assembly, so as to define "population bill" and to prohibit the General Assembly from passing any population bill, with certain exceptions.

The Conference Committee report on HB 374 was as follows:

The Conference Committee on HB 374 recommends that the Senate recede from its position and that HB 374 as passed by the House of Representatives be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Floyd Hudgins
Senator, 15th District

/s/ Thomas R. Scott
Senator, 43rd District

/s/ Edward Hine, Jr.
Senator, 52nd District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Bobby Lawson
Representative, 9th District

/s/ Randolph C. Karrh
Representative, 109th District

/s/ Charles A. Thomas, Jr.
Representative, 69th District

Senator Hine of the 52nd moved that the Senate adopt the Conference Committee report on HB 374.

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

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Those voting in the affirmative were Senators:

Allgood	Dean	Kidd
Barker	English	Land
Barnes	Fincher	Lester
Bond	Foster	McGill
Bowen	Garner	McKenzie
Brannon	Gillis	Peevy
Brantley	Greene	Perry
Broun of 46th	Harris	Phillips
Brown of 47th	Hill	Scott of 2nd
Bryant	Hine	Scott of 43rd
Burton	Holloway	Stumbaugh
Cobb	Horton	Tate
Coggin	Howard	Thompson
Coleman	Hudgins	Timmons
Dawkins	Huggins	Trulock
Deal	Kennedy	Tysinger

Those not voting were Senators:

Coverdell	Littlefield	Turner
Engram	Scott of 36th	Walker
Harrison	Starr	

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 374.

Senator Kennedy of the 4th, President Pro Tempore, resumed the Chair.

HB 348. By Representatives Bishop of the 94th, Daugherty of the 33rd, Steinberg of the 46th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978"

The Conference Committee report on HB 348 was as follows:

The Conference Committee on HB 348 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 348 be adopted.

Respectfully submitted,

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FOR THE SENATE:

/s/ Roy E. Barnes
Senator, 33rd District

/s/ Julian Bond
Senator, 39th District

/s/ Albert J. Scott
Senator, 2nd District

**FOR THE HOUSE
OF REPRESENTATIVES:**

/s/ Sanford D. Bishop, Jr.
Representative, 94th District

/s/ Denmark Groover
Representative, 99th District

/s/ Kenneth Waldrop
Representative, 80th District

Conference Committee substitute to HB 348:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978;" to change the definition of public employer and employer; to change the name of the Fair Employment Practices Advisory Board; to change the provisions relating to the membership and officers of the board; to change the provisions relating to the administrator and the administrator's powers and duties; to change certain time periods; to change the provisions relating to practices and procedures; to provide for records; to provide for jurisdiction; to prohibit certain actions; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, is amended by striking Article 2, known as the "Fair Employment Practices Act of 1978," in its entirety and substituting in lieu thereof a new Article 2 to read as follows:

"ARTICLE 2

45-19-20. This article shall be known and may be cited as the 'Fair Employment Practices Act of 1978.'

45-19-21. (a) The general purposes of this article are:

(1) To provide for execution within public employment in the state of the policies embodied in Title VII of the federal Civil Rights Act of 1964 (78 Stat. 241), as amended by the Equal Employment Opportunity Act of 1972 (86 Stat. 103), as from time to time amended, the federal Age Discrimination in Employment Act of 1967 (81 Stat. 602), as from

time to time amended, and the federal Rehabilitation Act of 1973 (87 Stat. 355), as from time to time amended;

(2) To safeguard all individuals in public employment from discrimination in employment;

(3) To promote the elimination of discrimination against all individuals in public employment because of such individuals' race, color, religion, national origin, sex, handicap, or age thereby to promote the protection of their interest in personal dignity and freedom from humiliation; to make available to the state their full productive capacities; to secure the state against domestic strife and unrest which would menace its democratic institutions; to preserve the public safety, health, and general welfare; and to further the interests, rights, and privileges of individuals within the state.

(b) This article shall be broadly construed to further the general purposes stated in this Code section and the special purposes of the particular provisions involved.

(c) Nothing in this article shall be construed as indicating an intent to exclude local or federal laws on the same subject matter, which laws are not inconsistent with this article.

(d) Nothing contained in this article shall be deemed to repeal any other nonconflicting law of this state relating to discrimination because of race, color, religion, national origin, sex, handicap, or age.

45-19-22. As used in this article, the term:

(1) 'Administrator' means the administrator of the Office of Fair Employment Practices provided for by Code Section 45-19-24.

(2) 'Board' means the Fair Employment Practices Board created by Code Section 45-19-23.

(3) 'Discrimination' means any direct or indirect act or practices of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting, coercing, or compelling of such an act or practice. This term shall not include any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of religion if an employer demonstrates that the employer is unable to accommodate reasonably an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's operation.

(4) 'Handicap' means a physical or mental impairment which substantially limits one or more of a person's major life activities, unless an employer demonstrates that the employer is unable to accommodate reasonably to an employee's or prospective employee's handicap without undue hardship on the conduct of the employer's operation.

(5) 'Public employer' or 'employer' means any department, board, bureau, commission, authority, or other agency of the state which employs 15 or more employees within the state for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. A person elected to public office in this state is a public employer with respect to persons holding positions or individuals applying for positions which are subject to the State Merit System of Personnel Administration or any personnel merit system of any agency or authority of this state. A person elected to public office in this state is not a public employer with respect to persons holding positions or individuals applying for positions on such officer's personal staff or on the policy-making level or as immediate advisors with respect to the exercise of the constitutional or legal powers of the office held by such officer. The term 'public employer' shall include the State Merit System of Personnel Administration whether or not such agency is the immediate employer of the party or parties claiming to be aggrieved.

(6) 'Public employment' means employment by any department, board, bureau, commission, authority, or other agency of the State of Georgia.

(7) 'Religion' means all aspects of religious observance and practice as well as belief.

(8) 'Unlawful practice' means an act or practice declared to be an unlawful practice in Code Sections 45-19-29 through 45-19-31, 45-19-32, or 45-19-45.

45-19-23. (a) A Fair Employment Practices Board is created. The board shall consist of nine persons. Subject to confirmation by the Senate, the members of the board shall be appointed by the Governor for three-year terms, except as hereafter provided. Of the Governor's initial appointments, three shall be for one-year terms, three shall be for two-year terms, and three shall be for three-year terms. In the event of a vacancy during the term of any member appointed by the Governor whether by reason of death, resignation, or otherwise, the appointment of a successor by the Governor shall be only for the remainder of the unexpired term. The membership of the board shall be representative of a fair and reasonable cross section of the population of the state and one-third of the members shall have experience in labor or Title VII law enforcement, or other legal human rights experience.

(b) The board shall annually elect a chair and such other officers as it deems appropriate and shall meet at least three times a year at a time and place specified in writing by the administrator. The board may also meet from time to time upon its own motion, as deemed necessary by a majority of the members thereof, for the purposes of conducting routine or special business. Each member of the board shall serve without pay; but the members who are not otherwise state officials or employees shall receive a per diem of \$44.00 for each day said members are engaged in their official duties plus the legal mileage allowance authorized for state employees for the use of their personal automobiles while engaged in the official duties of the board.

(c) The board shall make a written report to the Governor and to the General Assembly by December 31 of each year. Such report shall advise the Governor and the members of the General Assembly of the board's activities and the administration of this article and shall make such recommendation for change, if any, as the board deems proper.

(d) The board shall assist the administrator of the Office of Fair Employment Practices in an advisory capacity in carrying out the duties and functions of the office including but not limited to matters relating to fair employment practices and the effectiveness of the state programs and operations.

(e) The board shall establish and certify to the Governor at the beginning of each fiscal year a list of not less than 12 persons, including females and minorities, licensed to practice law in Georgia, who have experience in labor law, in employment law, or administrative law, from which list the Governor may select, on the basis of rotation in sequential order, special masters as provided for in Code Section 45-19-37. The board may from time to time certify to the Governor additional persons to be added to the aforementioned list.

45-19-24. There is created the Office of Fair Employment Practices. The Governor shall appoint an administrator of the Office of Fair Employment Practices who shall serve at the pleasure of the Governor. The Office of Fair Employment Practices shall be attached to the office of the Governor for administrative purposes only.

45-19-25. The function of the administrator shall be to encourage fair treatment for public employees and to discourage unlawful discrimination in public employment.

45-19-26. The Attorney General shall be the legal adviser for the administrator.

45-19-27. In the enforcement of this article the administrator shall have the following powers and duties:

(1) To maintain an office in the City of Atlanta and such other offices within the state as the administrator may deem necessary;

(2) To meet and exercise the administrator's powers at any place within the state;

(3) Within the limitations provided by law, to appoint clerks and other employees and agents as the administrator may deem necessary, to include employees and agents to represent complainants at special master hearings as provided in Code Section 45-19-37;

(4) To cooperate with individuals and with state, local, and other agencies, both public and private, and to obtain upon request and utilize the services of all governmental departments and agencies;

(5) To cooperate with the United States Equal Employment Opportunity Commission created by Section 705 of the Civil Rights Act of 1964 (78 Stat. 241), as amended, and with other federal and local agen-

cies in order to achieve the purposes of that act; and to cooperate with other federal and local agencies in order to achieve the purposes of this article;

(6) To accept gifts, bequests, grants, or other public or private payments on behalf of the state and to pay such moneys into the state treasury;

(7) To accept on behalf of the state reimbursement pursuant to Section 709 (b) of the Civil Rights Act of 1964 (78 Stat. 241), as amended, for services rendered to assist the United States Equal Employment Opportunity Commission;

(8) To receive, initiate, investigate, seek to conciliate, and make determinations regarding complaints alleging violations of this article and to approve or disapprove plans required by the Governor to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age;

(9) To furnish technical assistance requested by persons subject to this article to further their compliance with this article or an order issued thereunder;

(10) To investigate and make studies, subject to approval by the Governor, of unlawful practices in public employment and, in connection therewith, to hold hearings, to request the attendance of persons to give testimony, to receive for the record at any such hearing written statements, documents, exhibits, and other items pertinent to the subject matter of any such hearing, and, following any such investigation or hearing, to issue such report and recommendations as will in its opinion assist in carrying out the purposes of this article;

(11) To require answers to interrogatories, examine witnesses, and require the production of documents so long as it is relevant to the investigation of a complaint;

(12) To render written reports to the Governor and the General Assembly. The reports may contain recommendations of the administrator for legislative or other action to effectuate the purposes and policies of this article;

(13) To make provision for technical and clerical assistance to the Fair Employment Practices Board;

(14) To adopt, promulgate, amend, and rescind, subject to approval of the board and the Governor and after giving proper notice and hearing to all public employers pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and regulations as may be necessary to carry out the provisions of this article, including regulations requiring the posting or inclusion in advertising material of notices prepared or approved by the administrator and regulations regarding the filing, approval, or disapproval of plans to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age;

(15) To cooperate with other organizations, public and private, to discourage unlawful practices and discrimination in employment;

(16) To maintain with the United States Equal Employment Opportunity Commission status as a 'deferral agency' under Section 706 of the Civil Rights Act of 1964 (78 Stat. 241), as amended, as provided by the rules and regulations of said commission or as a 'referral agency' under Section 709 of the Civil Rights Act of 1964 (78 Stat. 241), as amended; and

(17) To require, pursuant to rules and regulations promulgated by the administrator under the authority of paragraph (14) of this Code section, from any state agency or department such reports and information at such times as it may deem reasonably necessary to carry out the purposes of this article.

45-19-28. The provisions of this article relating to discrimination in employment on the basis of age shall apply only to individuals who are at least 40 years of age but less than 70 years of age.

45-19-29. It is an unlawful practice for an employer:

(1) To fail or refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, national origin, sex, handicap, or age;

(2) To limit, segregate, or classify their employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect an individual's status as an employee because of such individual's race, color, religion, national origin, sex, handicap, or age; or

(3) To hire, promote, advance, segregate, or affirmatively hire an individual solely because of race, color, religion, national origin, sex, handicap, or age, but this paragraph shall not prohibit an employer from voluntarily adopting and carrying out a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age if the plan has first been filed with the administrator for review and comment for a period of not less than 30 days.

45-19-30. It is an unlawful practice for an employer controlling apprenticeship or other training or retraining including on-the-job training programs to discriminate against an individual because of such individual's race, color, religion, national origin, sex, handicap, or age in admission to or employment in any program established to provide apprenticeship or other training or to discriminate by allowing admission or promotion to an apprenticeship or training program solely because of race, color, religion, national origin, sex, handicap, or age.

45-19-31. It is an unlawful practice for an employer to print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer indicating any preference, limitation, specification, or discrimination based on race, color, religion, na-

tional origin, sex, handicap, or age, except that such a notice or advertisement may indicate a preference, limitation, or specification based on race, color, religion, national origin, sex, handicap, or age when religion, national origin, sex, handicap, or age is a bona fide occupational qualification for employment.

45-19-32. It is an unlawful practice for a party to a conciliation agreement made pursuant to subsection (d) of Code Section 45-19-36 to violate the terms of the agreement.

45-19-33. It is not an unlawful practice for an employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, national origin, sex, handicap, or age; nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof is not designed, intended, or used to discriminate because of race, color, religion, national origin, sex, handicap, or age.

45-19-34. It is not an unlawful practice for an employer to hire and employ employees or to select an individual in any training program on the basis of religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal functions of that particular employer's responsibilities.

45-19-35. (a) Quotas because of imbalances in employee ratios shall not be permitted.

(b) Nothing contained in this article requires an employer to grant preferential treatment to an individual or to a group because of the race, color, religion, national origin, sex, handicap, or age of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, national origin, sex, handicap, or age in the state or a community, section, or other area or in the available work force in the state or a community, section, or other area.

(c) It is specifically provided that neither subsection (a) nor (b) of this Code section nor any other provision of this article shall prohibit an employer from adopting or carrying out a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age if such plan is required by the Governor and filed with and approved by the administrator prior to its final adoption and implementation.

(d) Nothing contained in this article prohibits:

(1) Minimum hiring ages otherwise provided by law;

(2) State compliance with federal regulations;

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(3) Termination of the employment of any person who is unable or incompetent or refuses to perform the person's duties;

(4) Any physical or medical examinations of applicants or employees which an employer requires to determine fitness for the job or position sought or held; or

(5) An employer from observing the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan which is not a subterfuge to evade the purpose of this article.

45-19-36. (a) An individual claiming to be aggrieved by an unlawful practice or another person on behalf of an individual claiming to be aggrieved by an unlawful practice may file with the administrator a written, sworn complaint stating that an unlawful practice has been committed setting forth the facts upon which the complaint is based and setting forth facts sufficient to enable the administrator to identify the employer, hereinafter called the respondent, charged. The administrator's staff shall promptly investigate the allegations of unlawful practice set forth in the complaint and within 15 days of filing, shall serve the respondent with a copy of the complaint. The complaint shall be barred unless filed within 180 days after the alleged unlawful practice occurs.

(b) Within 90 days after the complaint has been filed, the administrator shall determine whether there is reasonable cause to believe the respondent has engaged in an unlawful practice. If it is determined that there is no reasonable cause to believe that the respondent has engaged in an unlawful practice, the administrator shall issue an order dismissing the complaint.

(c) Within ten days after receiving a copy of the order dismissing the complaint, the complainant may file with the administrator an application for reconsideration of the order. Upon such application, the administrator shall determine within 15 days whether there is reasonable cause to believe that the respondent has engaged in an unlawful practice. If it is again determined that there is no reasonable cause to believe that the respondent has engaged in an unlawful practice, the administrator shall issue an order dismissing the complaint and notifying the complainant that such complainant has the right to request a right to sue letter from the appropriate federal agency or petition for review in the appropriate superior court as provided for in Code Section 45-19-39.

(d) After investigation or after the review provided for in subsection (c) of this Code section, if the administrator determines that there is reasonable cause to believe that the respondent has engaged in an unlawful practice, then the administrator's staff shall first endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion. The terms of a conciliation agreement reached with a respondent may require the respondent to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the administrator and the respondent. If a conciliation agreement is entered into, the administrator shall issue and

serve on the complainant a final order stating its terms. Except for the terms of the conciliation agreement, neither the administrator nor any agent thereof shall make public without the written consent of the complainant and the respondent information concerning efforts in the particular case to eliminate an unlawful practice by conference, conciliation, or persuasion, whether or not there is a determination of reasonable cause or a conciliation agreement.

(e) In the event the administrator determines that there is reasonable cause to believe that an agency or authority has engaged in an unlawful practice as defined in this article and the administrator's staff is unable to eliminate the alleged unlawful practice by conference, conciliation, and persuasion, the administrator shall refer the complaint to a special master as provided for in Code Section 45-19-37.

(f) At the expiration of one year from the date of a conciliation agreement and at other times in its reasonable discretion, the administrator's staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. The administrator shall report the findings to the complainant and respondent. If the administrator finds reasonable cause to believe that the agreement has been breached, the complainant may seek enforcement of the agreement in the superior court of the county in which the alleged violation took place or in the county of the respondent's residence.

45-19-37. (a) Unless the administrator has issued an order dismissing the complaint or stating the terms of a conciliation agreement within 90 days after a complaint is filed, the administrator shall request that the Governor appoint, from the list provided for by subsection (e) of Code Section 45-19-23, a special master to conduct a hearing in accordance with this article. Not more than 15 working days after such request, the Governor shall select and appoint a special master who must be an attorney licensed to practice law in this state. The special master shall have all of the power and authority granted to agencies in conducting hearings and rendering final orders under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' including but not limited to subpoena power.

(b) Not more than seven days after the appointment of the special master, the administrator shall serve on the respondent and on the complainant or the complainant's attorney by registered or certified mail a written notice together with a copy of the complaint requiring the respondent to answer the charges contained therein at a hearing before the special master at a time and place specified in the notice. Such notice must contain all general and specific charges against the respondent.

(c) The respondent shall serve an answer with the special master by registered or certified mail not more than 20 working days after receipt of the notice of hearing, which 20 working days may be extended by the special master in the special master's discretion for an additional time not to exceed ten working days. The respondent's answer must show by a certificate of service that the respondent has served a copy of the answer on the complainant or the complainant's attorney at the last known address of the complainant or the complainant's attorney where complain-

ant is represented by an attorney. Upon leave of the special master, the complainant may amend the charges contained in the notice of hearing. The respondent may amend an answer at any time prior to the hearing or, upon leave of the special master, may amend thereafter. No final order shall be issued unless the respondent has had the opportunity of a hearing on the charges contained in the notice of hearing or amendment on which the final order is based. If the respondent fails to answer the complaint, the special master may enter the respondent's default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.

(d) At any time after a notice of hearing is served upon a respondent, discovery shall be authorized in the same manner and fashion as discovery is permitted under Code Sections 9-11-26 through 9-11-37. Any order contemplated in Code Sections 9-11-26 through 9-11-37 may be issued by the special master. Judicial enforcement of any such order may be obtained by the complainant or respondent in the same manner as is provided for the enforcement of final orders in Code Section 45-19-40.

(e) A respondent who has filed an answer or whose default in answering has been set aside for good cause shown may appear at the hearing, may examine and cross-examine witnesses and the complainant, and may offer evidence. The complainant and, at the discretion of the special master, any other person may intervene, examine and cross-examine witnesses, and present evidence.

(f) Efforts at conference, conciliation, and persuasion shall not be received in evidence.

(g) Testimony taken at the hearing shall be under oath and shall be stenographically or otherwise recorded by a certified court reporter. After the hearing, the special master at the special master's discretion may take further evidence or hear arguments upon notice to all parties with an opportunity to be present.

(h) Except as otherwise specifically provided for in this article, all proceedings of the special master shall be conducted as provided for with respect to contested cases in Chapter 13 of Title 50.

(i) A complainant may retain at the complainant's own expense private counsel to represent the complainant in the proceeding provided for under this article; however, the complainant may utilize the services of an individual employed by the administrator pursuant to paragraph (3) of Code Section 45-19-27 in presenting the complainant's case before the special master.

45-19-38. (a) If the special master determines that the respondent has not engaged in an unlawful practice, the special master shall state the special master's findings of fact and conclusions of law and shall issue a final order, within 30 days after the hearing unless, for good cause shown, such time is extended by the Governor, dismissing the complaint.

(b) If the special master determines that the respondent has engaged in an unlawful practice, the special master shall state the special master's

findings of fact and conclusions of law and shall issue a final order, within 30 days after the hearing unless, for good cause shown, such time is extended by the Governor, requiring the respondent to cease and desist from the unlawful practice and to take such remedial action as in the judgment of the special master will carry out the purposes of this article.

(c) Remedial action under this Code section may include but is not limited to:

(1) Hiring, reinstatement, or upgrading of employees with or without back pay. No award of back pay shall be ordered pursuant to this article with respect to any period more than two years prior to the date of the filing with the administrator of the complaint with respect to which such award of back pay is ordered. Interim earnings, unemployment benefits, workers' compensation benefits, or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;

(2) Admission or restoration of individuals to participation in the guidance program, apprenticeship training program, on-the-job training program, or other occupational training or retraining program and the utilization of objective criteria in the admission of individuals to such programs;

(3) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;

(4) Reporting as to the manner of compliance;

(5) Posting notices in conspicuous places in the respondent's place of operation in the form prescribed by the administrator or special master; or

(6) Restoration of employment benefits not otherwise specified in this Code section; or

(7) Recommending to the Governor that the respondent be required to adopt and file with the administrator, within a specified time limitation, for the administrator's approval a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance in employment with respect to race, color, handicap, religion, sex, national origin, or age.

(d) Any monetary award ordered pursuant to this article shall be for actual damages only.

(e) The respondent shall comply without delay with the terms and conditions of such a final order.

45-19-39. (a) Any party to a hearing before a special master or a complainant whose complaint has been dismissed by the administrator may appeal any adverse final order of a special master by filing a petition for review in the superior court in the county in which the alleged unlawful practice occurred or in the superior court of the residence of the respondent within 30 days of the issuance of the final order. Neither the administrator nor the special master shall be a named party; however,

the administrator must be served with a copy of the petition for review. Within 30 days after the petition is served on the administrator, the administrator shall forward to the court a certified copy of the record of the hearing before the special master, including the transcript of the hearing before the special master and all evidence, administrative pleadings, and orders, or the entire record if no hearing has been held. For good cause shown, the court may require or permit subsequent corrections or additions to the record. All appeals for judicial review shall be in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; provided, however, that if any provisions of Chapter 13 of Title 50 conflict with any provision of this article, this article controls. An individual employed by the administrator pursuant to paragraph (3) of Code Section 45-19-27 shall not have the authority to represent the complainant in any appeal to superior court of a final order of the special master or in any proceeding in any court, except to secure judicial enforcement of preliminary procedural orders of a special master.

(b) The court shall not substitute its judgment for that of the special master as to the weight of the evidence on question of fact. The court may affirm a final order of the special master or remand the case for further proceedings. The court may reverse or modify the final order if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the agency;
- (3) Made upon unlawful procedures;
- (4) Affected by other error of law;

(5) Not supported by substantial evidence, which shall mean that the record does not contain such relevant evidence as a reasonable mind might accept as adequate to support said findings, inferences, conclusions, or decisions; or

(6) Arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(c) If, upon judicial review of any order of a special master or in a proceeding in which a complainant seeks enforcement of a conciliation agreement, the court rules in favor of the complainant, then the court may in its discretion render an award of reasonable attorney's fees and costs of litigation in the superior court to the complainant.

45-19-40. Any person affected by a final order of the administrator or a special master may file in the superior court of the county of the residence of the respondent a certified copy of a final order of the administrator or of a special master unappealed from or of a final order of a special master affirmed upon appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though the judgment had been rendered in an action duly heard and determined by the court.

45-19-41. The administrator shall have exclusive jurisdiction over any claim of any unlawful practice under this article. A final determination of a claim alleging an unlawful practice under this article shall exclude any other action or proceeding brought by the same person based on the same complaint, except for any remedies which may be available under the United States Constitution and federal laws.

45-19-42. It shall not be a defense to a violation of this article by any person subject to this article that the violation was requested, sought, or otherwise procured by a person not subject to this article.

45-19-43. (a) In connection with an investigation of a complaint of an unlawful practice filed under this article, the administrator or the administrator's designee shall have access at any reasonable time to premises, records, and documents relevant to the complaint and shall have the right to examine, photograph, and copy evidence.

(b) Any person subject to this article shall:

(1) Make and keep such records as may be prescribed by rules and regulations of the administrator which are necessary and relevant to the determination of whether an unlawful practice has been or is being committed; and

(2) Make such reports therefrom as the administrator shall prescribe by rules and regulations which are reasonable, necessary, or appropriate for the enforcement of this article or orders or regulations under this article.

(c) If a person fails to permit access, examination, photographing, or copying or fails to make or keep records or reports as required by this Code section, the administrator may issue an order requiring compliance. Upon a failure to comply with the order of the administrator, the administrator may apply to the superior court for an order directing compliance.

(d) The administrator, by regulation, shall require each person subject to this article who controls an apprenticeship or other training program to keep all records reasonably necessary to carry out the purposes of this article, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received. Such records shall be furnished to the administrator upon the administrator's request. The administrator may also request and receive a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

(e) Records and reports required by the administrator under this Code section shall conform as closely as practicable to similar records and reports required by federal law and to customary record-keeping practices.

(f) An employer or other person who believes that the application to them of an order issued under this article would result in undue hardship may apply to the administrator for relief from the application of the or-

der. If the administrator finds that the application of the regulation or order to the employer or person in question would impose an undue hardship, the administrator may grant appropriate relief.

(g) With respect to a particular employer or person, it is unlawful without the employer's or the person's consent for the administrator or an employee of the administrator to make public information obtained by the administrator or the administrator's employees pursuant to the administrator's authority under this Code section, except such information as shall reasonably be necessary to the conduct of a proceeding under this article.

45-19-44. (a) It shall be an unlawful practice for a person willfully to:

(1) Make public with respect to a particular employer or person without the employer's or person's consent information obtained by the administrator or the administrator's employees pursuant to its authority under Code Section 45-19-41, except as shall reasonably be necessary to carry out the provisions of this article;

(2) Retaliate or discriminate in any manner against a person because the person has opposed a practice declared unlawful by this article or because the person has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing concerning an unlawful practice under this article;

(3) Aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this article;

(4) Obstruct or prevent a person from complying with this article or with any order issued under this article;

(5) Resist, prevent, impede, or interfere with the administrator or any of its representatives, employees, or with a special master in the lawful performance of duty under this article; provided, however, that it shall not be a violation of this article for anyone to challenge or resist any action by the administrator or any of its employees or by a special master when there is a good faith belief that the administrator is, or its employees are, or the special master is acting unlawfully or acting in excess of statutory authority; or

(6) Initiate frivolous and unwarranted charges of discrimination against a public employer.

(b) A violation of this Code section shall not be deemed a crime; but any person who willfully violates this Code section may be punished by a civil fine not to exceed \$1,000.00.

45-19-45. It shall be an unlawful practice for a person or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because the person has opposed a practice declared unlawful by this article or because the person has made a charge, filed a complaint, testified,

assisted, or participated in any manner in any investigation, proceeding, or hearing concerning an unlawful practice under this article;

(2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this article;

(3) To obstruct or prevent a person from complying with this article or any order issued under this article;

(4) To resist, prevent, impede, or interfere with the administrator or any of its employees or a special master in the lawful performance of duty under this article; provided, however, that it shall not be a violation of this article for anyone to challenge or resist any action by the administrator or any of its employees or a special master when there is a good faith belief that the administrator or its employees or a special master is acting unlawfully or acting in excess of their statutory authority; or

(5) To willfully initiate frivolous and unwarranted charges of discrimination against a public employer.

Section 2. All laws and parts of laws in conflict with this Act are repealed.

Senator Barnes of the 33rd moved that the Senate adopt the Conference Committee report on HB 348.

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

Those voting in the affirmative were Senators:

Allgood	Fincher	Lester
Barker	Foster	McGill
Barnes	Garner	McKenzie
Bond	Gillis	Peevy
Brannon	Greene	Perry
Brantley	Harris	Phillips
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Cobb	Holloway	Stumbaugh
Coggin	Horton	Thompson
Coleman	Howard	Timmons
Dawkins	Hudgins	Trulock
Deal	Huggins	Turner
Dean	Kidd	Tysinger
English	Land	Walker

Voting in the negative was Senator Starr.

Those not voting were Senators:

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Bowen
Burton
Coverdell

Engram
Kennedy (presiding)

Littlefield
Tate

On the motion, the yeas were 48, nays 1; the motion prevailed, and the Senate adopted the Conference Committee report on HB 348.

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

HB 138. By Representatives Walker of the 115th, Smyre of the 92nd and Evans of the 84th:

A bill 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 authorize a retired teacher to elect to return to service as a classroom aide or substitute teacher and still receive retirement benefits.

Senator Trulock of the 10th moved that the Senate recede from the Senate amendment to HB 138.

Senator Tate of the 38th moved that the Senate insist upon the Senate amendment to HB 138.

Senator Kennedy of the 4th, President Pro Tempore, who was presiding, stated that the motion offered by Senator Tate of the 38th takes precedence.

On the motion offered by Senator Tate of the 38th, Senator Tate called for the yeas and nays; the call was sustained, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Bond
Bowen
Brown of 47th
Bryant
Cobb
Coggin

Coleman
English
Fincher
Gillis
Harris
Hudgins
Kidd
Land

Lester
McGill
Scott of 2nd
Scott of 36th
Scott of 43rd
Tate
Thompson

Those voting in the negative were Senators:

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Barnes	Greene	Peevy
Brannon	Harrison	Perry
Brantley	Hill	Phillips
Broun of 46th	Hine	Starr
Burton	Holloway	Stumbaugh
Dawkins	Horton	Timmons
Deal	Howard	Trulock
Dean	Huggins	Turner
Foster	McKenzie	Tysinger
Garner		

Those not voting were Senators:

Coverdell	Kennedy (presiding)	Walker
Engram	Littlefield	

On the motion, the yeas were 23, nays 28; the motion was lost, and the Senate did not insist upon the Senate amendment to HB 138.

On the motion offered by Senator Trulock of the 10th, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Foster	Kidd
Bowen	Garner	Land
Brannon	Greene	McGill
Brantley	Harris	McKenzie
Broun of 46th	Harrison	Peevy
Burton	Hill	Perry
Cobb	Hine	Phillips
Dawkins	Holloway	Starr
Deal	Horton	Timmons
Dean	Howard	Trulock
Engram	Hudgins	Turner
Fincher	Huggins	Tysinger

Those voting in the negative were Senators:

Allgood	Coleman	Scott of 36th
Barker	Coverdell	Scott of 43rd
Bond	English	Stumbaugh
Brown of 47th	Gillis	Tate
Bryant	Lester	Thompson
Coggin	Scott of 2nd	

Those not voting were Senators:

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Kennedy (presiding)

Littlefield

Walker

On the motion, the yeas were 36, nays 17; the motion prevailed, and the Senate receded from the Senate amendment to HB 138.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

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

SB 113. By Senator Deal of the 49th:

A bill to amend Code Section 16-10-6 of the Official Code of Georgia Annotated, relating to unlawful acts relative to the sale of personal property to the state or any political subdivision by certain persons, and to amend Code Section 45-10-20 of the Official Code of Georgia Annotated, relating to the prohibition against certain persons from engaging in certain business transactions with the state.

SB 147. By Senators Walker of the 19th, Cobb of the 28th, English of the 21st and others:

A bill to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to authority and procedure for state purchasing, so as to provide for preferential treatment of domestic public works contracts by the state.

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

SB 173. By Senators McGill of the 24th, English of the 21st, Walker of the 19th and Kennedy of the 4th:

A bill to amend Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinary medicine, so as to revise the laws regulating technicians who assist veterinarians; to provide for all related matters; to repeal conflicting laws.

SB 182. By Senator Kidd of the 25th:

A bill to amend Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts, so as to change the minimum annual sala-

ries for clerks of the superior courts; to provide an effective date; to repeal conflicting laws.
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SB 180. By Senator Hudgins of the 15th:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide the juvenile court may make an order requiring a child to pay restitution for damages resulting from delinquent behavior; to provide that a restitution order may remain in force and effect simultaneously with other orders.

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

HB 534. By Representatives Walker of the 85th, Barnes of the 90th, Cheeks of the 89th and Brown of the 88th:

A bill to amend an Act creating the board of commissioners of Richmond County, so as to change the composition of the board and the qualifications for, terms of, and manner of electing members and chairman of the board.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 96. By Senator Coggin of the 35th:

A bill to amend Chapter 12 of Title 47 of the Official Code of Georgia Annotated, relating to district attorneys emeritus, so as to change the provisions relating to practicing law while serving as district attorney emeritus.

The House amendment was as follows:

Amend SB 96 by striking on Page 2, line 11 the words,
“district attorney emeritus salary”

Senator Coggin of the 35th moved that the Senate disagree to the House amendment to SB 96.

On the motion, the yeas were 35, nays 0; the motion prevailed, and the Senate disagreed to the House amendment to SB 96.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 239. By Senators Starr of the 44th, Allgood of the 22nd and Barnes of the 33rd:

A bill to amend Code Section 9-10-91 of the Official Code of Georgia Annotated, relating to grounds for exercise of personal jurisdiction over nonresi-

dents, so as to provide for personal jurisdiction over nonresidents in certain domestic relations cases.

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The House substitute to SB 239 was as follows:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 9-10-91 of the Official Code of Georgia Annotated, relating to grounds for exercise of personal jurisdiction over nonresidents, so as to provide for personal jurisdiction over nonresidents in certain domestic relations cases; 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 9-10-91 of the Official Code of Georgia Annotated, relating to grounds for exercise of personal jurisdiction over nonresidents, is amended by striking said Code section in its entirety and substituting in lieu thereof a new Code Section 9-10-91 to read as follows:

“9-10-91. A court of this state may exercise personal jurisdiction over any nonresident or his executor or administrator, as to a cause of action arising from any of the acts, omissions, ownership, use, or possession enumerated in this Code section, in the same manner as if he were a resident of the state, if in person or through an agent, he:

- (1) Transacts any business within this state;
- (2) Commits a tortious act or omission within this state, except as to a cause of action for defamation of character arising from the act;
- (3) Commits a tortious injury in this state caused by an act or omission outside this state if the tort-feasor regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this state;
- (4) Owns, uses, or possesses any real property situated within this state; or
- (5) With respect to proceedings for alimony, child support, or division of property in connection with an action for divorce or with respect to an independent action for support of dependents, maintains a matrimonial domicile in this state at the time of the commencement of this action or, if the defendant resided in this state preceding the commencement of the action, whether cohabiting during that time or not. This paragraph shall not change the residency requirement for filing an action for divorce.”

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.
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Senator Barnes of the 33rd moved that the Senate agree to the House substitute to SB 239.

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

Those voting in the affirmative were Senators:

Allgood	English	Land
Barnes	Fincher	Lester
Bond	Foster	McGill
Bowen	Garner	Peevy
Brannon	Gillis	Perry
Brantley	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hill	Scott of 43rd
Burton	Hine	Starr
Cobb	Holloway	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Thompson
Dawkins	Hudgins	Trulock
Deal	Huggins	Turner
Dean	Kidd	Tysinger

Those not voting were Senators:

Barker	Kennedy (presiding)	Timmons
Coverdell	Littlefield	Walker
Ingram	McKenzie	

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 239.

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

HB 534. By Representatives Walker of the 85th, Barnes of the 90th, Cheeks of the 89th and Brown of the 88th:

A bill to amend an Act creating the board of commissioners of Richmond County, so as to change the composition of the board and the qualifications for, terms of, and manner of electing members and chairman of the board.

Senator Allgood of the 22nd moved that the Senate insist upon the Senate substitute to HB 534.

On the motion, the yeas were 29, nays 0; the motion prevailed, and the Senate insisted upon the Senate substitute to HB 534.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 184. By Senators Howard of the 42nd, Fincher of the 54th and Kidd of the 25th:

A bill to amend Article 2 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmaceuticals, so as to change qualifications for pharmacist's license; to provide for nuclear pharmacies; to provide a short title.

The House amendment was as follows:

Amend SB 184 by adding between lines 32 and 33 of Page 4 the following:

“(d) Nothing in this part shall be construed to require a department of nuclear medicine which is located in a hospital of 250 beds or less, which has a board certified radiologist in the practice of nuclear medicine, and which is licensed by the department to handle radioactive materials to obtain the services of a nuclear pharmacist or to have a nuclear pharmacy license.”

Senator Howard of the 42nd moved that the Senate agree to the House amendment to SB 184.

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

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barnes	Fincher	Peevy
Bowen	Foster	Perry
Brannon	Garner	Scott of 2nd
Brantley	Gillis	Scott of 36th
Broun of 46th	Greene	Scott of 43rd
Brown of 47th	Harris	Starr
Bryant	Hill	Stumbaugh
Burton	Hine	Tate
Cobb	Holloway	Thompson
Coggin	Horton	Timmons
Coleman	Howard	Trulock
Dawkins	Huggins	Turner
Deal	Kidd	Tysinger
Dean	Lester	

Those not voting were Senators:

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Barker	Harrison	Littlefield
Bond	Hudgins	McKenzie
Coverdell	Kennedy (presiding)	Phillips
Engram	Land	Walker

On the motion, the yeas were 44, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 184.

Senator Kennedy of the 4th, President Pro Tempore, who was presiding, stated that at this time the Senate would consider in open session the appointments submitted by His Excellency, Governor Joe Frank Harris, in a communication to the Senate on March 1, which is included in the Journal of March 1.

Senator Allgood of the 22nd asked unanimous consent that the reading of the appointments be dispensed with since they had been printed and distributed by the Secretary to each Senator and that one roll call suffice on all appointments unless any Senator designated any appointee be deleted from the list and voted on individually. The consent was granted.

No Senator requested the name of any appointee be deleted.

On the confirmation motion, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Fincher	Peevy
Barnes	Foster	Perry
Bowen	Gillis	Phillips
Brannon	Greene	Scott of 2nd
Brantley	Harris	Scott of 36th
Broun of 46th	Hill	Scott of 43rd
Brown of 47th	Hine	Starr
Bryant	Holloway	Stumbaugh
Burton	Horton	Tate
Cobb	Howard	Thompson
Coggin	Huggins	Timmons
Coleman	Kidd	Trulock
Dawkins	Lester	Turner
Deal	Littlefield	Tysinger
Dean		

Those not voting were Senators:

www.libtool.com.cn	Harrison	Land
Bond	Hudgins	McKenzie
Coverdell	Kennedy (presiding)	Walker
Ingram		
Garner		

On the motion, the yeas were 46, nays 0; the motion prevailed, and all of the appointees were confirmed.

On the confirmation of the above appointees, the following communication was sent by the Secretary of the Senate to His Excellency, Governor Joe Frank Harris:

Office of Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334
March 4, 1983

Honorable Joe Frank Harris
Governor
State Capitol
Atlanta, Georgia

Dear Governor:

Under the rules of the Georgia State Senate governing confirmation of appointments submitted by you, I have the honor to report to you as follows:

Nominations sent to the Senate by you on March 1, 1983, were acted upon by the Georgia State Senate in session on March 4, 1983, with the following results:

Honorable William B. Mulherin, M.D., of Clarke County as a member of the Georgia Board of Athletic Trainers, for the term of office beginning August 6, 1982, and ending January 31, 1988. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable T. G. Rogers of Cobb County as a member of the Georgia State Board of Barbers, for the term of office beginning September 17, 1982, and ending December 29, 1984. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

The following named persons as members of the Georgia State Board of Barbers, for terms beginning September 17, 1982, and ending July 25, 1985: Melvin A. Clay of Floyd County; Donald A. Wade of Bacon County. The vote on this confirmation was yeas 46, nays 0, and the nominees were confirmed.

Honorable Hewett M. (Mack) Alden, D.C., of DeKalb County as a member of the Georgia Board of Chiropractic Examiners, for the term of office beginning August 20, 1982, and ending August 20, 1985. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Robert Ressmeyer of Muscogee County as a member of the

Georgia Board of Chiropractic Examiners, for the term of office beginning September 17, 1982, and ending August 20, 1985. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Judy Hanenkrat of Fulton County as a member of the State Construction Industry Licensing Board, for the term of office beginning June 2, 1982, and ending June 30, 1984. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Helen Gnann Byars of DeKalb County as a member of the Board of Human Resources, for the term of office beginning July 14, 1982, and ending April 6, 1985. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Joseph T. Christmas, M.D., of Dooly County as a member of the Council on Maternal and Infant Health, for the term of office beginning August 25, 1982 and ending August 25, 1986. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

The following named persons as members of the Council on Maternal and Infant Health, for terms beginning July 15, 1982, and ending July 1, 1986; Joyce F. Dillon, R.N., Ph.D., of Cobb County; William P. Kanto, Jr., M.D., of DeKalb County; James Stuart Levi, M.D., of Muscogee County; Alva L. Mayes, Jr., M.D., of Bibb County. The vote on this confirmation was yeas 46, nays 0, and the nominees were confirmed.

Honorable Raymond L. Wilkes of Bibb County as a member of the Board of Offender Rehabilitation, for the term of office beginning August 5, 1982, and ending January 25, 1983. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Kirk L. Smick, O.D., of Clayton County as a member of the Georgia State Board of Examiners in Optometry, for the term of office beginning July 13, 1982, and ending September 6, 1983. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Duane Cochran, O.D., of Glynn County as a member of the Georgia State Board of Examiners in Optometry, for the term of office beginning November 18, 1982, and ending September 6, 1984. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

The following named persons as members of the Georgia State Board of Examiners in Optometry, for terms beginning November 18, 1982, and ending September 6, 1985: William H. Shuman of Clarke County; T. Joel Byars, O.D., of DeKalb County. The vote on this confirmation was yeas 46, nays 0, and the nominees were confirmed.

Honorable Anne Morgan Moore of Fulton County as a member of the Georgia State Board of Physical Therapy, for the term of office beginning June 2, 1982, and ending June 30, 1983. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

The following named persons as members of the Board of Examiners for Speech Pathology and Audiology, for terms beginning August 31, 1982, and ending June 24, 1985: Francie L. Ross of Fulton County; Peggy G. Von

Almen of Clarke County. The vote on this confirmation was yeas 46, nays 0, and the nominees were confirmed.

The following named persons as members of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning May 24, 1982, and serving at the pleasure of the Governor: Lithangia E. Robinson of Fulton County; Kyle D. Smith, Jr., of Gordon County. The vote on this confirmation was yeas 46, nays 0, and the nominees were confirmed.

Honorable J. C. Mullis of Clarke County as a member of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning May 24, 1982, and ending June 30, 1984. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Fern B. Patterson of Hall County as a member of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning May 24, 1982, and ending June 30, 1983. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Edward V. Deaton of Muscogee County as a member of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning May 24, 1982, and ending June 30, 1982. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable Edward V. Deaton of Muscogee County as a member of the Board of Trustees of the Teachers' Retirement System of Georgia, for the term of office beginning July 1, 1982, and ending June 30, 1985. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Honorable R. B. Garrett, D.V.M., of Fulton County as a member of the Board of Veterinary Medicine, for the term of office beginning September 17, 1982, and ending September 16, 1987. The vote on this confirmation was yeas 46, nays 0, and the nominee was confirmed.

Sincerely,

/s/ Hamilton McWhorter, Jr.
Secretary of the Senate

The President resumed the Chair.

The following bill of the Senate was taken up for the purpose of considering the House amendments thereto:

SB 173. By Senators McGill of the 24th, English of the 21st, Walker of the 19th and others:

A bill to amend Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinary medicine, so as to revise the laws regulating technicians who assist veterinarians.

The House amendments were as follows:

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Amendment No. 1:

Amend SB 173 by striking from lines 22 and 23 of Page 1 the following:

“a school of veterinary medicine”,

and inserting in lieu thereof the following:

“an approved school of veterinary medicine or veterinary technology”

Amendment No. 2:

Amend SB 173 by striking lines 11 through 20 on Page 3 and substituting in lieu thereof the following:

“(b) Until January 1, 1984, any person who has been at any time licensed as a registered animal technician and has had three years' experience of employment as a registered animal technician shall upon application be licensed as a veterinary technician without examination and without meeting the requirements of subsection (d) of this Code section.”

Amendment No. 3:

Amend SB 173 by adding between lines 20 and 21 of Page 3 the following:

“(c) Any person who immediately prior to the effective date of this Code section was currently licensed as a registered animal technician shall be entitled to be licensed as a veterinary technician and to have such license renewed without examination and without meeting any other requirements of this article.”

Senator McGill of the 24th moved that the Senate agree to the House amendments to SB 173.

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

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Bowen
Brannon
Brantley
Broun of 46th
Brown of 47th

Bryant
Burton
Coggin
Coleman
Dawkins
Deal
Dean
English
Fincher

Foster
Garner
Greene
Harris
Hill
Hine
Horton
Howard
Kennedy

Kidd	Scott of 2nd	Thompson
Lester	Scott of 43rd	Timmons
Littlefield	Starr	Trulock
McGill	Stumbaugh	Turner
Peevy	Tate	Tysinger
Phillips		

Those not voting were Senators:

Cobb	Holloway	McKenzie
Coverdell	Hudgins	Perry
Engram	Huggins	Scott of 36th
Gillis	Land	Walker
Harrison		

On the motion, the yeas were 43, nays 0; the motion prevailed, and the Senate agreed to the House amendments to SB 173.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The Senate substitute has been ruled not germane on the following bill of the House:

HB 360. By Representative Couch of the 40th:

A bill to amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to the legal defense of indigents, so as to provide for a public defender in all counties having a population of 550,000 or more according to the 1980 United States decennial census or any future such census.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 182. By Senator Kidd of the 25th:

A bill to amend Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts, so as to change the minimum annual salaries for clerks of the superior courts; to provide an effective date.

The House amendment was as follows:

Amend SB 182 by striking on line 26 of Page 2 the following:

“16,704.00”,

and inserting in lieu thereof the following:

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“17,204.00”

Senator Kidd of the 25th moved that the Senate agree to the House amendment to SB 182.

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

Those voting in the affirmative were Senators:

Allgood	Deal	Kidd
Barker	English	Lester
Bond	Engram	Littlefield
Bowen	Fincher	McGill
Brannon	Foster	Phillips
Brantley	Gillis	Scott of 36th
Broun of 46th	Greene	Scott of 43rd
Brown of 47th	Harris	Starr
Bryant	Hill	Tate
Burton	Hine	Timmons
Coggin	Holloway	Trulock
Coleman	Horton	Turner
Coverdell	Huggins	Tysinger
Dawkins	Kennedy	Walker

Voting in the negative was Senator Stumbaugh.

Those not voting were Senators:

Barnes	Howard	Peevy (excused)
Cobb	Hudgins	Perry
Dean	Land	Scott of 2nd
Garner	McKenzie	Thompson
Harrison		

On the motion, the yeas were 42, nays 1; the motion prevailed, and the Senate agreed to the House amendment to SB 182.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 147. By Senators Walker of the 19th, Cobb of the 28th, English of the 21st and others:

A bill to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to authority and procedure for state purchasing, so as to provide for preferential treatment of domestic steel products in the awarding of public works contracts by the state and its boards, departments, institutions, and political subdivisions.

The House substitute to SB 147 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to authority and procedure for state purchasing, so as to provide for preferential treatment of domestic steel products in the awarding of public works contracts by the state and its boards, departments, institutions, and political subdivisions; to define certain terms; to provide exceptions; to require compliance by contractors and provide for enforcement; to provide for a termination date; to authorize the Governor, by proclamation, to suspend the foregoing requirements relative to domestic steel if the Governor determines that such requirements have a detrimental effect on the economy of the state or a portion or area of the state; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to authority and procedure for state purchasing, is amended by adding following Code Section 50-5-81 a new Code section, to be designated Code Section 50-5-82, to read as follows:

“50-5-82. (a) As used in this Code section, the term:

(1) ‘Domestic steel products’ means iron and steel products melted and processed in the United States.

(2) ‘Governmental agency’ means the state or any board, department, institution, agency, or other political subdivision of the state.

(3) ‘Public works’ includes roads, highways, streets, bridges, sidewalks, sewage systems, buildings, engineering and architectural works, and any other structure, facility, or improvement constructed or undertaken by a governmental agency.

(4) ‘Steel products’ means materials rolled, formed, cut, shaped, pressed, drawn, extruded, forged, cast, fabricated, or otherwise similarly processed from steel.

(b) (1) Every governmental agency, for every contract and subcontract for the construction, reconstruction, alteration, repair, improvement, or maintenance of any public works in which any steel products are to be supplied in the performance of the contract or subcontract shall, at its option, either: (i) require that only domestic steel products shall be supplied; or (ii) allow the use of non-domestic steel only upon the agency's determination, after the receipt of offers or bids, that the cost of domestic steel products is unreasonable, or that domestic steel products are not produced in sufficient quantities to meet the contract requirements or to provide a competitive bidding environment. This Code section shall not apply to any public works contract awarded in an amount of less than \$50,000.00.

(2) The offered or bid price of domestic steel products is not unreasonable unless it is more than 10 percent higher than the offered or bid price of foreign made steel products.

(3) The agency shall be the judge as to whether domestic supply is adequate to insure a competitive bidding environment.

(c) A governmental agency may not authorize or make any payments to a contractor under a contract which contains or should contain the provision required by this Code section unless the contractor has fully complied with such provision. Prior to payment, the governmental agency shall require sworn certificates of compliance from all contractors, subcontractors, and suppliers whose work involved the supplying of domestic steel products. Payments made by a governmental agency to any contractor not complying with this Code section may be recovered by the agency.

(d) In any contract under this Code section which is eligible to be funded in whole or in part by an agency of the government of the United States in which a condition of eligibility for such funding is compliance with a 'Buy America' requirement imposed by an act of the United States Congress, then such compliance with such federal requirements shall be deemed to be in compliance with this Code section.

(e) This Code section shall be repealed effective December 31, 1988."

Section 2. Said part is further amended by adding following Code Section 50-5-82 a new Code Section 50-5-83 to read as follows:

"50-5-83. Notwithstanding any provisions of Code Section 50-5-82, if the Governor determines that the requirements of said Code section have a detrimental effect on the economy of the state or a portion or area of the state, the Governor may, by proclamation, suspend the requirements of said Code Section 50-5-82. Such proclamation and suspension shall remain effective until repealed by the Governor or until the General Assembly at any regular session thereof convened after the issuance of such proclamation takes action to amend the suspended Code section specifically to supersede and nullify the Governor's proclamation relative thereto."

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Walker of the 19th moved that the Senate agree to the House substitute to SB 147.

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

Those voting in the affirmative were Senators:

Allgood	English	Land
Barker	Engram	Lester
Bond	Fincher	McGill
Bowen	Foster	Peevy
Brannon	Gillis	Phillips
Broun of 46th	Greene	Scott of 2nd
Brown of 47th	Harris	Scott of 43rd
Bryant	Hill	Starr
Burton	Hine	Tate
Coggin	Holloway	Thompson
Coleman	Horton	Trulock
Coverdell	Howard	Turner
Dawkins	Huggins	Tysinger
Deal	Kennedy	Walker
Dean	Kidd	

Voting in the negative were Senators Brantley and Stumbaugh.

Those not voting were Senators:

Barnes	Hudgins	Perry
Cobb	Littlefield	Scott of 36th
Garner	McKenzie	Timmons
Harrison		

On the motion, the yeas were 44, nays 2; the motion prevailed, and the Senate agreed to the House substitute to SB 147.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

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HB 2. By Representatives Walker of the 115th, Evans of the 84th and Karrh of the 109th:

A bill to amend Code Section 48-6-4, relating to real estate transfer tax, so as to provide that an actually recorded instrument shall constitute legal notice if the tax has not been paid.

Senate Sponsor: Senator Hine of the 52nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood	English	McGill
Barker	Engram	McKenzie
Bond	Gillis	Peevy
Bowen	Harris	Perry
Brannon	Hill	Phillips
Broun of 46th	Hine	Scott of 2nd
Brown of 47th	Holloway	Scott of 43rd
Bryant	Horton	Stumbaugh
Burton	Howard	Tate
Cobb	Hudgins	Thompson
Coggin	Huggins	Timmons
Coleman	Kennedy	Trulock
Coverdell	Kidd	Turner
Dawkins	Land	Tysinger
Deal	Lester	Walker

Voting in the negative was Senator Greene.

Those not voting were Senators:

Barnes	Foster	Littlefield
Brantley	Garner	Scott of 36th
Dean	Harrison	Starr
Fincher		

On the passage of the bill, the yeas were 45, nays 1.

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

The following message was received from the House through Mr. Ellard, the Clerk thereof: www.libtool.com.cn

Mr. President:

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

SB 188. By Senator Kidd of the 25th:

A bill to amend Chapter 35 of Title 43 of the Official Code of Georgia Annotated, relating to podiatrists, so as to change the provisions relating to the refusal and revocation of licenses.

SB 193. By Senators Perry of the 7th and Cobb of the 28th:

A bill to amend Code Section 16-13-49 of the Official Code of Georgia Annotated, relating to forfeitures, so as to provide that money and currency which is forfeited or which is realized from the sale or disposition of forfeited property shall be expended or used to defray the cost of complex investigations, to purchase equipment; to provide technical assistance or expertise; to provide matching funds to obtain federal grants.

The following general bill of the House, favorably reported by the committee, was read the third time and put upon its passage:

HB 441. By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Article 7 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to state aid to local systems, so as to authorize a program of grants of state funds to local systems to alleviate financial burdens which may be imposed by alteration of the method of taxation of financial institutions.

Senate Sponsor: Senator Lester of the 23rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Bond
Bowen

Brannon
Brantley
Broun of 46th

Brown of 47th
Bryant
Burton

Coggin	Hill	Peevy
Coleman	Hine	Perry
Coverdell	Horton	Scott of 2nd
Dawkins	Howard	Scott of 43rd
Deal	Hudgins	Starr
Dean	Huggins	Stumbaugh
English	Kennedy	Tate
Engram	Kidd	Thompson
Fincher	Land	Timmons
Foster	Lester	Turner
Gillis	McGill	Tysinger
Greene	McKenzie	Walker
Harris		

Those not voting were Senators:

Barker	Harrison	Phillips
Barnes	Holloway	Scott of 36th
Cobb	Littlefield	Trulock
Garner		

On the passage of the bill, the yeas were 46, nays 0.

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

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

HB 360. By Representative Couch of the 40th:

A bill to amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to the legal defense of indigents, so as to provide for a public defender in all counties having a population of 550,000 or more according to the 1980 United States decennial census or any future such census.

Senator Coverdell of the 40th moved that the Senate insist upon the Senate substitute to HB 360.

On the motion, the yeas were 36, nays 0; the motion prevailed, and the Senate insisted upon the Senate substitute to HB 360.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 180. By Senator Hudgins of the 15th:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide that the juvenile court may make an order requiring a child to pay restitution for damages resulting from delinquent behavior; to provide that a restitution order may remain in force and effect simultaneously with other orders.

The House amendment was as follows:

Amend SB 180 by striking from Section 2 on line 24 of Page 4 the word "officer" and inserting in lieu thereof the word "employee"

Senator Hudgins of the 15th moved that the Senate agree to the House amendment to SB 180.

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

Those voting in the affirmative were Senators:

Allgood	Engram	Lester
Bond	Fincher	McGill
Bowen	Foster	McKenzie
Brannon	Gillis	Peevy
Brantley	Harris	Perry
Broun of 46th	Harrison	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Coggin	Horton	Stumbaugh
Coleman	Howard	Tate
Coverdell	Hudgins	Thompson
Dawkins	Huggins	Timmons
Deal	Kennedy	Turner
Dean	Kidd	Tysinger
English	Land	Walker

Those not voting were Senators:

Barker	Garner	Phillips
Barnes	Greene	Trulock
Cobb	Littlefield	

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 180.

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 171. By Representatives McDonald of the 12th, Lambert of the 66th, Jackson, Lawson and Wood of the 9th and Argo of the 68th:

A bill to amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, so as to provide for licensing and regulation of farm wineries and sales by farm wineries.

The Conference Committee report on HB 171 was as follows:

The Conference Committee on HB 171 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 171 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ J. Nathan Deal
Senator, 49th District

/s/ John C. Foster
Senator, 50th District

/s/ W. F. Harris
Senator, 27th District

**FOR THE HOUSE
OF REPRESENTATIVES:**

/s/ Jerry D. Jackson
Representative, 9th District

/s/ Lauren McDonald, Jr.
Representative, 12th District

/s/ Thomas B. Buck
Representative, 95th District

Conference Committee substitute to HB 171:

**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 provide for licensing and regulation of farm wineries and sales by farm wineries; to exempt from taxation certain wine sold outside the state; to provide for all 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 6 of Title 3 of the Official Code of Georgia Anno-

tated, relating to wine, is amended by striking Code Section 3-6-21.1 and inserting in its place a new Code section to read as follows:

“3-6-21.1.

(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.

(2) ‘Tasting room’ means an outlet for the promotion of a farm winery’s wine by providing complimentary samples of such wine to the public and for the sale of such wine at retail.

(b) The commissioner may authorize any licensee which is a farm winery to sell its wine at retail 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 to sell its wine at retail in tasting rooms at five additional locations in the state but only if the annual production of wine by the farm winery is made in Georgia from at least 40 percent of Georgia grown agricultural products or was manufactured during calendar year 1981, 1982, or 1983 outside Georgia from 100 percent Georgia grown fruits, berries, or grapes.

(c) (1) Except as provided in paragraph (2) of this subsection, the commissioner may authorize any licensee which is a farm winery to sell its wine at wholesale within the state but only if the annual production of wine by the farm winery is made in Georgia from at least 40 percent of Georgia grown agricultural products or was manufactured during calendar year 1981, 1982, or 1983 outside Georgia from 100 percent Georgia grown fruits, berries, or grapes and only if the annual production of wine by the farm winery in Georgia does not exceed 24,000 gallons per annum.

(2) The commissioner shall not authorize any licensed farm winery to sell its wine at wholesale as provided in paragraph (1) of this subsection unless such licensed farm winery shall have first offered its products for sale at a fair market wholesale price to a licensed Georgia wholesaler. If such wholesaler does not accept the farm winery’s product within 30 days of such offer, the provisions of paragraph (1) of this subsection shall apply.

(d) A farm winery licensee shall also be authorized to sell, deliver, or ship its wine in bulk, in accordance with regulations of the commissioner, to other farm winery licensees inside the state and shall be authorized to acquire and receive deliveries and shipments of wine made by farm winery licensees inside the state.

(e) The annual license tax for each license issued pursuant to this Code section shall be \$50.00.

(f) The surety bond required as a condition upon issuance of a li-

cense pursuant to this Code section shall be the same as that required pursuant to Code Section 3-6-21 with respect to wineries.

(g) Wines sold at retail by a manufacturer as provided in subsection (b) of this Code section shall have levied thereon an excise tax as prescribed by Code Section 3-6-50, and such tax shall be reported and remitted to the commissioner as provided in Code Section 3-2-6."

Section 2. Said chapter is further amended by striking Code Section 3-6-70 and inserting in its place a new Code section to read as follows:

"3-6-70. The taxes imposed by this article shall not be levied with respect to:

(1) Wine sold to and used by established and recognized churches and synagogues for use in sacramental services only;

(2) Any sale of wine which is exempt from taxation by the state under the Constitution of the United States; or

(3) Wine sold to persons outside this state for resale or consumption outside this state."

Section 3. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 4. All laws and parts of laws in conflict with this Act are repealed.

Senator Deal of the 49th moved that the Senate adopt the Conference Committee report on HB 171.

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

Those voting in the affirmative were Senators:

Allgood	Dean	Huggins
Barker	English	Kennedy
Bond	Engram	Kidd
Bowen	Fincher	Land
Brannon	Foster	Lester
Brantley	Garner	Littlefield
Broun of 46th	Gillis	McGill
Brown of 47th	Greene	McKenzie
Bryant	Harris	Peevy
Cobb	Harrison	Phillips
Coggin	Hill	Scott of 2nd
Coleman	Hine	Scott of 43rd
Coverdell	Horton	Starr
Dawkins	Howard	Stumbaugh
Deal	Hudgins	Tate

Trulock
Turner

Tysinger

Walker

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Voting in the negative were Senators Burton and Thompson.

Those not voting were Senators:

Barnes
Holloway

Perry
Scott of 36th

Timmons

On the motion, the yeas were 49, nays 2; the motion prevailed, and the Senate adopted the Conference Committee report on HB 171.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 328. By Representative Ross of the 82nd:

A bill to amend an Act creating the Toombs Circuit and providing the days for holding sessions of court in each county, so as to change the terms for which the grand jury of the superior court of Lincoln County may be convened.

Senate Sponsor: Senator McGill of the 24th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Allgood
Barker
Barnes
Bond
Brannon
Brantley
Broun of 46th
Brown of 47th
Bryant
Burton
Cobb
Coggin
Coleman
Coverdell
Dawkins

Deal
Dean
English
Engram
Fincher
Foster
Gillis
Greene
Harris
Harrison
Hill
Hine
Horton
Howard
Hudgins

Huggins
Kidd
Land
Lester
Littlefield
McGill
McKenzie
Peevy
Perry
Phillips
Scott of 2nd
Scott of 36th
Scott of 43rd
Starr
Tate

Thompson
Timmons

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Turner
Tysinger

Walker

Those not voting were Senators:

Bowen
Garner

Holloway
Kennedy

Stumbaugh
Trulock

On the passage of the bill, the yeas were 50, nays 0.

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

HB 541. By Representative Reaves of the 147th:

A bill to amend Code Section 2-1-4 of the Official Code of Georgia Annotated, relating to required anti-syphon devices for irrigation systems, so as to specify which irrigation systems are required to have such devices.

Senate Sponsor: Senator McGill of the 24th.

Senator Trulock of the 10th moved that HB 541 be committed to the Senate Committee on Agriculture.

On the motion, the yeas were 32, nays 1; the motion prevailed, and HB 541 was committed to the Senate Committee on Agriculture.

The following general resolution of the House, favorably reported by the committee, was read the third time and put upon its adoption:

HR 156. By Representatives Adams of the 16th, Ross of the 82nd, Phillips of the 93rd and others:

A resolution creating the Blue Ribbon Committee on School Climate.

Senate Sponsor: Senator Hudgins of the 15th.

The Senate Committee on Education offered the following amendment:

Amend HR 156 by striking on line 3 of Page 2 the following:

“15”,

and inserting in lieu thereof the following:

“16”

By striking from line 30 of Page 2 after the semicolon the following:

“and”

By striking the period on line 3 of Page 3 and inserting in lieu thereof the following:

“; and”

By adding between lines 3 and 4 of Page 3 the following:

“(14) One representative of the PTA, which may be the President or his or her designee.”

By striking line 4 of Page 3 and inserting in lieu thereof the following:

“The Speaker of the House of Representatives shall designate the Chairman of the committee. The committee shall undertake a study of the”

Senator Hudgins of the 15th offered the following amendment:

Amend HR 156 by striking on Page 3, line 15 the following:

“General Assembly”

and inserting in lieu thereof:

“Senate Research Office”

Senator Hudgins of the 15th moved that HR 156 be committed to the Senate Committee on Education.

On the motion, the yeas were 33, nays 0; the motion prevailed, and HR 156 was committed to the Senate Committee on Education.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

SB 188. By Senator Kidd of the 25th:

A bill to amend Chapter 35 of Title 43 of the Official Code of Georgia Annotated, relating to podiatrists, so as to change the provisions relating to the refusal and revocation of licenses.

The House amendment was as follows:

Amend SB 188 by striking in its entirety paragraph (2), beginning on line 6 of Page 10 and continuing through line 11, which reads as follows:

“(2) The results of all investigations shall be reported solely to the board, and the records of such investigations shall be kept by the board. No part of any such record shall be released for any purpose other than a hearing before the board nor shall such records be subject to subpoena.”,

and inserting in lieu thereof a new paragraph (2) to read as follows:

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“(2) The results of all investigations initiated by the board shall be reported solely to the board, and the records of such investigations shall be kept for the board by the joint-secretary with the board retaining the right to have access at any time to such records.”

Senator Kidd of the 25th moved that the Senate agree to the House amendment to SB 188.

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

Those voting in the affirmative were Senators:

Allgood	English	Land
Barker	Engram	Lester
Barnes	Fincher	McGill
Bond	Foster	McKenzie
Bowen	Garner	Peevy
Brannon	Gillis	Perry
Brantley	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 43rd
Bryant	Hill	Starr
Burton	Hine	Stambaugh
Cobb	Holloway	Tate
Coggin	Horton	Timmons
Coleman	Howard	Trulock
Coverdell	Hudgins	Turner
Dawkins	Huggins	Tysinger
Deal	Kennedy	Walker
Dean	Kidd	

Those not voting were Senators:

Littlefield

Scott of 36th

Thompson

On the motion, the yeas were 53, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 188.

The following message was received from the House through Mr. Ellard, the Clerk thereof: www.libtool.com.cn

Mr. President:

The House has agreed to the Senate substitute, as amended by the House, to the following bill of the House:

HB 606. By Representatives Lee of the 72nd, Murphy of the 18th, Burruss of the 20th and others:

A bill to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, generally, so as to prohibit certain conduct by public officials and public employees; to provide for a code of ethics for public servants.

The House has appointed a 2nd Committee of Conference on the following bill of the House:

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

The Speaker has appointed on the part of the House:

Representatives Sizemore of the 136th, Ross of the 82nd and Phillips of the 93rd.

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

HB 845. Representative Colbert of the 23rd:

A bill to amend an Act reincorporating the City of Mountain Park and creating a new charter for said city, so as to change the name of the mayor's court and to provide for the appointment of a judge of said court.

The following bill of the Senate was taken up for the purpose of considering the House amendment thereto:

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SB 193. By Senators Perry of the 7th and Cobb of the 28th:

A bill to amend Code Section 16-13-49 of the Official Code of Georgia Annotated, relating to forfeitures, so as to provide that money and currency which is forfeited or which is realized from the sale or disposition of forfeited property shall be expended or used to defray the cost of complex investigations, to purchase equipment; to provide technical assistance or expertise; to provide matching funds to obtain federal grants.

The House amendment was as follows:

Amend SB 193 by striking from lines 23 and 24 of Page 1 and line 20 of Page 2 the following:

“court costs”,

and inserting in lieu thereof the following:

“all costs of court”,

and by striking line 32 of Page 2 which reads as follows:

“the amount of such money and currency expended for”,

and inserting in lieu thereof the following:

“the amount of all such money and currency expended for such”

Senator Perry of the 7th moved that the Senate agree to the House amendment to SB 193.

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

Those voting in the affirmative were Senators:

Allgood	Coverdell	Holloway
Barker	Dawkins	Horton
Barnes	Deal	Howard
Bond	Dean	Hudgins
Bowen	English	Huggins
Brannon	Engram	Kennedy
Brantley	Fincher	Kidd
Brown of 47th	Foster	Land
Bryant	Gillis	Lester
Burton	Greene	McGill
Cobb	Harris	McKenzie
Coggin	Hill	Peavy
Coleman	Hine	Perry

Phillips
 Scott of 2nd
 Scott of 43rd
 Starr

Stumbaugh
 Tate
 Thompson
 Timmons

Trulock
 Turner
 Tysinger
 Walker

Those not voting were Senators:

Broun of 46th
 Garner

Harrison
 Littlefield

Scott of 36th

On the motion, the yeas were 51, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 193.

The following bill of the Senate was taken up for the purpose of considering the House substitute thereto:

SB 113. By Senator Deal of the 49th:

A bill to amend Code Section 16-10-6 of the Official Code of Georgia Annotated, relating to unlawful acts relative to the sale of personal property to the state or any political subdivision by certain persons, and to amend Code Section 45-10-20 of the Official Code of Georgia Annotated, relating to the prohibition against certain persons from engaging in certain business transactions with the state.

The House substitute to SB 113 was as follows:

A BILL TO BE ENTITLED AN ACT

To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to provide for the method of fixing the compensation of certain public officials; to authorize certain public officials and employees, under certain circumstances and procedures, to engage in certain business transactions with the state and to receive compensation therefor; to provide for such circumstances and procedures; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by striking paragraphs (8), (10), (16), and (17) of subsection (a) of Code Section 45-7-4, relating to annual salaries of certain state officials, in their entirety and inserting in lieu thereof the following:

“(8) Commissioner of offender
 rehabilitation

49,900.00

(10) Each member of the Board of Pardons and Paroles	46,900.00
(16) Commissioner of banking and finance .	49,900.00
(17) Commissioner of administrative services	49,900.00''

Section 2. Said title is further amended by adding at the end of Part 2 of Article 2 of Chapter 10 a new Code Section 45-10-42 to read as follows:

“45-10-42. Notwithstanding any other provision of Part 1 of this article or any other provision of this Code, public officers and employees who are reporters for the State Board of Workers' Compensation may, for themselves or on behalf of any business entity, when providing transcripts of records to parties under subsection (g) of Code Section 34-9-102, sell such transcripts to any agency of the state and receive compensation therefor.”

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Barnes of the 33rd moved that the Senate agree to the House substitute to SB 113.

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

Those voting in the affirmative were Senators:

Allgood	Fincher	McKenzie
Barnes	Garner	Peevy
Brannon	Gillis	Phillips
Brantley	Greene	Scott of 2nd
Broun of 46th	Harris	Scott of 36th
Brown of 47th	Harrison	Scott of 43rd
Bryant	Hill	Starr
Cobb	Hine	Tate
Coggin	Holloway	Thompson
Coleman	Hudgins	Timmons
Coverdell	Huggins	Trulock
Deal	Kennedy	Turner
Dean	Kidd	Tysinger
English	Lester	Walker
Engram	McGill	

Those voting in the negative were Senators:

Barker	Foster	Perry
Bond	Horton	Stumbaugh
Burton	Land	

Those not voting were Senators:

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Bowen
Dawkins

Howard

Littlefield

On the motion, the yeas were 44, nays 8; the motion prevailed, and the Senate agreed to the House substitute to SB 113.

The following bill of the House was taken up for the purpose of considering the House amendment to the Senate substitute thereto:

HB 606. By Representatives Lee of the 72nd, Murphy of the 18th, Burruss of the 20th and others:

A bill to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, generally, so as to prohibit certain conduct by public officials and public employees; to provide a code of ethics for public servants.

The House amendment was as follows:

Amend the Senate substitute to HB 606 as follows:

By deleting the period on Page 16, line 31 and adding thereafter the following:

“, except for transactions provided for in Subsection 45-10-24(b)(2).”

Senator Barnes of the 33rd moved that the Senate agree to the House amendment to the Senate substitute to HB 606.

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

Those voting in the affirmative were Senators:

Allgood
Barnes
Bond
Brannon
Brantley
Broun of 46th
Brown of 47th
Bryant
Cobb
Coggin

Coleman
Dawkins
Deal
Dean
English
Fincher
Foster
Garner
Gillis
Greene

Harris
Harrison
Hill
Hine
Holloway
Hudgins
Huggins
Kennedy
Kidd
Lester

Littlefield	Scott of 2nd	Thompson
McGill	Scott of 36th	Timmons
McKenzie	Scott of 43rd	Trulock
Peevy	Starr	Turner
Perry	Tate	Walker
Phillips		

Those voting in the negative were Senators:

Barker	Horton	Tysinger
Burton	Land	

Those not voting were Senators:

Bowen	Engram	Stumbaugh
Coverdell	Howard	

On the motion, the yeas were 46, nays 5; the motion prevailed, and the Senate agreed to the House amendment to the Senate substitute to HB 606.

The following bill of the House was read the first time and referred to committee:

HB 845. By Representative Colbert of the 23rd:

A bill to amend an Act reincorporating the City of Mountain Park and creating a new charter for said city, so as to change the name of the mayor's court and to provide for the appointment of a judge of said court.

Referred to Committee on Federal, State and Community Affairs.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House insists on its position in disagreeing to the Senate substitute and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following bill of the House:

HB 534. By Representatives Walker of the 85th, Barnes of the 90th, Cheeks of the 89th and Brown of the 88th:

A bill to amend an Act creating the board of commissioners of Richmond County, so as to change the composition of the board and the qualifications for, terms of, and manner of electing members and chairman of the board.

The Speaker has appointed on the part of the House:

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Representatives Connell of the 87th, Brown of the 88th and Cheeks of the 89th.

The following local bill of the House was taken up for the purpose of considering the House action thereon:

HB 534. By Representatives Walker of the 85th, Barnes of the 90th, Cheeks of the 89th and Brown of the 88th:

A bill to amend an Act creating the board of commissioners of Richmond County, so as to change the composition of the board and the qualifications for, terms of, and manner of electing members and chairman of the board.

Senator Allgood of the 22nd moved that the Senate adhere to the Senate substitute to HB 534, and that a Conference Committee be appointed.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate adhered to the Senate substitute to HB 534.

The President appointed as a Conference Committee on the part of the Senate the following:

Senators Allgood of the 22nd, Lester of the 23rd and English of the 21st.

The following resolution of the Senate was read and adopted:

SR 260. By Senator Garner of the 30th:

A resolution commending Mr. Rick Camp of the Atlanta Braves.

SUPPLEMENTAL RULES CALENDAR

Friday, March 4, 1983

FORTIETH LEGISLATIVE DAY

HB 236 One Spouse Head of Family—no longer presume (J&CL—48th)

HB 368 County Boards of Equalization—alternate method of selecting (FS&CA-G—10th)

HB 497 Stolen Motor Vehicle License Plates—reporting (Pub Saf—44th)

The following general bill of the House, having been read the third time and lost and reconsidered previously today, was put upon its passage:

HB 236. By Representatives Richardson of the 52nd, Galer of the 97th, Steinberg of the 46th and others:

A bill to amend Code Section 19-3-8 of the Official Code of Georgia Annotated, relating to the husband being the head of the family, so as no longer to presume one spouse to be head of the family, no longer to have one person subject to that person's spouse, and no longer to have one person's legal civil existence merged into that person's spouse.

Senate Sponsor: Senator Peevy of the 48th.

Senator Brannon of the 51st moved that HB 236 be placed on the Table.

Senator Peevy of the 48th moved the previous question.

The President stated that the motion offered by Senator Brannon of the 51st to table HB 236 takes precedence.

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

Those voting in the affirmative were Senators:

Allgood	Gillis	McGill
Brannon	Harris	Perry
Bryant	Hill	Phillips
Burton	Huggins	Starr
Cobb	Kennedy	Thompson
Fincher	Land	Timmons
Garner	Lester	

Those voting in the negative were Senators:

Barker	Dean	Littlefield
Barnes	English	McKenzie
Bond	Engram	Peevy
Bowen	Foster	Scott of 2nd
Brantley	Greene	Scott of 36th
Broun of 46th	Harrison	Scott of 43rd
Brown of 47th	Hine	Stumbaugh
Coggin	Holloway	Tate
Coleman	Horton	Trulock
Coverdell	Howard	Turner
Dawkins	Hudgins	Tysinger
Deal	Kidd	Walker

On the motion, the yeas were 20, nays 36; the motion was lost, and HB 236 was not tabled.

On the motion offered by Senator Peevy of the 48th, the yeas were 41, nays 0; the motion prevailed, and the previous question was ordered.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Engram	Land
Barnes	Foster	Littlefield
Bond	Garner	McKenzie
Bowen	Gillis	Peevy
Brantley	Greene	Scott of 2nd
Broun of 46th	Harrison	Scott of 36th
Brown of 47th	Hine	Scott of 43rd
Coggin	Holloway	Stumbaugh
Coleman	Horton	Tate
Coverdell	Howard	Trulock
Dawkins	Hudgins	Turner
Deal	Kennedy	Tysinger
Dean	Kidd	Walker
English		

Those voting in the negative were Senators:

Allgood	Harris	Perry
Brannon	Hill	Phillips
Bryant	Huggins	Starr
Burton	Lester	Thompson
Cobb	McGill	Timmons
Fincher		

On the passage of the bill, the yeas were 40, nays 16.

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

The following resolution of the Senate was read and put upon its adoption:

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SR 261. By Senators Kennedy of the 4th and Allgood of the 22nd:

A resolution relative to adjournment by the General Assembly sine die at 7:45 o'clock P.M. on March 4, 1983.

On the adoption of the resolution, the yeas were 34, nays 1.

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

The following bills of the Senate and House were taken up for the purpose of considering the Conference Committee reports thereon:

SB 81. By Senator Coverdell of the 40th:

A bill to amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system shall have the right to remain members of local retirement systems.

The Conference Committee report on SB 81 was as follows:

The Conference Committee on SB 81 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to SB 81 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Paul D. Coverdell
Senator, 40th District

Beverly Engram
Senator, 34th District

/s/ Pierre Howard
Senator, 42nd District

FOR THE HOUSE
OF REPRESENTATIVES:

Tyrone Brooks
Representative, 34th District

/s/ Rudolph Johnson
Representative, 72nd District

/s/ Cathey W. Steinberg
Representative, 46th District

Conference Committee substitute to SB 81:

A BILL TO BE ENTITLED
AN ACT

To amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of

the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system shall have the right to remain members of local retirement systems under certain conditions; to define the term "local retirement system"; to provide that such employees may become members of the Employees' Retirement System of Georgia and may transfer certain service as an employee of a county probation system to the Employees' Retirement System of Georgia under certain conditions; to provide that the employees of certain county probation systems which become a part of the state-wide system shall have the additional option of retiring under a local retirement system if qualified to retire under such system; to provide that certain employees of certain county probation systems shall remain members of a local retirement system and shall not have the option to become members of the Employees' Retirement System of Georgia; to authorize certain counties to supplement the state salaries paid to certain employees who become employees of the Department of Offender Rehabilitation; to provide for control over conflicting laws or ordinances; to provide procedures, requirements, and other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, is amended by adding at the end of said Part 9 a new Code Section 47-2-296 to read as follows:

"47-2-296. (a) As used in this Code section, the term 'local retirement system' means a retirement or pension system maintained by a county which includes as members thereof employees of the county probation system which becomes a part of the state-wide probation system, and the term includes any such retirement or pension created by law or created by ordinance or resolution of the county under the home rule provisions of the Constitution of Georgia.

(b) Any person becoming an employee of the state at any time on or after July 1, 1984, as a result of being employed by a county probation system which became a part of the state-wide probation system administered by the Department of Offender Rehabilitation shall have the options and rights provided for by this Code section, subject to the limitations of subsection (f) of this Code section. The options available to any such employee under this Code section must be exercised within six months after the date the applicable county probation system became a part of the state-wide probation system. The option provided by subsection (e) of this Code section must be exercised on or before the date the county probation system becomes a part of the state-wide probation system. Any such option shall be exercised by such employee notifying, in writing, the Board of Trustees of the Employees' Retirement System of Georgia, the commissioner of offender rehabilitation, the governing authority of the applicable county, and, when applicable, the board of trustees or other managing body of any local retirement system of which the employee is a member. If the employee is a member of a local retirement system, such membership shall continue pending the exercise of an option

provided by this Code section. The choice made by an employee in selecting an option provided by this Code section shall be irrevocable and may not at any time thereafter be rescinded or modified.

(c) If an employee subject to this Code section was a member of a local retirement system at the time the applicable county probation system became a part of the state-wide probation system, such employee, subject to the limitations of subsection (f) of this Code section, may either continue active membership in the local retirement system as provided in this subsection or become a member of the Employees' Retirement System of Georgia and transfer creditable service as an employee of the local retirement system to the Employees' Retirement System of Georgia as provided in subsection (d) of this Code section. Such employees who are subject to the provisions of subsection (e) of this Code section shall have the additional option to retire under the local retirement system, if qualified therefor, as provided in said subsection (e). An employee electing to continue membership in a local retirement system shall have the right to continue such membership and the salary received by such employee as an employee of the Department of Offender Rehabilitation or other state department shall be the salary of such employee for all purposes under the local retirement system. If applicable to any such employee, any county supplement to the state salary of such employee shall be included as salary for the purposes of a local retirement system in which such employee continues membership. Such employee shall continue to pay the employee contributions required under the local retirement system; and, for such purposes, the Department of Offender Rehabilitation or other state department if the employee subsequently becomes employed by another department of the state government may enter into an agreement with the board of trustees or other managing body of the local retirement system whereby the department may deduct such employee contributions from the compensation of the employee and pay the amount deducted to the local retirement system. Employer contributions for continued membership in the local retirement system shall be computed at the same percentage rate applicable to all other state employees and shall be paid by the Department of Offender Rehabilitation or by another state department when applicable to the local retirement system. An employee continuing membership under a local retirement system under this subsection shall retain all rights, benefits, and privileges under the local retirement system in the same manner and to the same extent as if the employee remained an employee of the county. An employee electing to continue membership in a local retirement system shall not be and may not become a member of the Employees' Retirement System of Georgia.

(d) An employee who was a member of a local retirement system as provided in subsection (c) of this Code section may elect to become a member of the Employees' Retirement System of Georgia, except as otherwise provided by subsection (f) of this Code section. Any such employee so electing may obtain creditable service under the Employees' Retirement System of Georgia for all accredited service previously rendered as an employee of the applicable local retirement system. For each employee so electing, the governing authority of the applicable county or the board of trustees or other managing body of the applicable local re-

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tirement system, within 30 days after receiving the notice provided for in subsection (b) of this Code section, shall pay to the Board of Trustees of the Employees' Retirement System of Georgia a portion of the total employee contributions plus interest made by the employee to the local retirement system. This payment shall be equal to the employee contribution plus interest which would have been accumulated had the employee always been covered by the Employees' Retirement System of Georgia. Any additional amount, as determined by the Board of Trustees of the Employees' Retirement System of Georgia, shall be paid by the local retirement system to a maximum of prior county contributions plus interest. Any further additional sum required will be paid by the local governing authority. These two sums together with the contributions of transferring employees plus interest shall be sufficient to grant the creditable service under the Employees' Retirement System of Georgia authorized by this subsection without creating any accrued liability, as a result of granting such creditable service, against the Employees' Retirement System of Georgia. The employee contributions paid to the board of trustees under this subsection shall be deposited by the board into the annuity savings fund as a credit to the member. Other funds paid to the board of trustees under this subsection shall be deposited by the board into the pension accumulation fund. Upon receiving the payments provided for by this subsection, the board of trustees shall enter the creditable service provided for by this subsection upon the records of the member. The employee contributions in an amount exceeding those necessary to cover the period of creditable service as a state employee under the Employees' Retirement System of Georgia shall be refunded to the employee upon application to the board of trustees of the local retirement system.

(e) This subsection shall not apply to the employees of a county probation system of any county of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census. The employees of other county probation systems subject to the provisions of this Code section who were members of a local retirement system shall have the additional option of retiring under the local retirement system if such employees have sufficient creditable service under the local retirement system to qualify for retirement benefits. Such option may be exercised by any such employee making application for retirement to the board of trustees or other managing body of the local retirement system. Any such employee electing to retire under a local retirement system shall not be eligible to transfer any creditable service under the local retirement system to the Employees' Retirement System of Georgia and, if the employee accepts employment as an employee of the Department of Offender Rehabilitation, shall become a member of the Employees' Retirement System of Georgia at the time the county probation system becomes a part of the state-wide probation system.

(f) This subsection shall apply only to employees of a county probation system of a county having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census. The employees of any such county probation system who were

members of a local retirement system and who have ten or more years of creditable service under the local retirement system at the time the county probation system becomes a part of the state-wide probation system shall not have the option to become members of the Employees' Retirement System of Georgia, and such employees shall continue active membership in the local retirement system. The provisions of subsection (c) of this Code section shall apply to such employees, except for the provisions of said Code section relative to the option to become members of the Employees' Retirement System of Georgia.

(g) If an employee subject to this Code section was not a member of a local retirement system at the time the applicable county probation system became a part of the state-wide probation system, such employee shall become a member of the Employees' Retirement System of Georgia effective on the date the county probation system became a part of the state-wide probation system. Any such member may purchase as creditable service under the Employees' Retirement System of Georgia all or any portion of previous actual service rendered by the member as an employee of the applicable county probation system, except in those instances in which such member has retired or is receiving benefits from a local retirement system. Such creditable service may be purchased by the member's paying to the board of trustees all employee and employer contributions, plus regular interest thereon, under the Employees' Retirement System of Georgia for the amount of creditable service claimed in an amount sufficient to grant creditable service under the Employees' Retirement System of Georgia authorized by this subsection without creating any accrued liability, as a result of granting such creditable service, against the Employees' Retirement System of Georgia. The basis for such employee and employer contributions shall be the compensation the member received upon first becoming an employee of the Department of Offender Rehabilitation. The time limitation for exercising options provided for in subsection (b) of this Code section shall not apply to the purchase of creditable service under this subsection. Any eligible member may purchase such creditable service at any time during the first five years of membership in the Employees' Retirement System of Georgia and parts of such creditable service may be purchased from time to time during such five-year period. The board of trustees may establish payment schedules for eligible members to purchase creditable service under this subsection.

(h) The provisions of this subsection shall apply only to counties having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census which had a county probation system whose employees are subject to the provisions of this Code section.

The governing authority of a county subject to this subsection is authorized to supplement the state salaries paid to employees of the Department of Offender Rehabilitation who were employees of the county's probation system prior to its becoming a part of the state-wide probation system. Such salary supplement, if any, shall be included in the salary of any such employee for all purposes under any local retirement system in

which the employee remains a member pursuant to the authority or requirements of this Code section. Such salary supplement, if any, shall not be considered state salary for the purposes of any payments made from state funds to a local retirement system to reimburse such local retirement system for employer contributions that would be made under the Employees' Retirement System of Georgia if such employees had become members of the Employees' Retirement System of Georgia pursuant to the provisions of this Code section.

(i) To the extent this Code section conflicts with or is inconsistent with the provisions of a local retirement or pension system affected by this Code section, whether such local retirement or pension system was created by law or by local ordinance, the provisions of this Code section shall control."

Section 2. All laws and parts of laws in conflict with this Act are repealed.

The following fiscal note, as required by the Rules of the Senate, was read by the Secretary:

Department of Audits
Trinity-Washington Building
Atlanta, Georgia 30334

MEMORANDUM

TO: The Honorable Loyce Turner, Chairman
Senate Retirement Committee

FROM: William M. Nixon, State Auditor
Clark T. Stevens, Director, Office of Planning and Budget

DATE: March 4, 1983

SUBJECT: Fiscal Note—Substitute to Senate Bill 81 (LC 7 5408S)
Employees' Retirement System (ERS)
Local Retirement Systems

This bill provides certain retirement options to persons becoming a state employee on or after July 1, 1984 as a result of being employed by a county probation system which became a part of the statewide probation system within the Department of Offender Rehabilitation (DOOR). Retirement options must be exercised within six months after the date the county probation system becomes a part of the statewide probation system, are irrevocable, and may not be later rescinded or modified.

Two county probation systems (Fulton and DeKalb) with a total of approximately 161 employees could be affected by this Bill. The retirement options are addressed in the following paragraphs.

1. Persons who are members of a local retirement system at the time of transition to state employment may continue active membership in the local retirement system. The salary received by such an employee from DOOR or other state department, together with any additional compensation from the county, shall be utilized for all purposes under the local retirement system. The employee would continue to pay the contributions required under the local retirement system and employer contributions would be paid by DOOR. For Fulton County, the employer contributions would be paid by DOOR for the state salary and by the county for the additional compensation from the county.

ERS and DeKalb County would incur no additional liabilities for members electing this option. DOOR would not be affected since the department would be responsible for the same contributions under current law. Fulton County would incur the cost of employer contributions for any additional salaries provided. This cost would be dependent upon the additional compensation provided by the county.

2. Persons who are members of a local retirement system at the time of transition to state employment may become a member of ERS and obtain creditable service under ERS for all accredited service previously rendered as an employee of the applicable local retirement system. Members of a local retirement system of a county having a population of at least 550,000 and who have 10 or more years creditable service, shall not be eligible for this option and must remain with the local system. Within 30 days of a member's election of this option, the local retirement system must pay ERS the employee contributions and interest which would have accumulated if the member had been under ERS. The local system must also pay the accumulated county contributions plus interest as requested by ERS. Additionally, the applicable county would be required to pay any further amount necessary to fund benefits without creating an accrued liability for ERS.

For members electing this option, ERS would incur no additional liabilities because the accrued liability created by granting such service credit would be paid jointly by the county and the local retirement system. An actuarial study coupled with a survey of persons eligible for this option would be necessary to determine the fiscal impact on counties and local retirement systems.

3. Persons who are members of a local retirement system and who are employees of a county probation system of a county with a population of less than 550,000 would have the option of retiring under their local system if they are currently eligible for retirement. Such option would apply only to persons becoming state employees and must be elected on or before the date the county system becomes part of the statewide system. If an employee elects to retire, the employee would become a member of ERS at the time the county probation system becomes part of the statewide probation system but would not be eligible to purchase any creditable service which is covered under the local retirement system.

For members electing this option, ERS would incur no additional

liability since such members would be prohibited from transferring such creditable service. Since the employees affected by this option are eligible for retirement, there would be no impact on the local retirement systems.

4. Persons subject to this Bill who are not members of a local retirement system at the time of transition to state employment would become members of ERS effective on the date the county probation system becomes a part of the statewide probation system. Such members may purchase creditable service under ERS for all or any portion of previous actual service rendered as an employee of the applicable county probation system, except in those instances in which such member has retired or is receiving benefits from a local retirement system. To obtain such creditable service, members must pay the employee and employer contributions plus regular interest for the amount of creditable service claimed in an amount sufficient to grant the creditable service under ERS without creating an accrued liability. The six-month time limitation for exercising options would not apply to the purchase of this creditable service as members could purchase creditable service at any time during the first five years of membership in ERS. ERS could establish payment schedules for eligible members to purchase this creditable service.

For members electing this option, ERS would incur no additional liabilities because the accrued liability created by granting such service credit would be paid by the member.

In summary, ERS would incur no additional liability for any of the four options available. An actuarial analysis and a survey of persons affected by this Bill would be necessary to determine the exact fiscal impact on county governments and local retirement systems.

It should be noted that the provisions dealing with option two include creditable service as an employee of a local retirement system instead of a county probation system.

/s/ W. M. Nixon
State Auditor

/s/ C. T. Stevens, Director
Office of Planning and Budget

Senator Coverdell of the 40th moved that the Senate adopt the Conference Committee report on SB 81.

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

Those voting in the affirmative were Senators:

Barker
Barnes
Bond
Bowen
Brannon
Brantley

Broun of 46th
Bryant
Burton
Cobb
Coleman
Coverdell

Dawkins
Deal
Dean
Fincher
Foster
Gillis

Greene	Kidd	Stumbaugh
Harris	Land	Tate
Hill www.libtool.com.cn	Littlefield	Thompson
Hine	McGill	Timmons
Holloway	McKenzie	Trulock
Horton	Peevy	Turner
Howard	Perry	Tysinger
Huggins	Scott of 2nd	Walker
Kennedy	Scott of 36th	

Voting in the negative were Senators Coggin and Scott of the 43rd.

Those not voting were Senators:

Allgood	Garner	Lester
Brown of 47th	Harrison	Phillips
English	Hudgins	Starr
Ingram		

On the motion, the yeas were 44, nays 2; the motion prevailed, and the Senate adopted the Conference Committee report on SB 81.

HB 440. By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations and federal savings and loan associations.

The Conference Committee report on HB 440 was as follows:

The Conference Committee on HB 440 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 440 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Loyce W. Turner
Senator, 8th District

/s/ L. H. McKenzie
Senator, 14th District

/s/ Paul C. Broun
Senator, 46th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Marcus E. Collins
Representative, 144th District

/s/ Frank C. Pinkston
Representative, 100th District

/s/ Roger Williams
Representative, 6th District

Conference Committee substitute to HB 440:

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A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations, and federal savings and loan associations; to repeal the tax on bank shares; to repeal the existing tax on the net worth of state building and loan associations, and federal savings and loan associations; to remove the exemptions of banks, state building and loan associations, and federal savings and loan associations from the state corporate income tax, the state corporate net worth tax, the tax on intangible property, and the tax on tangible personal property; to permit municipalities and counties to levy local business license taxes upon banks, state building and loan associations, and federal savings and loan associations; to provide for additional exemptions from the tax on intangible property; to provide for a credit against state corporate income tax; to provide for legislative intent and severability; to provide for other matters relative to the foregoing; 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 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by striking Code Section 48-6-20, relating to definitions pertaining to intangible personal property tax, in its entirety and inserting in lieu thereof a new Code Section 48-6-20 to read as follows:

“48-6-20. As used in this chapter, the term:

(1) ‘Bank’ means any financial institution chartered under the laws of this state or under the laws of the United States and domiciled in this state which is authorized to receive deposits in this state and which has a corporate structure authorizing the issuance of capital stock.

(2) ‘Collateral security loan’ means a loan held by any broker which represents credit extended in connection with the purchase or sale of stocks, bonds, or other securities of a like character held as collateral security for the loan.

(3) ‘Depository financial institution’ means a ‘bank’ and a ‘savings and loan association.’

(4) ‘Money’ means specie, currency, and credits resulting from the deposit of money, currency, checks, bills, and other evidences of the credits.

(5) ‘Savings and loan association’ means any financial institution, other than a credit union, chartered under the laws of this state or under the laws of the United States and domiciled in this state which is authorized to receive deposits in this state and which has a mutual corporate form.”

Section 2. Said title is further amended by striking Code Section 48-6-22, relating to exemptions from intangible tax, in its entirety and inserting in lieu thereof a new Code Section 48-6-22 to read as follows:

“48-6-22. The tax imposed by this article shall not apply to:

(1) Obligations or evidences of debt of the United States or of this state or its political subdivisions or public institutions. Such obligations and evidences of debt shall include obligations of the United States government agencies and corporations established by acts of the Congress of the United States as well as industrial development revenue bonds issued pursuant to the laws of this state;

(2) Intangible personal property owned by a trust forming part of a pension, profit-sharing, or stock bonus plan exempt from federal income taxes under Section 401 of the Internal Revenue Code of 1954;

(3) Intangible personal property owned by or irrevocably held in trust for the exclusive benefit of a religious, educational, or charitable institution, no part of the net profit from the operation of which inures to the benefit of any private person;

(4) Intangible personal property owned by a person domiciled in this state which has acquired a taxable situs and is subjected to tax in another state incident to the conduct of business located in the other state;

(5) Common voting stock of a subsidiary corporation not doing business in this state if at least 90 percent of the common voting stock is owned by a domestic corporation with its principal place of business in this state and was acquired or is held for the purpose of enabling the parent company to carry on some part of its established line of business through the subsidiary;

(6) Stock of a corporation organized under the laws of this state if the corporation pays all taxes in this state as provided by law. For purposes of this paragraph, the term ‘corporation’ also means any depository financial institution;

(7) Stock of a domesticated foreign corporation if the corporation pays to this state or its political subdivisions all taxes as provided by law;

(8) Assets representing mandatory reserve requirements imposed, by statute or otherwise, on depository financial institutions subject to the tax on intangible property;

(9) Stock of the Federal Reserve Bank, the Government National Mortgage Association, the Federal National Mortgage Association, and other corporations and associations established by acts of the Congress of the United States;

(10) Mandatory deposits with the Federal Reserve Bank or others required by statute or regulations;

(11) Federal or correspondent funds sold and securities and other intangible assets purchased under agreements to resell to the extent they

are offset by federal or correspondent funds purchased and securities and other intangible assets sold under agreements to repurchase;

(12) Customer's liabilities to depository financial institutions on acceptances outstanding to the extent they are offset by liabilities of depository financial institutions on acceptances executed and outstanding;

(13) Receivables arising from the lease of tangible personal property, provided that tangible property tax is due upon such property;

(14) Intercompany loans or advances from a parent corporation to a subsidiary, or vice versa, or from one subsidiary to another subsidiary, provided that the parent corporation owns, either directly or through other subsidiaries, more than 90 percent of the common voting stock of any subsidiary which is a party to any such transaction; and

(15) Intangible personal property owned by an international banking agency or domestic international banking facility licensed to do business in this state."

Section 3. Said title is further amended by striking Code Section 48-6-23, relating to intangible tax rates, in its entirety and inserting in lieu thereof a new Code Section 48-6-23 to read as follows:

"48-6-23. (a) A property tax is levied annually as of January 1 of each year at the following rates:

(1) Ten cents upon each \$1,000.00 of the fair market value of all personal property classified for taxation as intangible personal property in Code Section 48-6-21. The tax is not levied by this paragraph on intangible personal property classified as collateral security loans, long-term notes secured by real estate, or stocks, bonds, and debentures;

(2) Twenty-five cents upon each \$1,000.00 of the fair market value of all collateral security loans;

(3) One dollar upon each \$1,000.00 of the fair market value of all stocks in all corporations except those specifically exempted by law; and

(4) One dollar upon each \$1,000.00 of the fair market value of all bonds and debentures of all corporations. The tax rate upon notes of corporations, other than long-time notes secured by real estate, shall be the rate specified in paragraph (1) of subsection (a) of this Code section, regardless of the maturity date of any such note or notes.

(b) Long-term notes secured by real estate, as defined in Article 3 of this chapter, shall be recorded and taxed as provided in Article 3 of this chapter.

Section 4. Said title is further amended by striking subsection (b) of Code Section 48-6-63, relating to taxation of short-term notes, in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Nothing contained in this Code section shall be construed to require the payment of ad valorem taxes on short-term notes by any institutions exempted by Article 2 of this chapter."

Section 5. Said title is further amended by striking Code Section 48-6-90, relating to bank taxation, in its entirety and inserting in lieu thereof a new Code Section 48-6-90 to read as follows:

“48-6-90. Except as is otherwise provided in this title, depository financial institutions shall be subject to all forms of state and local taxation in the same manner and to the same extent as other business corporations in Georgia.”

Section 6. Said title is further amended by striking Code Section 48-6-91, relating to building and loan and savings and loan association taxation, in its entirety and inserting in lieu thereof a new Code Section 48-6-91 to read as follows:

“48-6-91. (a) Except as is otherwise provided in this title, depository financial institutions organized under the laws of any state other than the State of Georgia, of the United States and domiciled outside of Georgia, or of any foreign government, and which maintains a place of business within this state shall be subject to state and local taxation in the same manner and to the same extent as foreign corporations authorized to do business in this state.

(b) Domestic international banking facilities operating in this state pursuant to Article 5A of Chapter 1 of Title 7, the ‘Domestic International Banking Facility Act’ and engaging only in those activities authorized pursuant to that Act shall not be deemed to maintain a place of business in this state and shall not be subject to any state or local tax, license, or fee solely because of such activities.”

Section 7. Said title is further amended by striking Code Section 48-6-92, which reads as follows:

“48-6-92. (a) Banks chartered under the laws of this state and building and loan associations organized under the laws of this state which accept funds for deposit and submit to examination by the commissioner of banking and finance, and banks and savings and loan associations chartered under the laws of the United States shall be taxed as provided in this article. Neither such banks nor such building and loan associations nor international banking corporations and international bank agencies authorized to conduct business in this state under Georgia law nor their assets shall be subject to Article 2 of this chapter.

(b) Nothing contained in this Code section shall be construed to exempt from Article 2 of this chapter any person licensed to conduct a small loan business pursuant to Chapter 3 of Title 7.”

in its entirety and inserting in its place the following:

“48-6-92. Reserved.”

Section 8. Said title is further amended by striking Code Section 48-6-93, relating to taxation of certain intangibles, in its entirety and inserting in lieu thereof a new code Section 48-6-93 to read as follows:

“48-6-93. (a) Municipalities and counties may each levy and collect

a business license tax from depository financial institutions located within their respective jurisdiction at a rate not to exceed 0.25 percent of the gross receipts, as defined and allocated in this Code section, of said depository financial institutions. Municipalities and counties may provide that the minimum annual amount of such levy upon any depository financial institution shall be not more than \$1,000.00.

(b) (1) For purposes of this Code section, 'gross receipts' means the total amount of revenue generated from the sources itemized below during the calendar year immediately preceding the date on which the tax authorized by this Code section shall be due. Before determining gross receipts there shall be deducted:

(A) An amount equal to the amount of interest paid on all liabilities for the period;

(B) An amount equal to income derived from the authorized activities of any domestic international banking facility operating pursuant to Article 5A of Chapter 1 of Title 7, the 'Domestic International Banking Facility Act';

(C) An amount equal to any income arising from the conduct of a banking business with persons or entities located outside of the United States, its territories, or possessions;

(D) An amount equal to a depository financial institution's gross income which is taxed under the tax laws of a state other than Georgia; and

(E) To the extent that any deductions are made pursuant to subparagraphs (B), (C), and (D) of this subsection, any deductions taken under subparagraph (A) of this subsection shall be reduced by the same proportion that the deductions in subparagraphs (B) through (D) of this subsection bear to the gross receipts of the depository financial institution as calculated before making any deductions pursuant to subparagraphs (A) through (D) above.

(2) The items to be included in the calculation of gross receipts with respect to banks are as follows:

(A) Interest and fees on loans less any interest collected on those portions of loans sold and serviced for others;

(B) Interest on balances with other depository financial institutions;

(C) Interest on federal or correspondent funds sold and securities purchased under agreement to resell;

(D) Interest on other bonds, notes, and debentures, excluding interest on obligations of the State of Georgia or its political subdivisions and obligations of the United States;

(E) Dividends on stock;

(F) Income from direct lease financing;

- (G) Income from fiduciary activities;
- (H) Service charges on deposit accounts;
- (I) Other service charges, commissions, and fees; and
- (J) Other income.
- (3) The items to be included in the calculation of gross receipts with respect to savings and loan associations are as follows:
 - (A) Interest on mortgage loans less any interest collected on those portions of loans sold and serviced for others;
 - (B) Interest on mortgages, participations, or mortgage-backed securities;
 - (C) Interest on real estate sold on contract;
 - (D) Discounts on mortgage loans purchased;
 - (E) Interest on other loans, excluding interest on obligations of the State of Georgia or its political subdivisions and obligations of the United States;
 - (F) Interest and dividends on investments and deposits;
 - (G) Loan fees;
 - (H) Loan servicing fees;
 - (I) Other fees and charges;
 - (J) Gross income from real estate owned operations;
 - (K) Net income from office building operations;
 - (L) Gross income from real estate held for investment;
 - (M) Net income from service corporations and subsidiaries;
 - (N) Miscellaneous operating income;
 - (O) Profit on sale of real estate owned, investment securities, loans, and other assets; and
 - (P) Miscellaneous nonoperating income.

(c) Every depository financial institution subject to the tax authorized by this Code section shall file a return of its gross receipts with each applicable jurisdiction levying such tax by March 1 of the year following the year in which such gross receipts are measured. Said return shall be in the manner and in the form prescribed by the commissioner based on the allocation method set forth in subsection (d) of this Code section. The return shall provide the information necessary to determine the portion of the taxpayer's total gross receipts to be allocated to each taxing jurisdiction in which such institution has a place of business. Each taxing

jurisdiction which has enacted a business license tax pursuant to subsection (a) of this Code section shall assess and collect said tax based upon the information provided in the returns.

(d) The total gross receipts generated in this state by a depository financial institution subject to any tax authorized by this Code section shall be allocated among separate taxing jurisdictions as follows:

(1) If a depository financial institution shall have an office or a place of business in more than one municipality, the amount of gross receipts taxable by each municipality shall be the amount of gross receipts attributable to such offices or places of business as of December 31 of the year in which gross receipts are measured; and

(2) If a depository financial institution shall have an office or a place of business in more than one county, the amount of gross receipts taxable by each county shall be the amount of gross receipts attributable to such offices or places of business as of December 31 of the year in which gross receipts are measured; and

(3) In determining the amount of 'gross receipts' attributable to each location, 20 percent of the gross receipts shall be attributable to the parent bank. The remaining 80 percent of gross receipts shall be attributable to branch banks and bank offices, pro rata according to the number of such branch banks, and bank offices, with none of the gross receipts attributable to bank facilities or other outlets not considered to be a parent bank, branch bank, or bank office. The terms 'parent bank,' 'branch bank,' and 'bank office' as used in this Code section mean those same terms as defined in Chapter 1 of Title 7, the 'Financial Institutions Code of Georgia.' If there are fewer than five branch banks or bank offices in addition to the parent bank, the amount of gross receipts attributable to each such parent bank, branch bank, or bank office shall be determined by dividing the total gross receipts by the aggregate number of such outlets. For purposes of this distribution formula only, the term 'bank' also means a savings and loan association.

(e) Any tax paid by a depository financial institution pursuant to this Code section and Code Section 48-6-95 shall be credited dollar for dollar against any state corporate income tax liability of such institution for the tax year during which any business and occupation tax authorized by this Code section is paid. Such credit shall be subject to the provisions contained in paragraph (11) of subsection (b) of Code Section 48-7-21.

(f) Except as authorized by this Code section, no municipality or county shall levy any form of business license tax, fee, franchise, or occupation tax on any depository financial institution."

Section 9. Said title is further amended by striking Code Section 48-6-95, which reads as follows:

"48-6-95. The commissioner may promulgate rules and regulations to require state and national banking associations, federal savings and loan associations, and state building and loan associations to file information returns with respect to state income taxes and other forms of taxation."

in its entirety and inserting in its place a new Code section 48-6-95 to read as follows:

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“48-6-95. (a) There is imposed a special state occupation tax on each depository financial institution located in this state. The rate of this tax shall be 0.25 percent of the gross receipts, as defined in subsection (b) of Code Section 48-6-93, of the depository financial institution. This tax shall be in addition to any and all other taxes to which such depository financial institution is subject.

(b) Each depository financial institution shall file with the commissioner a return of its gross receipts by March 1 of the year following the year in which such gross receipts are measured. Said return shall be in the manner and in the form prescribed by the commissioner. The tax imposed by this Code section shall be paid to the commissioner at the time of filing the return.

(c) The commissioner shall make an annual report to the Governor and to the chairmen of the House and Senate Appropriations Committees of the amount of special state occupation tax on depository financial institutions collected.”

Section 10. Said title is further amended by adding new Code Sections 48-6-96 through 48-6-98 to read as follows:

“48-6-96. No depository financial institution shall be deprived of the benefit of any exemption, deduction, or credit authorized by law as a consequence of its election to file otherwise lawful consolidated returns with its parent organization or any corporate subsidiaries with respect to any state or local tax levied against such depository financial institution.

48-6-97. Except as otherwise provided by law, credit unions organized under the provisions of Chapter 1 of Title 7, the ‘Financial Institutions Code of Georgia’ shall be subject to all forms of state and local government taxation authorized by the Congress of the United States for the taxation of federally chartered credit unions on January 1, 1984. It is the intent of the General Assembly of the State of Georgia that credit unions organized under the laws of this state and credit unions organized under the laws of the United States and domiciled within this state be subject to the same degree of taxation whether by the state or any of its political subdivisions in which such credit union maintains a place of business. It is further the intent of the General Assembly that in the event the Congress of the United States should change the manner in which federally chartered credit unions may be taxed by state and local governments, then to the extent that state legislative authority is not preempted by the Congress, state-chartered credit unions and federally chartered credit unions operating in this state shall be taxed to the same extent and in the same manner as state-chartered savings and loan associations operating in this state.

48-6-98. It is the intent of the General Assembly of the State of Georgia that depository financial institutions shall be taxed in the same manner and to the same extent for purposes of state taxation. It is the further intent of the General Assembly of Georgia that depository financial institutions shall be taxed in the same manner and to the same

extent by the individual political subdivisions in which they have an office or place of business; provided, however, that the following distinctions shall be made to recognize differences between banks and savings and loan associations:

(1) Any appropriate distinctions made elsewhere in this chapter, and specifically the following:

(2) For a period of three years from January 1, 1984, the aggregate gross receipts taxes payable by any savings and loan association under the provisions of this chapter shall not be in excess of an amount that would be raised by a current ad valorem tax imposed upon the net worth of said association. As used in this chapter, the term 'net worth' means all surplus, undivided profits, and reserves exclusive of any reserve required by any federal or state statute or regulation in force as of January 1, 1980, which statute or regulation was applicable to such federal or state-chartered association, and minus the fair market value of all real estate or equity therein owned by the association."

Section 11. Said title is further amended by striking Code Section 48-7-21, relating to corporate income tax, in its entirety and inserting in lieu thereof a new Code Section 48-7-21 to read as follows:

"48-7-21. (a) Every domestic corporation and every foreign corporation shall pay annually an income tax equivalent to 6 percent of its Georgia taxable net income. Georgia taxable net income of a corporation shall be the corporation's taxable income from property owned or from business done in this state. A corporation's taxable income from property owned or from business done in this state shall consist of the corporation's taxable income as defined in the Internal Revenue Code of 1954, with the adjustments provided for in subsection (b) of this Code section and allocated and apportioned as provided in Code Section 48-7-31.

(b) (1) (A) When interest income is derived from obligations of any state or political subdivision except this state and political subdivisions of this state, the interest income shall be added to taxable income to the extent that the interest income is not included in gross income for federal income tax purposes. Interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States which by the laws of the United States are exempt from federal income tax but not from state income tax shall also be added to taxable income.

(B) There shall be subtracted from taxable income interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent such interest or dividends are includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. There shall also be subtracted from taxable income any income derived from the authorized activities of a domestic international banking facility operating pursuant to the provisions of Article 5A of Chapter 1 of Title 7, the 'Domestic International Banking Facility Act' and any income arising from the conduct of a banking business with persons or entities located outside the United

States, its territories, or possessions. Any amount subtracted pursuant to this subparagraph shall be reduced by any expenses directly attributable to the production of the interest or dividend income.

(2) There shall be added to taxable income any taxes on, or measured by, net income or net profits paid or accrued within the taxable year imposed by the authority of the United States or any foreign country, or by any state, territory, county, school district, municipality, or other tax subdivision of any state, territory, or foreign country to the extent such taxes are deducted in determining federal taxable income.

(3) No portion of any deductions or losses which occurred in a year in which the taxpayer was not subject to taxation in this state including, but not limited to, net operating losses may be deducted in any tax year. When the federal adjusted gross income or net income of a corporation includes such deductions or losses, an adjustment deleting them shall be made under rules established by the commissioner. The provisions of this subsection shall not prohibit the carry-over of any deductions or losses including, but not limited to, net operating losses of any taxpayer which were incurred in a year or years in which the taxpayer was subject to methods of taxation in this state other than the corporate income tax.

(4) Income, losses, and deductions previously used in computing Georgia taxable income shall not again be used in computing Georgia taxable income. The commissioner shall provide for needed adjustments by regulation.

(5) (A) Any gain not recognized pursuant to Section 337 of the Internal Revenue Code of 1954 shall be recognized. To the extent that a corporation incurs a Georgia income tax liability by reason of the recognition of the gains, the Georgia income tax liability attributable to the gains shall be allowed as a credit against the Georgia income tax liability of each common stockholder of the corporation in an amount which bears the same ratio to the Georgia income tax liability as the liquidation distribution received or receivable by the common stockholder bears to the liquidation distribution received or receivable by all common stockholders. The credit shall be allowable only in the taxable year or years of each stockholder in which the liquidation distribution is received and shall be limited to the amount of Georgia income tax liability, if any, of the stockholders for such year or years as computed before application of the credit provided by this Code section and before the application of any credits for withholding or estimated tax payments.

(B) A corporation having a net gain which is not recognized for federal income taxation under Section 337 of the Internal Revenue Code of 1954 but which is added to Georgia taxable income under this chapter shall be allowed a deduction of one-half of the net gain but not more than one-half of the amount which would be treated under the Internal Revenue Code of 1954 as the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for the year if it were not for Section 337 of the Internal Revenue Code of 1954.

(6) When on the sale or exchange of real or tangible personal property located in this state gain or loss is not recognized because the tax-

payer receives or purchases similar property, the nonrecognition shall be allowed only when the property is replaced with property located in this state.

(7) This article shall not be construed to repeal any tax exemptions contained in other laws of this state not referred to in this article. Those exemptions and the exemptions provided for by federal law and treaty shall be deducted on forms provided by the commissioner.

(8) All elections made by corporate taxpayers under the Internal Revenue Code of 1954 shall also apply under this article except elections involving consolidated corporate returns and subchapter 'S' elections which shall be treated as follows:

(A) (i) If two or more corporations file federal income tax returns on a consolidated basis and all of the corporations derive all of their income from sources within this state, the corporations must file consolidated returns for Georgia income tax purposes, affiliated corporations which file a consolidated federal income tax return but which derive income from sources outside this state must file separate income tax returns with this state unless they have prior approval or have been requested to file a consolidated return by the department; and

(ii) No depository financial institutions, as defined in Code section 48-6-20, shall be deprived of the benefit of any exemption, deduction, or credit authorized by this title as a consequence of its election to file otherwise lawful consolidated returns with its parent organization or any corporate subsidiaries with respect to any state or local tax levied against such depository financial institution as a result of this title.

(B) Subchapter 'S' elections apply only if all stockholders are subject to tax in this state on their portion of the corporate income. If all nonresident stockholders pay the Georgia income tax on their portion of the corporate income, the election shall be allowed.

(9) There shall be subtracted from taxable income dividends received by:

(A) A corporation from sources outside the United States as defined in the Internal Revenue Code of 1954. The amount subtracted under this subparagraph shall be reduced by any expenses directly attributable to the dividend income;

(B) Corporations from affiliated corporations within the United States, when the corporation receiving the dividends is engaged in business in this state and is subject to the payment of taxes under the income tax laws of this state, to the extent that the dividends have been included in net income under this Code section. Dividends from affiliates shall be reduced by any expenses directly attributable to the dividend income.

(10) Where a corporation's salary and wage deductions are reduced in computing federal taxable income because the corporation has taken a federal jobs tax credit which required, as a condition to using the federal jobs tax credit, the elimination of salary and wage deductions, the elimi-

nated salary and wage deductions shall be subtracted from taxable income.

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(11) There shall be a dollar-for-dollar credit against the state income tax liability of depository financial institutions which shall be equal to the amount of taxes, if any, paid by such taxpayers pursuant to Code Section 48-6-93 and Code Section 48-6-95. If the liability of any such institutions under the taxes authorized by Code Section 48-6-93 and Code Section 48-6-95 exceeds the corporate income tax liability of such institution for any year, the amount of any unused credit under this Code section may be credited over a period of five years from the tax year in which the unused credit arose."

Section 12. Said title is further amended by striking subsection (a) of Code Section 48-7-25, relating to organizations exempted from corporate income tax, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The following organizations shall be exempt from taxation imposed by Code Section 48-7-21 unless the exemption is denied under subsection (b) or (c) of this Code section:

(1) Those organizations described by Section 501(c), 501(d), 501(e), 664, or 401 of the Internal Revenue Code of 1954. Organizations described in this paragraph shall be exempt from taxation for state purposes in the same manner and to the same extent as for federal purposes; and

(2) Insurance companies which pay to the state a tax upon premium income."

Section 13. Said title is further amended by striking Code Section 48-13-71, relating to exemptions from corporate net worth tax, in its entirety and inserting in lieu thereof a new Code Section 48-13-71 to read as follows:

"48-13-71. The following are exempt from the payment of the tax imposed by this article:

(1) Those organizations not organized for pecuniary gain or profit; and

(2) Insurance companies which are separately taxed."

Section 14. The commissioner of the Department of Banking and Finance shall prepare a report during 1985 for submission to the Governor and the General Assembly analyzing the fiscal impact of this Act.

Section 15. In the event that subsection (e) of Code Section 48-6-93 or paragraph (11) of subsection (b) of Code Section 48-7-21 is declared or adjudged invalid or unconstitutional, it is the intent of the General Assembly that this entire Act also be held invalid and that the methods of taxation of subjects affected by this Act revert to those methods in force immediately prior to the effective date of this Act. In the event that any section, subsection, sentence, clause, or phrase of this Act other than those described above shall be declared or adjudged invalid or unconstitutional, such adjudication

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

Section 16. This Act shall become effective on January 1, 1984.

Section 17 All laws and parts of laws in conflict with this Act are repealed.

Senator Turner of the 8th moved that the Senate adopt the Conference Committee report on HB 440.

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

Those voting in the affirmative were Senators:

Barker	Foster	McKenzie
Barnes	Garner	Peevy
Bond	Gillis	Perry
Bowen	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Hill	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Horton	Stumbaugh
Coggin	Hudgins	Tate
Coleman	Huggins	Thompson
Dawkins	Kennedy	Timmons
Deal	Kidd	Trulock
Dean	Land	Turner
Engram	Lester	Tysinger
Fincher	McGill	Walker

Those not voting were Senators:

Allgood	Coverdell	Howard
Brannon	English	Littlefield
Brantley	Harrison	

On the motion, the yeas were 48, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 440.

The following general bills of the House, favorably reported by the committees, were read the third time and put upon their passage:

HB 368. By Representative Williams of the 48th:

A bill to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to the creation, appointment, and duties of county boards of equalization, so as to provide an alternate method of selecting members and alternate members of county boards of equalization.

Senate Sponsors: Senators Trulock of the 10th and Tysinger of the 41st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barker	Engram	McKenzie
Barnes	Fincher	Peevy
Bond	Foster	Perry
Bowen	Gillis	Phillips
Brannon	Greene	Scott of 36th
Broun of 46th	Harris	Scott of 43rd
Brown of 47th	Hill	Starr
Bryant	Hine	Stumbaugh
Burton	Holloway	Tate
Cobb	Horton	Thompson
Coggin	Howard	Timmons
Coverdell	Huggins	Trulock
Dawkins	Kennedy	Turner
Deal	Kidd	Tysinger
Dean	Land	Walker

Those not voting were Senators:

Allgood	Garner	Littlefield
Brantley	Harrison	McGill
Coleman	Hudgins	Scott of 2nd
English	Lester	

On the passage of the bill, the yeas were 45, nays 0.

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

HB 497. By Representative Benefield of the 72nd:

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A bill to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, so as to provide for the reporting of stolen license plates.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Those voting in the affirmative were Senators:

Barnes	Engram	Land
Bond	Fincher	McGill
Bowen	Foster	Peavy
Brannon	Gillis	Perry
Brantley	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hine	Scott of 43rd
Burton	Holloway	Starr
Cobb	Howard	Stumbaugh
Coggin	Hudgins	Tate
Coleman	Huggins	Timmons
Coverdell	Kennedy	Turner
Dawkins	Kidd	Walker
Deal		

Those not voting were Senators:

Allgood	Hill	McKenzie
Barker	Horton	Thompson
Dean	Lester	Trulock
English	Littlefield	Tysinger
Garner		

On the passage of the bill, the yeas were 43, nays 0.

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

The following bill of the Senate was taken up for the purpose of considering the Conference Committee report thereon:

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SB 154. By Senator Lester of the 23rd:

A bill to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants and registered public accountants.

The Conference Committee report on SB 154 was as follows:

The Conference Committee on SB 154 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to SB 154 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Jimmy Lester
Senator, 23rd District

/s/ Bill English
Senator, 21st District

/s/ Ed Barker
Senator, 18th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Cas M. Robinson
Representative, 58th District

/s/ E. Roy Lambert
Representative, 66th District

/s/ Rex A. Millsaps
Representative, 61st District

Conference Committee substitute to SB 154:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants and registered public accountants; to change notice requirements relating to certain rules; to clarify requirements relating to the experience necessary for certification; to provide a definition of good moral character; to provide for the appointment of the Secretary of State as agent for service of process for nonresidents; to provide for the issuance of temporary permits; to delete certain requirements relating to notification and extension of time for compliance with licensing requirements; to delete the requirement for issuance of biennial inactive status licenses; to provide the forms of advertising and solicitation which shall be prohibited; to authorize the board to prohibit certain solicitation by rules or regulations; to delete the exception relating to the practice of accountancy by certified public accountants or public accountants who hold certificates, degrees, or licenses of another state or foreign country from temporarily and periodically practicing in this state;

to correct certain references; to provide for other matters relative to the foregoing; 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 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, is amended by striking Code Section 43-3-3, relating to the creation of the State Board of Accountancy, in its entirety and substituting in lieu thereof a new Code Section 43-3-3 to read as follows:

“43-3-3. (a) There is created the State Board of Accountancy.

(b) The board shall consist of seven members, to be appointed by the Governor with the approval of the Senate. Each member of the board shall be a resident of this state. Five members of the board shall be certified public accountants, and one member shall be a registered public accountant, all of whom shall hold a permit to practice public accounting issued under Code Section 43-3-24. One member shall be appointed from the public at large and shall be a person to whom neither this state nor any other state has ever issued a certificate, registration, license, or permit to engage in the practice of public accounting.

(c) Each member of the board in office on July 1, 1982, shall remain in office until the expiration of his term and the appointment and approval of his successor.

(d) Any appointment or reappointment of board members shall be for a period of four years. The remaining portion of any unexpired term shall be filled by appointment by the Governor with the approval of the the Senate. Upon the expiration of his term of office, a member shall continue to serve until his successor shall have been appointed and shall have qualified.

(e) No member of the board shall serve as such for more than two terms, consecutive or otherwise; and, for purposes of calculating the number of terms served, the filling of an unexpired term or terms for a total of more than 30 calendar months shall be treated as the serving of a full term.

(f) Any member of the board may be removed by the Governor for misconduct, incompetence, or neglect of duty. The membership on the board of any member whose permit to practice has expired and has not been renewed, has become void, or has been revoked or suspended shall be automatically terminated simultaneously with any such expiration, voiding, revocation, or suspension.

(g) Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.”

Section 2. Said chapter is further amended by striking Code Section 43-3-6, relating to residency, age, and character requirements of certified public accountants, in its entirety and substituting in lieu thereof a new Code Section 43-3-6 to read as follows:

“43-3-6. (a) The certificate of ‘certified public accountant’ shall be granted by the board to any person:

- (1) Who has attained the age of 18;
- (2) Who is, in the opinion of the board, of good moral character;
- (3) Who meets the following requirements of education and experience:

(A) Except as provided in subsection (b) of this Code section or subsection (a) of Code Section 43-3-7, the education requirement shall be the presentation to the board of such evidence as it may require that the applicant has received a baccalaureate degree or completed the requirements therefor, conferred by a college or university accredited by a national or regional accrediting organization recognized by the board, with a concentration in accounting or what the board determines to be the substantial equivalent of the foregoing, or with a nonaccounting concentration supplemented by what the board determines to be the substantial equivalent of an accounting concentration, including related courses in other areas of business administration; and

(B) The experience requirement shall be two years’ continuous experience in public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule, provided that the board may promulgate rules stating certain circumstances which shall constitute acceptable breaks in the continuity of said experience, and provided, further, that the board may accept, in lieu of both of such years’ experience in public accounting, evidence satisfactory to it of five years’ continuous employment in the accounting field in industry, business, government, or college teaching; any combination of the above; or any combination of the above and practice in public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof; and provided, further, that any person certified as a certified public accountant under the laws of this state on July 1, 1977, shall be deemed to have the experience in the practice of public accountancy required by this subparagraph; and

(4) Who shall have passed a written or oral examination, or both, in accounting, auditing, and such related subjects as the board deems appropriate.

(b) The board, in its discretion, may waive the education requirement specified in paragraph (3) of subsection (a) of this Code section for any applicant, if it is satisfied, from the result of a special written examination given the applicant by the board to test his educational qualification, that he is as well equipped educationally as if he met such education requirement.

(c) For the purposes of this Code section, ‘good moral character’ means fiscal integrity and a lack of any history of acts involving dishonesty or moral turpitude. For failure to satisfy this requirement, the board may refuse to certify an applicant where it finds that there is a substantial connection between the lack of good moral character of the applicant

and the professional responsibilities of a licensee and the finding by the board of a lack of good moral character is supported by clear and convincing evidence. When an applicant is found to be unqualified for a certificate because of lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board and a complete listing of the evidence upon which the determination was based, and the applicant may request a hearing on that determination.”

Section 3. Said chapter is further amended by striking Code Section 43-3-7, relating to certified public accountants and the scope of examination, in its entirety and substituting in lieu thereof a new Code Section 43-3-7 to read as follows:

“43-3-7. (a) The board may provide, by regulation, for the general scope of examinations described in paragraph (4) of subsection (a) of Code Section 43-3-6 and subsection (b) of Code Section 43-3-6 and may obtain such advice and assistance as it deems appropriate to assist it in preparing and grading such examinations.

(b) The examinations described in paragraph (4) of subsection (a) of Code Section 43-3-6 and subsection (b) of Code Section 43-3-6 shall be held by the board and shall take place as often as the board shall determine to be desirable, but the examination described in paragraph (4) of subsection (a) of Code Section 43-3-6 shall be held at least twice each year. The board shall publish notice of the time and place of all examinations provided for in this Code section at least three consecutive days in daily newspapers of general circulation published in the three cities in this state with the largest population according to the United States decennial census of 1970 or any future such census. Any such notice shall be published at least 90 days prior to the examination to which it refers.

(c) An applicant who has met the education requirement specified in paragraph (3) of subsection (a) of Code Section 43-3-6 or who expects to meet it within 120 days following the examination described in paragraph (4) of subsection (a) of Code Section 43-3-6 or with respect to whom such education requirement has been waived in accordance with subsection (b) of Code Section 43-3-6 shall be eligible to take such examination without waiting until he meets the experience requirement if he also meets the requirements of paragraphs (1) and (2) of subsection (a) of Code Section 43-3-6. In the case of any applicant admitted to such examination on the expectation that he will meet the education requirement within 120 days, no certificate shall be issued, nor shall credit for the examination, or any part of it, be given unless such requirement is in fact completed within that time or within such longer period of time as the board, in its discretion, may determine.

(d) An applicant for the certificate of certified public accountant who has successfully completed the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 shall have no status as a certified public accountant until he has the requisite education and experience and has received his certificate as a certified public accountant.

(e) The board, by regulation, may provide for granting a credit to any applicant for his satisfactory completion of an examination in any one or more of the subjects specified in paragraph (4) of subsection (a) of Code Section 43-3-6 given by the licensing authority in another state, provided that when such applicant took such examination he had no place of business in this state and, as an employee, was not regularly employed in this state. Such regulations shall include such requirements as the board deems appropriate to ensure that any examination approved as a basis for any such credit, in the judgment of the board, shall be at least as thorough as the most recent examination given by the board at the time of the granting of such credit.

(f) The board, by regulation, may prescribe the time and conditions under which an applicant who passes, in one sitting, a portion of the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 pertaining to at least two or more of the subjects indicated in such paragraph may be reexamined in only the remaining subjects, with credit for the subjects previously passed, provided that the entire examination must be passed in six consecutive attempts, including the initial sitting in which at least two parts of the examination were passed.

(g) With respect to examinations, the board shall charge the applicant a fee to be determined by the board, which fee shall be sufficient to pay for the cost of the examinations.

(h) Application for certification by persons who are not residents of this state shall constitute the appointment of the Secretary of State as the agent for service of process in any action or proceeding against such applicant arising out of any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates."

Section 4. Said chapter is further amended by striking subsection (a) of Code Section 43-3-8, relating to certified public accountants and the conducting of oral examinations and the retention by joint-secretary of records of examinations, in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Any written examination described in paragraph (4) of subsection (a) of Code Section 43-3-6 and subsection (b) of Code Section 43-3-6 may be administered orally if the board determines that an applicant's physical handicap or other circumstances render him incapable of taking a written examination. Any applicant who desires to have an examination administered orally shall present to the board such evidence, as it deems appropriate, of the handicap or other circumstances necessitating such oral administration. Such evidence shall be submitted to the board at least 20 days prior to the date of examination."

Section 5. Said chapter is further amended by striking Code Section 43-3-10, relating to the issuance of temporary certificates to certified public accountants by the board, in its entirety and substituting in lieu thereof a new Code Section 43-3-10 to read as follows:

"43-3-10. In the event an applicant for a certificate as a certified public accountant meets all of the requirements for such a certificate, the

board, in its discretion, may issue to him a temporary certificate as a certified public accountant. The temporary certificate shall be effective only until the board notifies him that his application for a certificate as a certified public accountant pursuant to Code Section 43-3-11 has been either granted or rejected. In no event shall a temporary certificate be in effect for more than three months after the date of its issuance. No fee shall be charged for such certificate."

Section 6. Said chapter is further amended by striking Code Section 43-3-11, relating to certified public accountants and reciprocity with other states, in its entirety and substituting in lieu thereof a new Code Section 43-3-11 to read as follows:

"43-3-11. The board, in its discretion, may waive the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 and may issue a certificate as a certified public accountant to any person who possesses the qualifications specified in paragraphs (1) and (2) of subsection (a) of Code Section 43-3-6 and what the board determines to be the substantial equivalent of the qualifications under paragraph (3) of subsection (a) of Code Section 43-3-6 and who is a holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of another state, provided that the certificate held by such person was issued after an examination which, in the judgment of the board, is the equivalent of the standard established by the board for examinations administered pursuant to paragraph (4) of subsection (a) of Code Section 43-3-6; and provided, further, that such privileges are extended to citizens of this state by the state originally granting the certificate. Notwithstanding the foregoing, the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 shall be waived by the board in the case of an applicant who has been engaged in public practice for a period of ten years in another state pursuant to authority issued by such state."

Section 7. Said chapter is further amended by striking Code Section 43-3-13, relating to residency, age, and character requirements of registered public accountants, in its entirety and substituting in lieu thereof a new Code Section 43-3-13 to read as follows:

"43-3-13. (a) The certificate of 'registered public accountant' shall be granted by the board to any person:

- (1) Who has attained the age of 18;
- (2) Who is, in the opinion of the board, of good moral character;
- (3) Who meets the following requirements of education and experience:

(A) Except as provided in subsection (b) of this Code section or subsection (c) of Code Section 43-3-14, the education requirement shall be the presentation to the board of such evidence as it may require that the applicant has received a high school diploma or completed the requirements therefor or what the board determines to be the substantial equivalent of the foregoing;

(B) The experience requirement shall be two years' continuous experience in public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule, provided that the board may promulgate rules stating certain circumstances which shall constitute acceptable breaks in the continuity of said experience; and provided, further, that the board may accept, in lieu of both of such years' experience in public accounting, evidence satisfactory to it of five years' continuous employment in the accounting field in industry, business, government, or college teaching; any combination of the above; or any combination of the above and practice in public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof; and provided, further, that any person registered as a registered public accountant under the laws of this state on July 1, 1977, shall be deemed to have the experience in the practice of public accountancy required by this subparagraph; and

(4) Who shall have passed a written or oral examination, or both, in accounting, auditing, and such related subjects as the board deems appropriate.

(b) The board, in its discretion, may waive the education requirement specified in paragraph (3) of subsection (a) of this Code section for any applicant if it is satisfied, from the result of a special written examination given the applicant by the board to test his educational qualification, that he is as well equipped educationally as if he met such education requirement.

(c) For the purposes of this Code section, 'good moral character' means fiscal integrity and a lack of any history of acts involving dishonesty or moral turpitude. For failure to satisfy this requirement, the board may refuse to certify an applicant where it finds that there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and the finding by the board of a lack of good moral character is supported by clear and convincing evidence. When an applicant is found to be unqualified for a certificate because of lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board and a complete listing of the evidence upon which the determination was based, and the applicant may request a hearing on that determination.

Section 8. Said chapter is further amended by striking Code Section 43-3-14, relating to registered public accountants and the scope of examination, in its entirety and substituting in lieu thereof a new Code Section 43-3-14 to read as follows:

"43-3-14. (a) The board may provide, by regulation, for the general scope of examinations described in paragraph (4) of subsection (a) of Code Section 43-3-13 and subsection (b) of Code Section 43-3-13 and may obtain such advice and assistance as it deems appropriate to assist it in preparing and grading such examinations.

(b) The examinations described in paragraph (4) of subsection (a) of Code Section 43-3-13 and subsection (b) of Code Section 43-3-13

shall be held by the board and shall take place as often as the board shall determine to be desirable, but the examination described in paragraph (4) of subsection (a) of Code Section 43-3-13 shall be held at least twice each year. The board shall publish notice of the time and place of all examinations provided for in this Code section at least three consecutive days in daily newspapers of general circulation published in the three cities in this state with the largest population according to the United States decennial census of 1970 or any future such census. Any such notice shall be published at least 90 days prior to the examination to which it refers.

(c) An applicant who has met the education requirement specified in paragraph (3) of subsection (a) of Code Section 43-3-13 or who expects to meet it within 120 days following the examination described in paragraph (4) of subsection (a) of Code Section 43-3-13 or with respect to whom such education requirement has been waived in accordance with subsection (b) of Code Section 43-3-13 shall be eligible to take such examination without waiting until he meets the experience requirement if he also meets the requirements of paragraphs (1) and (2) of subsection (a) of Code Section 43-3-13. In the case of any applicant admitted to such examination on the expectation that he will meet the education requirement within 120 days, no certificate shall be issued, nor shall credit for the examination, or any part of it, be given unless such requirement is in fact completed within that time or within such longer period of time as the board, in its discretion, may determine.

(d) An applicant for the certificate of registered public accountant who has successfully completed the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-13 shall have no status as a registered public accountant until he has the requisite education and experience and has received his certificate as a registered public accountant.

(e) The board, by regulation, may provide for granting a credit to any applicant for his satisfactory completion of an examination in any one or more of the subjects specified in paragraph (4) of subsection (a) of Code Section 43-3-13 given by the licensing authority in another state, provided that when such applicant took such examination he had no place of business in this state and, as an employee, was not regularly employed in this state. Such regulations shall include such requirements as the board deems appropriate to ensure that any examination approved as a basis for any such credit, in the judgment of the board, shall be at least as thorough as the most recent examination given by the board at the time of the granting of such credit.

(f) The board, by regulation, may prescribe the time and conditions under which an applicant who passes, in one sitting, a portion of the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-13 pertaining to at least two or more of the subjects indicated in such paragraph may be reexamined in only the remaining subjects, with credit for the subjects previously passed, provided that the entire examination must be passed in ten consecutive attempts, including the initial sitting in which at least two parts of the examination were passed.

(g) With respect to examinations, the board shall charge the applicant a fee to be determined by the board, which fee shall be sufficient to pay for the cost of the examinations.

(h) Application for certification by persons who are not residents of this state shall constitute the appointment of the Secretary of State as the agent for service of process in any action or proceeding against such applicant arising out of any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of registered public accountant certificates."

Section 9. Said chapter is further amended by striking subsection (a) of Code Section 43-3-15, relating to registered public accountants and the conducting of oral examinations and the retention by the joint-secretary of records of examinations, in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Any written examination described in paragraph (4) of subsection (a) of Code Section 43-3-13 may be administered orally if the board determines that an applicant's physical handicap or other circumstances render him incapable of taking a written examination. Any applicant who desires to have an examination administered orally shall present to the board such evidence, as it deems appropriate, of the handicap or other circumstances necessitating such oral administration. Such evidence shall be submitted to the board at least 20 days prior to the date of examination."

Section 10. Said chapter is further amended by striking Code Section 43-3-17, relating to the issuance of temporary certificates to registered public accountants by the board, in its entirety and substituting in lieu thereof a new Code Section 43-3-17 to read as follows:

"43-3-17. In the event an applicant for a certificate as a registered public accountant meets all of the requirements for such a certificate the board, in its discretion, may issue to him a temporary certificate as a registered public accountant. The temporary certificate shall be effective only until the board notifies him that his application for a certificate as a registered public accountant pursuant to Code Section 43-3-18 has been either granted or rejected. In no event shall a temporary certificate be in effect for more than three months after the date of its issuance. No fee shall be charged for such certificate."

Section 11. Said chapter is further amended by striking Code Section 43-3-18, relating to registered public accountants and reciprocity with other states, in its entirety and substituting in lieu thereof a new Code Section 43-3-18 to read as follows:

"43-3-18. The board, in its discretion, may waive the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-13 and may issue a certificate as a registered public accountant to any person who possesses the qualifications specified in paragraphs (1) and (2) of subsection (a) of Code Section 43-3-13 and what the board determines to be the substantial equivalent of the qualifications under paragraph (3) of subsection (a) of Code Section 43-3-13 and who is a holder of a certificate as a registered public accountant, then in full force and effect, is-

sued under the laws of another state, provided that the certificate held by such person was issued after an examination which, in the judgment of the board, is the equivalent of the standard established by the board for examinations administered pursuant to paragraph (4) of subsection (a) of Code Section 43-3-13; and provided, further, that such privileges are extended to citizens of this state by the state originally granting the certificate.”

Section 12. Said chapter is further amended by striking Code Section 43-3-24, relating to issuance of permits to qualified individuals and professional corporations to practice public accountancy, in its entirety and substituting in lieu thereof a new Code Section 43-3-24 to read as follows:

“43-3-24. (a) A permit to engage in the practice of public accountancy in this state shall be issued by the joint-secretary, at the direction of the board, to each person who is certificated as a certified public accountant under Code Sections 43-3-6 through 43-3-12, registered as a public accountant under Code Sections 43-3-13 through 43-3-19, or registered as a foreign accountant under Code Section 43-3-20 who shall have furnished evidence, satisfactory to the board, of compliance with the requirements of Code Section 43-3-25, and to individuals, partnerships, professional associations, and professional corporations registered under Code Section 43-3-21 or 43-3-22, provided that all offices of such certificate holder or registrant are maintained and registered as required under Code Section 43-3-23. There shall be a biennial permit fee in an amount to be determined by the board.

(b) For the purpose of enabling persons, partnerships, professional associations, or professional corporations licensed in other states to perform specific professional engagements involving the practice of public accounting in this state, the board shall grant temporary permits to practice to persons, partnerships, professional associations, or professional corporations who make application and demonstrate their qualifications therefor in accordance with the following provisions:

(1) An applicant for a temporary permit under this subsection shall show that he is duly licensed and authorized to practice as a certified public accountant or as a partnership, professional association, or professional corporation of certified public accountants or the equivalent in another state or as a registered public accountant or as a partnership or professional association of registered public accountants or the equivalent in another state and shall give the name of each person who will be engaged in the practice of public accounting in this state in the performance of the professional engagement which is the subject of the application;

(2) The board shall charge a fee for each application for issuance or renewal of a temporary permit under this subsection, in an amount to be determined by the board by rule, for each applicant and for each person who is to engage in the practice of public accounting in this state under the permit;

(3) A temporary permit issued under this Code section shall be limited to the single specific professional engagement which is the occasion

for the application for a permit; it shall name each person who is to engage in the practice of public accounting in this state pursuant to such engagement; and it shall be valid for no more than 90 days after its issuance;

(4) An application for a temporary permit under this subsection shall constitute the appointment of the Secretary of State as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the performance of the professional engagement for which the temporary permit was issued; and

(5) No temporary permit shall be issued to, or with respect to the performance of services by, any person who is a resident of this state."

Section 13. Said chapter is further amended by striking Code Section 43-3-26, relating to the extension of time for compliance with licensing requirements, which reads as follows:

"43-3-26. The failure of the board to provide timely notification by certified mail to holders of live certificates of changes in the requirements for maintenance of such live certificates shall be regarded by the board as sufficient cause for extending the period for compliance with such requirements by a period of 12 months.",

in its entirety.

Section 14. Said chapter is further amended by striking Code Section 43-3-27, relating to biennial inactive status licenses, which reads as follows:

"43-3-27. The board shall issue biennial inactive status licenses to applicants who, except for the requirement for continuing professional education, would qualify for biennial permits to practice.",

in its entirety.

Section 15. Said chapter is further amended by adding new subsections (h) and (i) at the end of Code Section 43-3-35, relating to the use of terms "certified public accountant" and "public accountant" generally, to read as follows:

"(h) A licensee shall not use or participate in the use of any form of public communication having reference to his professional services which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes but is not limited to a statement or claim which:

- (1) Contains a misrepresentation of fact;
- (2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;
- (3) Contains any testimonial, laudatory, or other statement or implication that the licensee's professional services are of exceptional quality, if not supported by verifiable facts;

(4) Is intended or likely to create false or unjustified expectations of favorable results;

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(5) Implies educational or professional attainments or licensing recognition not supported in fact;

(6) States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public accounting, except in accordance with rules adopted by the board;

(7) Represents that professional services can or will be completely performed for a stated fee when this is not the case or makes representations with respect to fees for professional services that do not disclose all variables that may reasonably be expected to affect the fees that will in fact be charged; or

(8) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(i) The board may by rule or regulation prohibit a licensee from soliciting by any direct personal communication an engagement to perform professional services."

Section 16. Said chapter is further amended by striking Code Section 43-3-36, relating to exceptions, in its entirety and substituting in lieu thereof a new Code Section 43-3-36 to read as follows:

"43-3-36. (a) Nothing contained in this chapter shall prohibit any person who is not a certified public accountant or public accountant from serving as an employee of or an assistant to a certified public accountant or public accountant or partnership, professional association, or professional corporation of certified public accountants or public accountants holding a live permit or a foreign accountant registered under Code Section 43-3-20 and holding a live permit, provided that such employee or assistant shall not issue or attest to any accounting or financial statement over his name.

(b) Nothing contained in this chapter shall prohibit any person from offering to perform or performing for the public, for compensation, any of the following services:

(1) The recording of financial transactions in books of record;

(2) The making of adjustments of such transactions in books of record;

(3) The making of trial balances from books of record;

(4) Internal verification and analysis of books of accounts of original entry;

(5) The preparation of unaudited financial statements, schedules, or reports;

(6) The devising and installing of systems or methods of bookkeep-

ing, internal controls of financial data, or the recording of financial data;
or
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(7) The preparation of tax returns and related forms.”

Section 17. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 18. All laws and parts of laws in conflict with this Act are repealed.

Senator Allgood of the 22nd moved that the Senate adopt the Conference Committee report on SB 154.

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

Those voting in the affirmative were Senators:

Barker	Garner	McGill
Barnes	Gillis	McKenzie
Bond	Greene	Peevy
Brannon	Harris	Perry
Brantley	Hill	Phillips
Broun of 46th	Hine	Scott of 2nd
Brown of 47th	Holloway	Scott of 36th
Bryant	Horton	Scott of 43rd
Cobb	Howard	Stumbaugh
Coggin	Hudgins	Tate
Coleman	Huggins	Thompson
Deal	Kennedy	Timmons
Dean	Kidd	Trulock
English	Lester	Turner
Engram	Littlefield	Walker
Foster		

Those not voting were Senators:

Allgood	Dawkins	Land
Bowen	Fincher	Starr
Burton	Harrison	Tysinger
Coverdell		

On the motion, the yeas were 46, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on SB 154.

The following message was received from the House through Mr. Ellard, the Clerk thereof: www.libtool.com.cn

Mr. President:

The House has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 261. By Senators Kennedy of the 4th and Allgood of the 22nd:

A resolution relative to adjournment.

His Excellency, Governor Joe Frank Harris, entered the Senate Chamber and briefly addressed the Senate.

The following message was received from the House through Mr. Ellard, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 434. By Representative Lee of the 72nd:

A resolution relative to adjournment.

The following resolution of the House was read and put upon its adoption:

HR 434. By Representative Lee of the 72nd:

A resolution relative to adjournment by the General Assembly sine die at 7:30 o'clock P.M. on March 4, 1983.

Senators Allgood of the 22nd and Kennedy of the 4th offered the following amendment:

Amend HR 434 by striking "7:30" and inserting "8:00"

On the adoption of the amendment, the yeas were 31, nays 0, and the amendment was adopted.

On the adoption of the resolution, the yeas were 38, nays 0.

The resolution, having received the requisite constitutional majority, was adopted as amended.

The following bill was taken up for the purpose of considering the Second Conference Committee report thereon:

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds or educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

The Second Conference Committee report on HB 532 was as follows:

The Conference Committee on HB 532 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Conference Committee Substitute to HB 532 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ John C. Foster
Senator, 50th District

/s/ Terrell Starr
Senator, 44th District

/s/ Nathan Dean
Senator, 31st District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Ben Barron Ross
Representative, 82nd District

/s/ W. R. Phillips
Representative, 93rd District

/s/ Earleen W. Sizemore
Representative, 136th District

Conference Committee substitute to HB 532:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration; to remove the total local funding authorized for capital outlay projects; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, is amended by striking therefrom paragraph (5) of subsection (c) in its entirety and substituting in lieu thereof a new paragraph (5) to read as follows:

“(5) To develop a state-wide needs assessment for purposes of planning and developing policies, anticipating state-wide needs for educational facilities, and providing assistance to local units in developing educational facilities plans. The state-wide needs assessment shall be developed from, among other sources, vital statistics published by the Department of Human Resources, census data published by the Bureau of the Census, local unit educational facilities and real property inventories, educational facilities surveys, average daily attendance projection research, and educational facilities construction plans and shall reflect the demand areas for capital outlay. In addition, the State Board of Education shall develop a consistent, systematic research approach to average daily attendance projections which will be used in the development of needs within each local unit, but such projections shall not be confined to resident pupils in average daily attendance but shall be based on average daily attendance which includes nonresident pupils, whether or not such nonresident pupils attend school pursuant to a contract between local units of administration. The nonresident projection shall be the most recent five-year ADA average. The survey team will use such projections in determining the improvements needed for the five-year planning period. The state board shall also develop schedules for allowable square footage and cost per square foot. The cost estimate for each recommended improvement included in the plan shall be based on these schedules. Any increase in cost or square footage for a project beyond that allowed by state board schedules for such projects shall be the responsibility of the local unit and shall not count toward present or future required local participation;”

Section 2. Said Code section is further amended by striking therefrom paragraph (4) of subsection (h) in its entirety and inserting in lieu thereof a new paragraph (4) of subsection (h) to read as follows:

“(4) In order to determine the amount of state funds to be requested for a given fiscal year, total new and accrued entitlements must be compared to the state portion of the current cost estimates of the projects approved in the educational facilities plan in priority order. The above comparison shall be made for each of the incremental entitlement levels required in paragraph (1) of this Code section. In the event that projects requested for funding exceed the total state entitlements and required local participation, local units may elect to contribute additional local funding. Local funds contributed in excess of required local participation may be credited toward required local participation in subsequent years, provided that the requested state appropriation for this subsection shall not exceed \$100 million annually and, if necessary, the new entitlement level shall be reduced to comply with this limitation.”

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Senator Starr of the 44th moved that the Senate adopt the Second Conference Committee report on HB 532.

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

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Those voting in the affirmative were Senators:

Allgood	Engram	McGill
Barker	Foster	McKenzie
Barnes	Garner	Peevy
Bowen	Gillis	Perry
Brantley	Greene	Phillips
Broun of 46th	Harris	Scott of 2nd
Brown of 47th	Harrison	Scott of 36th
Bryant	Hill	Scott of 43rd
Burton	Hine	Starr
Cobb	Holloway	Stumbaugh
Coggin	Horton	Tate
Coleman	Howard	Thompson
Coverdell	Huggins	Timmons
Dawkins	Kennedy	Trulock
Deal	Kidd	Turner
Dean	Lester	Tysinger
English	Littlefield	Walker

Those not voting were Senators:

Bond	Fincher	Land
Brannon	Hudgins	

On the motion, the yeas were 51, nays 0; the motion prevailed, and the Senate adopted the Second Conference Committee report on HB 532.

The following communication from Honorable Max Cleland, Secretary of State, was received and read by the Secretary:

Secretary of State
214 State Capitol
Atlanta
30334

March 4, 1983

The Honorable Hamilton McWhorter, Jr.
Secretary of the Senate
State Capitol
Atlanta, Georgia 30334

Dear Mr. McWhorter:

I am transmitting to you herewith a certified list of those persons, who have registered in the Docket of Legislative Appearance for the 1983 Regu-

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lar Session as of 3:00 P.M. on March 4, 1983. The list is numbered 568 through 571.

Sincerely,

/s/ Max Cleland
Secretary of State

Attachment:
Received by
/s/ Hamilton McWhorter, Jr.

STATE OF GEORGIA
Office of Secretary of State

I, Max Cleland, Secretary of State of the State of Georgia, do hereby certify that the attached list contains the names and addresses of those persons, numbered 568 through 571, who have registered in the Docket of Legislative Appearance as of March 4, 1983, 3:00 P.M., in accordance with the Georgia Laws 1970, pp. 695, as the same appears of file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 4th day of March, in the year of our Lord One Thousand Nine Hundred and Eighty-three and of the Independence of the United States of America the Two Hundred and Seven.

/s/ Max Cleland
Secretary of State

- 568. Mark D. Jarrett
Citizens Concerned
1275 Timberland Drive, S.E.
Marietta, Georgia 30067
- 569. Les Kertay
Georgia Wholistic Practitioners
2051 LaVista Road, N.E.
Atlanta, Georgia 30329
- 570. Bill Copeland
Georgia Rehabilitation Counselors Assn.
2251 Perimeter Parkway, Suite 13
Chamblee, Georgia 30341
- 571. Richard Guthman, Jr.
National Bank of Georgia
P.O. Box 1234
Atlanta, Georgia 30301

The following message was received from the House through Mr. Ellard, the Clerk thereof:
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Mr. President:

The House has agreed to the Senate substitutes to the following bills of the House:

HB 570. By Representatives Pinkston of the 100th, Groover of the 99th, Lucas of the 102nd and Horne of the 103rd:

A bill to amend an Act creating the State Court of Bibb County, so as to provide for warrant officers of said court and their selection, compensation, and duties.

HB 715. By Representatives Thomas of the 69th, Johnson of the 70th and Shepard of the 71st:

A bill to amend an Act creating the office of commissioner of Carroll County, so as to change the compensation of the commissioner of Carroll County.

HB 10. By Representative Phillips of the 125th:

A bill to amend Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the care and protection of indigent and elderly patients, so as to provide for a program of care for terminally ill persons.

HB 596. By Representatives Thompson and Darden of the 20th:

A bill to amend an Act creating the State Court of Cobb County, so as to change the jurisdiction of said court.

HB 247. By Representatives Bolster of the 30th, Adams of the 36th and Johnson of the 70th:

A bill to amend Chapter 42 of Title 36, the "Downtown Development Authorities Law," so as to change the legislative purpose.

HB 779. By Representatives Chambless of the 133rd, White of the 132nd, Balkcom of the 140th and Young of the 134th:

A bill to amend an Act creating the Small Claims Court of Dougherty County, so as to change a certain designation.

HB 780. By Representatives Chambless of the 133rd, White of the 132nd, Balkcom of the 140th and Young of the 134th:

A bill to amend an Act creating the State Court of Dougherty County, so as to change a certain designation.

HB 458. By Representatives Coleman of the 118th, Hays and Snow of the 1st and others:

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A bill to amend Code Section 42-5-58 of the Official Code of Georgia Annotated, relating to the punishment of inmates generally in correctional institutions and to transfers of inmates, so as to change the provisions relating to the use of certain restraints.

HB 68. By Representative Coleman of the 118th:

A bill to amend Code Section 16-11-131 of the Official Code of Georgia Annotated, relating to the unlawful possession of firearms by convicted felons, so as to change the definition of the term "felony."

The House has agreed to the Senate amendments to the following bills of the House:

HB 625. By Representatives Dixon of the 151st, Bishop of the 94th and Crosby of the 150th:

A bill to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change the provisions relating to the special elections held for the purpose of determining whether the manufacture, sale, and distribution of distilled spirits shall be authorized.

HB 340. By Representative Greer of the 39th:

A bill to amend an Act known as "The Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to specify the compensation of the members of the Authority's Board of Directors.

HB 622. By Representative Lane of the 111th:

A bill to amend Code Section 21-3-94 of the Official Code of Georgia Annotated, relating to reopening of qualification for office in nonpartisan municipal elections, so as to provide for the reopening of qualification for office upon the death of a candidate in nonpartisan municipal elections.

HB 836. By Representatives Hirsch of the 96th, Buck of the 95th, Galer of the 97th and others:

A bill to amend an Act establishing the Municipal Court of Columbus, so as to provide for an increase in civil jurisdiction; to provide for the salaries of the judge, clerk, and marshal of said court.

HB 421. By Representatives Collins of the 144th, Burruss of the 20th, Crosby of the 150th and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to provide procedures for appeals of assessments to the State Board of Equalization.

HB 813. By Representative Isakson of the 21st:

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A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the county supplement for the district attorney.

The House has adopted the reports of the Committees of Conference on the following bills of the Senate:

SB 40. By Senators Hudgins of the 15th and Littlefield of the 6th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to define the crime of sexual assault; to define other terms; to provide penalties.

SB 273. By Senator Kidd of the 25th:

A bill to provide for the appointment of the chief magistrate and other magistrates of the Magistrate Court of Jones County; to provide for terms of office.

The House has adopted the reports of the Committees of Conference on the following bills of the House:

HB 460. By Representatives Adams of the 36th, Murphy of the 18th, Connell of the 87th and others:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to delete Chapter 14 thereof, relating to electrical contractors, plumbers, and conditioned air contractors, and reenact a new Chapter 14, relating to electrical contractors, plumbers, and conditioned air contractors.

HB 245. By Representatives Shepard of the 71st, Johnson of the 70th, Parham of the 108th and Moore of the 139th:

A bill to amend Code Section 16-9-20 of the Official Code of Georgia Annotated, relating to issuance of bad checks, so as to change certain penalties and a definition.

HB 129. By Representative Birdsong of the 104th:

A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of public school children, so as to provide for screening of public school children for scoliosis.

- HB 325. By Representatives Snow of the 1st, Murphy of the 18th, Walker of the 115th and Daugherty of the 33rd:

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A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to clarify the procedure for acknowledging paternity.

- HB 33. By Representatives Snow of the 1st, Lawson of the 9th, Bray of the 91st and others:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to the General Assembly of Georgia, so as to provide for the oath of office of members of the General Assembly.

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

- SB 221. By Senator Howard of the 42nd:

A bill to amend an Act providing a supplement to the compensation, expenses, and allowances of the judges of the superior court of the Stone Mountain Judicial Circuit, so as to change that supplement for certain purposes and to delete certain references to Rockdale County; to provide an effective date.

- SB 289. By Senators Barnes of the 33rd, Thompson of the 32nd and Brantley of the 56th:

A bill to provide for the existence of vacancies in the membership of the Powder Springs Downtown Development Authority under certain circumstances; to authorize the exclusion of certain property from taxation by the Powder Springs Downtown Development Authority; to provide for other matters relative to the foregoing.

- SB 299. By Senator Kidd of the 25th:

A bill to amend an Act establishing a new charter for the City of Milledgeville, as amended, so as to change the compensation of the mayor and aldermen of said city.

- SB 300. By Senator Engram of the 34th:

A bill to amend an Act creating a new charter for the Town of Tyrone, so as to provide the terms of the councilmen and to provide for their election.

- SB 302. By Senator Greene of the 26th:

A bill to amend an Act providing a new charter for the City of Macon, so as to provide that the president pro tempore of the city council shall be selected

from the full body of council by majority vote of all members of council; to provide for filling a vacancy of the presidency.

SB 303. By Senator Barnes of the 33rd:

A bill to amend an Act known as the "South Cobb Development Authority Act," so as to provide for the enlargement of the South Cobb Development Area.

SB 305. By Senators Phillips of the 9th and Peevy of the 48th:

A bill to amend an Act providing for districts for the election of the Board of Education of Gwinnett County, as amended, so as to change the compensation of the board and provide for expense allowances.

SB 306. By Senator Engram of the 34th:

A bill to provide for the Magistrate Court of Fayette County; to state legislative intent.

SB 307. By Senator Brannon of the 51st:

A bill to amend an Act providing for the office of Commissioner of Gordon County, as amended, so as to change the provisions relative to the county administrator.

SB 176. By Senator Hine of the 52nd:

A bill to amend Title 24 of the Official Code of Georgia Annotated, relating to evidence, so as to provide for the use of interpreters by hearing impaired persons.

SB 196. By Senators Coleman of the 1st, Scott of the 2nd and Bryant of the 3rd:

A bill to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions pertaining to ad valorem taxation of property, so as to redefine the term "foreign merchandise in transit"

SB 102. By Senator Howard of the 42nd:

A bill to amend Code Section 43-34-33 of the Official Code of Georgia Annotated, relating to institutional licenses to practice medicine, so as to prohibit the further issuance of institutional licenses to practice medicine but to authorize the renewal of certain such licenses.

SB 308. By Senator Coggin of the 35th:

A bill to create and establish the East Point Building Authority, a body corporate and politic and an instrumentality of the State of Georgia.

SB 151. By Senator Brown of the 47th:

A bill to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telegraph service, so as to define certain terms; to provide that a percentage of incorporators be residents of Georgia.

The House has adopted the following resolution of the Senate:

SR 140. By Senators McGill of the 24th, English of the 21st and Walker of the 19th:

A resolution urging the United States Congress and the United States Secretary of Agriculture to remove the assessment on milk.

The House has agreed to the Senate amendment to the House substitute to the following bill of the Senate:

SB 121. By Senators Greene of the 26th, Lester of the 23rd, Holloway of the 12th and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for policy and purpose; to provide for a Health Policy Council.

The House has receded from its amendment to the following bill of the Senate:

SB 96. By Senator Coggin of the 35th:

A bill to amend Chapter 12 of Title 47 of the Official Code of Georgia Annotated, relating to district attorneys emeritus, so as to change the provisions relating to practicing law while serving as district attorney emeritus.

The House has agreed to the Senate substitutes to the following bills of the House:

HB 326. By Representative Evans of the 84th:

A bill to amend Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to forfeiture proceedings for bonds of recognizance, so as to repeal certain provisions relating to institution of forfeiture proceedings generally.

HB 420. By Representatives Kilgore of the 42nd, Crosby of the 150th, Collins of the 144th and others:

A bill to amend Chapter 8 of Title 33 of the Official Code of Georgia Annotated, relating to insurance fees and taxes, so as to provide for the imposition of license fees upon life insurance companies and their agents or brokers.

- HB 429. By Representatives Smith of the 152nd, Byrd of the 153rd, Richardson of the 52nd and others:

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A bill to amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, so as to change the definition of minor as it relates to sexual exploitation of children.

The House has adopted the reports of the Committees of Conference on the following bills of the House and Senate:

- HB 121. By Representatives Lawson of the 9th, Snow of the 1st, Williams of the 48th and others:

A bill to implement certain changes required by Article VI of the Constitution of the State of Georgia; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for a magistrate court in each county.

- HB 171. By Representatives McDonald of the 12th, Lambert of the 66th, Jackson of the 9th, and others:

A bill to amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, so as to provide for licensing and regulation of farm wineries.

- HB 348. By Representatives Bishop of the 94th, Daugherty of the 33rd, Steinberg of the 46th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to revise extensively and supersede existing provisions of Article 2 of said chapter, known as the "Fair Employment Practices Act of 1978"

- HB 374. By Representatives Snow of the 1st, Karrh of the 109th, Ginsberg of the 122nd and others:

A bill to provide for legislative intent; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions regarding the General Assembly, so as to define "population bill" and to prohibit the General Assembly from passing any population bill, with certain exceptions.

- HB 440. By Representatives Williams of the 6th, Collins of the 144th, Kilgore of the 42nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a comprehensive revision of the taxation of state and national banks, state building and loan associations and federal savings and loan associations.

HB 530. By Representative Couch of the 40th:

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A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to application for homestead exemption, so as to change the date for filing application for homestead exemption in all counties of this state having a population of 550,000 or more.

SB 81. By Senator Coverdell of the 40th:

A bill to amend Part 9 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to certain classifications of members of the Employees' Retirement System of Georgia, so as to provide that persons who become employees of the state as a result of a county probation system becoming a part of the state-wide probation system shall have the right to remain members of local retirement systems.

SB 154. By Senator Lester of the 23rd:

A bill to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to clarify certain matters relating to the board membership; to delete the residency requirement for certified public accountants and registered public accountants.

SB 278. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act consolidating the offices of tax collector and tax receiver of Cobb County into the one office of tax commissioner of Cobb County, as amended, so as to change the provisions relating to the compensation of the tax commissioner and his chief clerk.

SB 280. By Senators Harrison of the 37th, Barnes of the 33rd and Brantley of the 56th:

A bill to amend an Act changing the boundaries of the seven education districts of the Cobb County School District, as amended, so as to change the provisions relating to the compensation of the chairman and other members of the board of education.

The House has adopted the report of the Second Committee of Conference on the following bill of the House:

HB 532. By Representative Murphy of the 18th:

A bill to amend Code Section 20-2-250 of the Official Code of Georgia Annotated, relating to capital outlay funds for educational facilities, so as to provide that projections of average daily attendance shall include nonresident pupils whether or not such nonresident pupils attend school pursuant to a contract between local units of administration.

The House has agreed to the Senate substitute to the following resolution of the House: www.libtool.com.cn

HR 292. By Representatives Ginsberg of the 122nd and Hamilton of the 24th:

A resolution creating the Chatham County Hospital Authority Study Commission.

The House has agreed to the Senate amendment to the following resolution of the House:

HR 434. By Representative Lee of the 72nd:

A resolution relative to adjournment.

The following report of the Committee on Enrolling and Journals was read by the Secretary:

Mr. President:

The Committee on Enrolling and Journals has read and examined the following Senate bills and resolutions and has instructed me to report the same back to the Senate as correct and ready for transmission to the Governor:

SB 124.	SB 161.	SB 45.	SB 189.
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SB 5.	SB 178.	SB 81.	SB 204.
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SB 137.	SB 32.	SB 165.	SB 253.

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SB 277.	SB 31.	SB 302.	SR 49.
SB 283.	SB 130.	SB 303.	SR 79.
SB 294.	SB 151.	SB 305.	SR 111.
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SB 40.	SB 220.	SB 307.	SR 89.
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SB 102.	SB 289.	SB 91.	SR 121.
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Respectfully submitted,
/s/ Ed Barker, Chairman
Senator, District 18

Serving as doctor of the day today was Dr. Joel D. Todino of Rome, Georgia.

The President announced at 7:58 o'clock P.M. that, pursuant to the provisions of HR 434, the Senate would now stand adjourned sine die.

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1983

Regular Session

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