

# HOUSE JOURNAL

**Representative Hall, Atlanta, Georgia**

**Monday, August 15, 2011**

**First Legislative Day**

Pursuant to the call of his Excellency, Governor Nathan Deal, the House met in special session at 10:00 o'clock, A.M., this day and was called to order by the Honorable David Ralston, Speaker of the House of Representatives.

The following proclamation was read:

BY THE GOVERNOR OF THE STATE OF GEORGIA

A PROCLAMATION

CONVENING THE GENERAL ASSEMBLY OF GEORGIA IN SPECIAL SESSION

WHEREAS: Article V, Section II, Paragraph VII of the Constitution of the State of Georgia grants to the Governor the power to convene a special session of the General Assembly, stating and thereby limiting its purposes; and

WHEREAS: The Regular Session of the 2011 General Assembly adjourned sine die on April 14, 2011; and

WHEREAS: The Governor has determined that certain purposes warrant the convocation of a special session; and

THEREFORE: By virtue of the power and authority conferred upon me by the Constitution of Georgia, I, Nathan Deal, Governor of the State of Georgia, do hereby convene the General Assembly of this State in Special Session at ten o'clock (10:00) a.m. on Monday, August 15, 2011, for the purposes and only those purposes specified as follows:

1. For enacting, revising, repealing or amending general law for:
  - (a) The division of the State into appropriate districts from which members of the Georgia State Senate shall be elected,

## JOURNAL OF THE HOUSE

- (b) The division of the State into appropriate districts from which members of the Georgia State House of Representatives shall be elected,
  - (c) The division of the State into appropriate districts from which members of the House of Representatives to the United States Congress shall be elected; and
2. To ratify the Executive Order dated June 23, 2011, and numbered 06.23.11.03 in the official records of the Office of the Governor until the General Assembly acts upon this Order; and
  3. For amending the Official Code of Georgia Annotated Section 48-8-244(a), relating to the special district transportation sales and use tax; and
  4. For enacting, revising, repealing or amending local laws which the General Assembly deems necessary to avoid unreasonable hardship or to avoid undue impairment of public functions if consideration and enactment thereof are postponed.

Given under my hand and the Great Seal of the State of Georgia at the City of Atlanta, on this 10th day of August 2011.

/s/ Nathan Deal  
GOVERNOR

ATTEST

/s/ Chris Riley  
CHIEF OF STAFF

(SEAL)

The following communications were received:

House of Representatives  
Administration Floor Leader  
109 State Capitol  
Atlanta, Georgia 30334

April 29, 2011

The Honorable Nathan Deal  
Governor, State of Georgia  
State Capitol  
Atlanta, Georgia 30334

Dear Governor Deal:

I herewith submit my resignation, effective today, from my position as the State Representative from House District 113. It was a distinct honor to have been elected to this position by the citizens of the 113th and to have served them for this brief time. As you know, my resignation is occasioned by my selection to assume the position of Chancellor of the University System of Georgia on July 1, 2011.

It was a particular honor to have been chosen by you to be an Administration Floor Leader during the 2011 Regular Session of the Georgia General Assembly. I look forward with great excitement and anticipation to continue to serve you and the citizens of Georgia as Chancellor of the University System.

Sincerely

/s/ Hank Huckaby  
Henry M. Huckaby  
State Representative  
District 113

cc: Honorable David Ralston, Speaker of the House  
Honorable Robbie Rivers, Clerk of the House of Representatives  
Ms. Robyn Underwood, Legislative Fiscal Officer  
Honorable Brian Kemp, Secretary of State

State of Georgia  
Office of the Governor  
Atlanta 30334-0900

April 29, 2011

The Honorable Hank Huckaby  
Representative, District 113  
Georgia House of Representatives  
P.O. Box 1464  
Watkinsville, Georgia 30677

Dear Representative Huckaby:

Thank you for the service you have rendered as the Representative of District 113 in the Georgia House of Representatives. I appreciate you taking the time to apprise me of your resignation, effective immediately.

Your resignation is hereby accepted, and I wish you all the best for your future endeavors. Once again, thank you for your service to the State of Georgia.

Sincerely,

/s/ Nathan Deal

ND:rg

cc: The Honorable David Ralston, Speaker of the Georgia House of Representatives  
The Honorable Brian Kemp, Secretary of State  
Mr. Robbie Rivers, Clerk of the Georgia House of Representatives  
Ms. Robyn Underwood, Legislative Fiscal Officer

REP. DAVID E. LUCAS  
Georgia General Assembly  
"Serving you faithfully since 1974"

June 9, 2011

To: Governor Nathan Deal  
Georgia State Capital  
Atlanta, Ga. 30334

Dear Governor Deal:

I, David E. Lucas, Sr., do hereby resign my seat as the representative of the 139th district of the state of Georgia effective June 9, 2011 at 5:00 P.M.

It has been my pleasure to represent my district and the people of Georgia for 37 years. It has been my honor to serve.

Sincerely,

/s/ David E. Lucas, Sr.

State of Georgia  
Office of the Governor  
Atlanta 30334-0900

June 10, 2011

The Honorable David E. Lucas, Sr.  
Representative, District 139  
Georgia House of Representatives  
2594 Saratoga Drive  
Macon, Georgia 31211

Dear Representative Lucas:

Thank you for the service you have rendered as the Representative of District 139 in the Georgia House of Representatives. I appreciate you taking the time to apprise me of your resignation, effective immediately.

Your resignation is hereby accepted, and I wish you all the best for your future endeavors. Once again, thank you for your service to the State of Georgia.

Sincerely,  
/s/ Nathan Deal

ND:ah

cc: The Honorable David Ralston, Speaker of the Georgia House of Representatives  
The Honorable Brian Kemp, Secretary of State  
Mr. Robbie Rivers, Clerk of the Georgia House of Representatives  
Ms. Robyn Underwood, Legislative Fiscal Officer

The State of Georgia  
Office of Secretary of State

I, Brian P. Kemp, Secretary of State of the State of Georgia, do hereby certify that the attached page lists the results as shown on the consolidated returns on file with this office for the Special Election Runoff held on the 19th day of July 2011 in District 113 for State Representative in Oconee County, and portions of Clarke, Morgan, and Oglethorpe Counties to fill the vacancy created by the Honorable Hank Huckaby.

Having received a majority of votes cast, Chuck Williams was duly elected to 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 July, in the year of our Lord Two Thousand and Eleven and of the Independence of the United

States of America the Two Hundred and  
Thirty-Sixth.

/s/ Brian P. Kemp  
Secretary of State

(SEAL)

**Official Election Results  
July 19, 2011 Special Election**

**STATE REPRESENTATIVE, DISTRICT 113**

	<u>Votes</u>	<u>% Votes</u>
<b>CLARKE</b>		
Dan Matthews	694	61.15
Chuck Williams	441	38.85
<b>Votes For Seat In County:</b>	<b>1,135</b>	
<b>MORGAN</b>		
Dan Matthews	66	27.97
Chuck Williams	170	72.03
<b>Votes For Seat In County:</b>	<b>236</b>	
<b>OCONEE</b>		
Dan Matthews	1,015	29.98
Chuck Williams	2,371	70.02
<b>Votes For Seat In County:</b>	<b>3,386</b>	
<b>OGLETHORPE</b>		
Dan Matthews	122	42.21
Chuck Williams	167	57.79
<b>Votes For Seat In County:</b>	<b>289</b>	
<b>Total Votes For Seat:</b>	<b>5,046</b>	
	<u>Votes</u>	<u>% Votes</u>
Dan Matthews	1,897	37.59
Chuck Williams	3,149	62.41
<b>Total Votes For Seat:</b>	<b>5,046</b>	
	<b>5,046</b>	

The State of Georgia  
Office of Secretary of State

I, Brian P. Kemp, Secretary of State of the State of Georgia, do hereby certify that the attached page lists the results as shown on the consolidated returns on file with this office for the Special Election held on the 19th day of July 2011 in District 139 for State Representative in Bibb County to fill the vacancy created by the Honorable David Lucas, Sr.

Having received a majority of votes cast, James Beverly was duly elected to 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 July, in the year of our Lord Two Thousand and Eleven and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

/s/ Brian P. Kemp  
Secretary of State

(SEAL)

**Official Election Results  
July 19, 2011 Special Election**

**STATE REPRESENTATIVE, DISTRICT 139**

	<u>Votes</u>	<u>% Votes</u>
<b>BIBB</b>		
James Beverly	4,002	65.13
Anissa M. Jones	2,130	34.66
<b>Votes For Seat In County:</b>	<b>6,132</b>	

**Total Votes For Seat: 6,132**

	<u>Votes</u>	<u>% Votes</u>
James Beverly	4,002	65.26
Anissa M. Jones	2,130	34.74
<b>Total Votes For Seat:</b>	<b>6,132</b>	

**6,132**

## OFFICIAL OATH OF GEORGIA STATE REPRESENTATIVE

## HOUSE DISTRICT 113

## GEORGIA HOUSE OF REPRESENTATIVES

I do 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.

I further swear or affirm that I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof, that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state, that I have been a resident of my district for the time required by the Constitution and the laws of this state, and that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia.

SO HELP ME GOD.

## LOYALTY OATH

I am a citizen of the State of Georgia and a member of the General Assembly and the recipient of public funds for services rendered as such officer and I do hereby solemnly swear and affirm that I will support the Constitution of the United States and the Constitution of Georgia.

SO HELP ME GOD.

/s/ Chuck Williams  
STATE REPRESENTATIVE

Sworn to and subscribed before me,

This 29th day of July, 2011.

/s/ Lawton E. Stephens  
Judge, Superior Court  
Western Judicial Circuit

OFFICIAL OATH OF GEORGIA STATE REPRESENTATIVE

HOUSE DISTRICT 139

GEORGIA HOUSE OF REPRESENTATIVES

I do 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.

I further swear or affirm that I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof, that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state, that I have been a resident of my district for the time required by the Constitution and the laws of this state, and that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia.

SO HELP ME GOD.

LOYALTY OATH

I am a citizen of the State of Georgia and a member of the General Assembly and the recipient of public funds for services rendered as such officer and I do hereby solemnly swear and affirm that I will support the Constitution of the United States and the Constitution of Georgia.

SO HELP ME GOD.

/s/ James Beverly  
STATE REPRESENTATIVE

Sworn to and subscribed before me,

This 3rd day of August, 2011.

/s/ William P. Adams  
Judge, State Court of Bibb County

THE STATE OF GEORGIA  
EXECUTIVE ORDER

BY THE GOVERNOR:

Due to the untimely passing of The Honorable Bobby Franklin, a vacancy now exists in the 43rd District of Georgia House of Representatives. Section 21-2-544 of the Official Code of Georgia Annotated requires the Governor to issue a Writ of Election whenever a vacancy exists during a time when the members of the General Assembly shall be required to meet. Such Writ of Election shall set a date for the special election not less than 30 nor more than 60 days after its issuance. This Writ of Election to fill the vacancy in District 43 of the Georgia House of Representatives is issued today given that the Georgia General Assembly will be called into Special Session during the month of August of 2011.

Therefore, pursuant to Article II, Section II, Paragraph V of the Constitution and Section 21-2-544 of the Official Code of Georgia Annotated, a Writ of Election is hereby issued to the Secretary of State for a special election to be held on Tuesday, September 20, 2011, to fill the vacancy in District 43 of the Georgia House of Representatives.

This 5th day of August, 2011.

/s/ Nathan Deal  
Governor

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

Abdul-Salaam	Cooper	Heckstall	Mayo	Scott, M
Abrams	Crawford	Hembree	McBrayer	Scott, S
Allison	Davis	Henson	McCall	Shaw
Amerson	Dawkins-Haigler	Hill	McKillip	Sheldon
Anderson	Dickerson	Holcomb	Meadows	Sims, B
Ashe	Dickey	Holmes	Mills	Sims, C
Atwood	Dickson	Holt	Mitchell	Smith, E
Austin	Dollar	Horne	Morgan	Smith, K
Baker	Drenner	Houston	Morris	Smith, L
Battles	Dudgeon	Howard	Mosby	Smith, R
Bearden	Dukes	Hudson	Murphy	Smyre
E Beasley-Teague	Dutton	Hugley	Neal, J	Spencer
Bell	Ehrhart	Jackson	Neal, Y	Stephens, M
Benfield	England	Jacobs	Nimmer	Stephenson
Benton	Epps, C	James	Nix	Talton
Beverly	Epps, J	Jasperse	Oliver	Tankersley
Black	Evans	Jerguson	O'Neal	Taylor, D
Braddock	Floyd	Johnson	Pak	Taylor, T
Brockway	E Fludd	Jones, J	Parent	Teasley
Brooks	Frazier	Jones, S	Parrish	Thomas
Bruce	Fullerton	Jordan	Parsons	Tinubu
Bryant	Gardner	Kaiser	Peake	Walker
Buckner	Geisinger	Kendrick	Powell, A	Watson
Burns	Golick	Kidd	Powell, J	E Weldon
Byrd	Gordon	Knight	Pruett	Wilkerson

Carter	Greene	Lane	Purcell	Wilkinson
Casas	Hamilton	Lindsey	Ramsey	Willard
Channell	Hanner	Long	Randall	Williams, A
Cheokas	Harden, B	Maddox, B	Reece	Williams, C
Clark, J	Harden, M	Maddox, G	Rice	Williams, E
Clark, V	Harrell	Manning	Riley	Williams, R
Coleman	Hatchett	Marin	Roberts	Williamson
Collins	Hatfield	Martin	Rogers	Yates
Cooke	Heard	Maxwell	Rynders	Ralston, Speaker
Coomer				

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

Representatives Dobbs of the 53rd, Harbin of the 118th, Setzler of the 35th, Stephens of the 164th, and Taylor of the 55th.

They wished to be recorded as present.

Prayer was offered by Reverend Carl D. Johnson, President, Not I But Christ Ministries, Lithonia, Georgia.

The members pledged allegiance to the flag.

The following Resolution of the House was read:

HR 3EX. By Representative Ralston of the 7th

#### A RESOLUTION

Expressing the utmost regret at the passing of the Honorable Bobby Franklin; and for other purposes.

WHEREAS, the world lost a man of deep faith, strong character, and unshakable conviction with the tragic and untimely passing of the Honorable Bobby Franklin in July of 2011; and

WHEREAS, Representative Franklin was born in Birmingham, Alabama on February 13, 1955, the beloved son of Robert and Betty Franklin, and moved to Cobb County, Georgia in 1992; and

WHEREAS, he was a graduate of Covenant College in Lookout Mountain, Georgia where he received a degree in both Biblical Studies and Business Administration; and

WHEREAS, Representative Franklin's work as a corporate controller, CFO, and business analyst allowed him to develop sound business and fiscal principles; and

WHEREAS, he was most noted as a principled conservative who was committed first to his Lord Jesus and second to liberty, and he was man who believed strongly in the personal liberty upon which this nation was founded; and

WHEREAS, Representative Franklin entered the Georgia House of Representatives in 1997, and at the time of his passing served as Vice Chairman of the Information and Audits Committee, as Vice Chairman of the Legislative and Congressional Reapportionment Committee, and as a member of the Banks and Banking and Judiciary, Non-civil Committees; his previous service included membership on the Natural Resources and Environment and Special Judiciary Committees and chairmanship of the Legislative and Congressional Reapportionment Committee; and

WHEREAS, he was held in esteem by his colleagues for his deep and sincere beliefs and was known for saying "there is never a right time to do wrong"; and

WHEREAS, Bobby Franklin was a loving father to his three children and a faithful and active member of the Reformed Presbyterian Church; and

WHEREAS, he was also a man who diligently and conscientiously served the people of Georgia, never wavering from his conviction to his principles, and he will be sorely missed.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the members of this body join in remembering and venerating the Honorable Bobby Franklin for his dedication to his community, his state, and his country and express their sincere appreciation for his commitment to the democratic principles that are the foundation of the United States of America.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the family of the Honorable Bobby Franklin.

Representative Teasley of the 38th moved that all members in favor of the adoption of the Resolution vote "nay."

It was so ordered.

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

N Abdul-Salaam	N Crawford	Heckstall	N McCall	N Sheldon
N Abrams	N Davis	N Hembree	N McKillip	N Sims, B
N Allison	N Dawkins-Haigler	N Henson	N Meadows	N Sims, C
N Amerson	N Dempsey	N Hill	N Mills	N Smith, E

N Anderson	N Dickerson	N Holcomb	N Mitchell	N Smith, K
N Ashe	N Dickey	N Holmes	N Morgan	N Smith, L
N Atwood	N Dickson	N Holt	N Morris	N Smith, R
N Austin	N Dobbs	N Horne	N Mosby	Smith, T
N Baker	N Dollar	N Houston	N Murphy	N Smyre
N Battles	N Drenner	N Howard	N Neal, J	N Spencer
N Bearden	N Dudgeon	N Hudson	N Neal, Y	N Stephens, M
E Beasley-Teague	N Dukes	N Hugley	N Nimmer	Stephens, R
N Bell	N Dutton	N Jackson	N Nix	N Stephenson
N Benfield	N Ehrhart	N Jacobs	N Oliver	N Talton
N Benton	N England	N James	N O'Neal	N Tankersley
N Beverly	N Epps, C	N Jasperse	N Pak	N Taylor, D
N Black	N Epps, J	N Jerguson	N Parent	Taylor, R
N Braddock	N Evans	N Johnson	N Parrish	N Taylor, T
N Brockway	N Floyd	N Jones, J	N Parsons	N Teasley
N Brooks	E Fludd	N Jones, S	N Peake	N Thomas
N Bruce	N Frazier	N Jordan	N Powell, A	N Tinubu
N Bryant	N Fullerton	N Kaiser	N Powell, J	VACANT
N Buckner	N Gardner	N Kendrick	N Pruett	N Walker
N Burns	N Geisinger	N Kidd	N Purcell	N Watson
N Byrd	N Golick	N Knight	N Ramsey	Welch
N Carter	N Gordon	N Lane	N Randall	E Weldon
N Casas	N Greene	N Lindsey	N Reece	N Wilkerson
N Channell	N Hamilton	N Long	N Rice	N Wilkinson
N Cheokas	N Hanner	N Maddox, B	N Riley	N Willard
N Clark, J	Harbin	N Maddox, G	N Roberts	N Williams, A
N Clark, V	N Harden, B	N Manning	N Rogers	N Williams, C
N Coleman	N Harden, M	N Marin	N Rynders	N Williams, E
N Collins	N Harrell	N Martin	N Scott, M	N Williams, R
N Cooke	N Hatchett	N Maxwell	N Scott, S	N Williamson
N Coomer	N Hatfield	N Mayo	N Setzler	N Yates
Cooper	N Heard	N McBrayer	N Shaw	Ralston, Speaker

On the adoption of the Resolution, those voting in favor were 168, those opposed 0.

The Resolution was adopted.

Representative Heckstall of the 62nd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

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

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

Pursuant to House Rule 6 of the Rules, Ethics, and Decorum of the House of Representatives, the Speaker appointed Kristy Lindstrom as the interim Messenger for the House of Representatives.

The following Resolutions of the House were read and adopted:

HR 1EX. By Representative O`Neal of the 146th

#### A RESOLUTION

To notify the Senate that the House of Representatives has convened; and for other purposes.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the Clerk of the House is hereby instructed to notify the Senate that the House of Representatives has convened in special session and is now ready for the transaction of business.

HR 2EX. By Representative O`Neal of the 146th

#### A RESOLUTION

To notify the Governor that the General Assembly has convened; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that a committee of fourteen, seven from the House of Representatives to be named by the Speaker and seven from the Senate to be named by the President of the Senate, be appointed to notify His Excellency, the Governor, that the General Assembly has convened in special session and is now ready for the transaction of business.

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

HB 1EX. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide for the composition and number of state house districts; to provide for a short title; to amend Chapter 2 of Title 28 of the Official Code of Georgia Annotated, relating to apportionment of the House of Representatives and Senate and qualifications of members, so as to provide for the number and election of Representatives; to provide for certain qualifications; to provide when the Representatives elected shall take office; to provide for the continuation of the present representative districts until a certain time; to provide that the provisions of this Act shall supersede

and replace an interim apportionment plan and certain changes thereto; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Legislative & Congressional Reapportionment.

HB 2EX. By Representatives Collins of the 27th and Hatchett of the 143rd:

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 an exemption for a limited time with respect to the collection of any rate of prepaid state taxes as defined in Code Section 48-8-2 in an amount equal to the amount by which the actual rate levied during a certain period exceeds the rate levied as of May 1, 2011, pursuant to Code Section 48-9-14 as it applies to sales of motor fuel and aviation gasoline as those terms are defined in Code Section 48-9-2; to ratify an executive order of the Governor suspending temporarily the collection of such taxes; to repeal certain obsolete provisions which ratified prior executive orders regarding such taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 3EX. By Representatives Jones of the 46th, Roberts of the 154th, O'Neal of the 146th, Lindsey of the 54th, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Part 1 of Article 5 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the special district transportation sales and use tax, so as to change the date of the election; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 4EX. By Representatives England of the 108th and Benton of the 31st:

A BILL to be entitled an Act to amend an Act re-creating and establishing a Board of Commissioners of Barrow County, approved April 2, 1976 (Ga. L. 1976, p. 4033), as amended, so as to provide for powers and duties of the chairperson of the board; to provide for compensation of the chairperson; to provide for appointment of a county manager and the powers and duties thereof; to provide for meetings, voting, and quorum of the board; to provide for a referendum; to provide for submission under the federal Voting Rights

Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 4EX. By Representatives O`Neal of the 146th, Jones of the 46th, Lindsey of the 54th, Sheldon of the 105th, Peake of the 137th and others:

A RESOLUTION amending the Rules of the House of Representatives; and for other purposes.

Referred to the Committee on Rules.

HR 5EX. By Representatives Geisinger of the 48th, Parsons of the 42nd, Martin of the 47th, Willard of the 49th, Riley of the 50th and others:

A RESOLUTION urging the United States Congress to prohibit any further regulation of greenhouse gas emissions by the United States Environmental Protection Agency for a period of 24 months and to provide a moratorium on any further new air quality regulations by the United States Environmental Protection Agency for a period of 24 months; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

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

Representatives Byrd of the 20th, Morris of the 155th, Davis of the 109th, Powell of the 171st, and Smyre of the 132nd.

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

HR 6EX. By Representatives Dutton of the 166th and Ralston of the 7th:

A RESOLUTION recognizing and commending Conservation Sergeant Don Dasher and Conservation Ranger First Class Clint Jarriel with the Georgia Department of Natural Resources for dedicated service to the citizens of Georgia and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 7EX. By Representatives Ralston of the 7th and Epps of the 140th:

A RESOLUTION recognizing and commending Twiggs County Coroner Harold L. Reese, Jr., and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 8EX. By Representative Coomer of the 14th:

A RESOLUTION commending Staff Sergeant Philips B. Casey and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 9EX. By Representatives McCall of the 30th, England of the 108th, Holmes of the 125th and Epps of the 140th:

A RESOLUTION congratulating Teresa Chambers on being named the Southeast regional winner of the America's Farmer Mom of the Year Contest and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 10EX. By Representative Hatchett of the 143rd:

A RESOLUTION recognizing and commending Bruster's Real Ice Cream, and inviting its representatives to be recognized by the House of Representatives; and for other purposes.

HR 11EX. By Representative Coomer of the 14th:

A RESOLUTION recognizing and commending Dr. J. Daniel Hanks, Jr., and inviting him to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 12EX. By Representative Coomer of the 14th:

A RESOLUTION recognizing and commending Mr. Charles "Chuck" Edmond Nida; and for other purposes.

HR 13EX. By Representative Coomer of the 14th:

A RESOLUTION recognizing and commending Mr. S. Lester Tate III; and for other purposes.

HR 14EX. By Representative Ralston of the 7th:

A RESOLUTION honoring the memory of Mr. Freddy Keith and expressing regret at his passing; and for other purposes.

HR 15EX. By Representative Ralston of the 7th:

A RESOLUTION commending U.S. Army Captain Edward "Ben" Bankston; and for other purposes.

HR 16EX. By Representative Ralston of the 7th:

A RESOLUTION expressing regret at the passing of Bill "Mr. P" Prouty; and for other purposes.

HR 17EX. By Representative Allison of the 8th:

A RESOLUTION honoring the life and memory of Mr. Vincent Rizzitello; and for other purposes.

HR 18EX. By Representatives Dukes of the 150th, Fullerton of the 151st and Rynders of the 152nd:

A RESOLUTION recognizing and commending a group of students in 1961 from the Albany State College on the 50th anniversary of their unselfish call for freedom; and for other purposes.

HR 19EX. By Representatives O'Neal of the 146th and Wilkinson of the 52nd:

A RESOLUTION honoring the life and memory of Estel George Wagner; and for other purposes.

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

Mr. Speaker:

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

SR 2EX. By Senator Williams of the 19th:

A RESOLUTION to notify the House of Representatives that the Senate has convened; and for other purposes.

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

HR 2EX. By Representative O'Neal of the 146th:

A RESOLUTION to notify the Governor that the General Assembly has convened; and for other purposes.

The President has appointed as a Committee of Notification the following Senators: Chance of the 16th, Rogers of the 21st, Jackson of the 24th, McKoon of the 29th, Henson of the 41st, Ginn of the 47th, and Butterworth of the 50th.

The following communications were received:

State of Georgia  
Office of the Governor  
Atlanta 30334-0900

May 12, 2011

The Honorable Casey Cagle  
Lieutenant Governor  
240 State Capitol  
Atlanta, Georgia 30334

The Honorable David Ralston  
Speaker of the Georgia House of Representatives  
332 State Capitol  
Atlanta, Georgia 30334

Dear Gentlemen:

Please be advised that I have line-item vetoed the appropriations below for the following sections in House Bill 78:

- Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 224, line 379.605;
- Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 225, line 379.610;
- Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 226, line 379.618;
- Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 226, line 379.623;

Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 227, line 379.624;  
Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 228, line 379.660;  
Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 228, line 379.661;  
Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 228, line 379.662;  
Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 228, line 379.663;  
Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 229, line 379.664; and  
Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 229, line 379.666;

The veto messages are attached for each item referenced above.

Sincerely,

/s/ Nathan Deal

ND:rg

Attachment

cc: The Honorable Brian Kemp, Secretary of State  
The Honorable Sam Olens, Attorney General  
The Honorable Jack Hill, Chairman, Senate Appropriations Committee  
The Honorable Terry England, Chairman, House Appropriations Committee  
Mr. Robert F. Ewing, Secretary of the Senate  
Mr. Robert E. Rivers, Jr., Clerk of the Georgia House of Representatives  
Mr. Sewell R. Brumby, Legislative Counsel

### **HB 78 – FY 2012 Appropriations Bill**

Line-Item Vetoes by the Governor

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 224, line 379.605:**

This language authorizes the appropriation of \$667,680 in debt service to finance projects and facilities for the University System of Georgia, Board of Regents, specifically to construct the initial phase of the Health Science Building, Valdosta State University,

Lowndes County through the issuance of \$7,800,000 in 20-year bonds. The authorized funding is insufficient, providing only a partial amount needed to complete the planned construction. Therefore, I veto this language (page 224, line 379.605) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$667,680.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 225, line 379.610:**

This language authorizes the appropriation of \$273,920 in debt service to finance the design of the Science Learning Center for the University of Georgia, Clarke County through the issuance of \$3,200,000 in 20-year bonds. Projects authorized for design only should not be funded with 20-year bonds. The design is short-term limited-life and does not result in a physical asset. The state's priority should be to fund construction for existing projects for which we have already paid for the design. Therefore, I veto this language (page 225, line 379.610) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$273,920.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 226, line 379.618:**

This language authorizes the appropriation of \$847,440 in debt service to finance projects and facilities for the University System of Georgia, Board of Regents, specifically to construct initial phase of a new science building at Clayton State University, Clayton County through the issuance of \$9,900,000 in 20-year bonds. The authorized funding is insufficient, providing only a partial amount needed to complete the planned construction. Therefore, I veto this language (page 226, line 379.618) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$847,440.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 226, line 379.623:**

This language authorizes the appropriation of \$419,012 in debt service to finance projects and facilities for the University System of Georgia, Board of Regents, specifically to fund major repairs and renovations at Ennis Hall, Georgia College and State University, Baldwin County through the issuance of \$4,895,000 in 20-year bonds. The authorized funding is insufficient, providing only a partial amount needed to complete the planned construction. Therefore, I veto this language (page 226, line 379.623) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$419,012.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 227, line 379.624:**

This language authorizes the appropriation of \$691,220 in debt service to finance projects and facilities for the University System of Georgia, Board of Regents, specifically to construct initial phase of an Academic Building, Dalton College, Whitfield County through the issuance of \$8,075,000 in 20-year bonds. The authorized funding is insufficient, providing only a partial amount needed to complete the planned construction. Therefore, I veto this language (page 227, line 379.624) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$691,220.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 228, line 379.660:**

This language authorizes the appropriation of \$102,720 in debt service to finance the design of an academic building for Altamaha Technical College, Camden County through the issuance of \$1,200,000 in 20-year bonds. Projects authorized for design only should not be funded with 20-year bonds. The design is short-term limited-life and does not result in a physical asset. The state's priority should be to fund construction for existing projects for which we have already paid for the design. Therefore, I veto this language (page 228, line 379.660) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$102,720.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 228, line 379.661:**

This language authorizes the appropriation of \$188,320 in debt service to finance the design of the Public Safety/Allied Health and Economic Development Building for Lanier Technical College, Hall County through the issuance of \$2,200,000 in 20-year bonds. Projects authorized for design only should not be funded with 20-year bonds. The design is short-term limited-life and does not result in a physical asset. The state's priority should be to fund construction for existing projects for which we have already paid for the design. Therefore, I veto this language (page 228, line 379.661) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$188,320.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 228, line 379.662:**

This language authorizes the appropriation of \$50,504 in debt service to finance the design of the Health Services/Library for Southeastern Technical College, Emanuel County through the issuance of \$590,000 in 20-year bonds. Projects authorized for design

only should not be funded with 20-year bonds. The design is short-term limited-life and does not result in a physical asset. The state's priority should be to fund construction for existing projects for which we have already paid for the design. Therefore, I veto this language (page 228, line 379.662) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$50,504.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 228, line 379.663:**

This language authorizes the appropriation of \$256,800 in debt service to finance the design of the Gwinnett Technical College, North Fulton Campus in Johns Creek, Fulton County through the issuance of \$3,000,000 in 20-year bonds. Projects authorized for design only should not be funded with 20-year bonds. The design is short-term limited-life and does not result in a physical asset. The state's priority should be to fund construction for existing projects for which we have already paid for the design. Therefore, I veto this language (page 228, line 379.663) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$256,800.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 229, line 379.664:**

This language authorizes the appropriation of \$62,488 in debt service to finance the design of the Natural Resources Building, Ogeechee Technical College, Bulloch County through the issuance of \$730,000 in 20-year bonds. Projects authorized for design only should not be funded with 20-year bonds. The design is short-term limited-life and does not result in a physical asset. The state's priority should be to fund construction for existing projects for which we have already paid for the design. Therefore, I veto this language (page 229, line 379.664) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$62,488.

**Section 51, pertaining to State of Georgia General Obligation Debt Sinking Fund, page 229, line 379.666:**

This language authorizes the appropriation of \$85,600 in debt service to finance the design of the Health Services Center, Middle Georgia Technical College, Houston County through the issuance of \$1,000,000 in 20-year bonds. Projects authorized for design only should not be funded with 20-year bonds. The design is short-term limited-life and does not result in a physical asset. The state's priority should be to fund construction for existing projects for which we have already paid for the design. Therefore, I veto this language (page 229, line 379.666) in the provisions relative to Section 51 State of Georgia General Obligation Debt Sinking Fund and the state general funds of \$85,600.

State of Georgia  
Office of the Governor  
Atlanta 30334-0900

May 13, 2011

The Honorable David Ralston  
Speaker of the Georgia House of Representatives  
332 State Capitol  
Atlanta, Georgia 30334

Dear Speaker Ralston:

I have vetoed House Bills 226, 489, and 602 which passed the General Assembly during the 2011 Regular Session.

Article III, Section V, Paragraph XIII of the Georgia Constitution requires that I transmit these bills to you together with the reasons for such vetoes. These bills and corresponding reasons for the vetoes are attached.

Sincerely,

/s/ Nathan Deal

ND:rg

Attachment

cc: The Honorable Casey Cagle, Lieutenant Governor  
The Honorable Brian Kemp, Secretary of State  
The Honorable Sam Olens, Attorney General  
Mr. Robert E. Rivers, Jr., Clerk of the House of Representatives  
Mr. Robert F. Ewing, Secretary of the Senate  
Mr. Sewell R. Brumby, Legislative Counsel

State of Georgia  
Office of the Governor  
Atlanta 30334-0900

May 13, 2011

The Honorable Casey Cagle  
President of the Senate  
240 State Capitol  
Atlanta, Georgia 30334

The Honorable Tommie Williams  
President Pro Tempore  
321 State Capitol  
Atlanta, Georgia 30334

Dear Lieutenant Governor Cagle and Senator Williams:

I have vetoed Senate Bills 19, 58, 86, 96, 140 and 163 which passed the General Assembly during the 2011 Regular Session.

Article III, Section V, Paragraph XIII of the Georgia Constitution requires that I transmit these bills to you together with the reasons for such vetoes. These bills and corresponding reasons for the vetoes are attached.

Sincerely,

/s/ Nathan Deal

ND:rg

Attachment

cc: The Honorable David Ralston, Speaker of the House of Representatives  
The Honorable Brian Kemp, Secretary of State  
The Honorable Sam Olens, Attorney General  
Mr. Robert E. Rivers, Jr., Clerk of the House of Representatives  
Mr. Robert F. Ewing, Secretary of the Senate  
Mr. Sewell R. Brumby, Legislative Counsel

### **General Legislation**

#### **Veto Number 1**

##### **SB 19 – Coin Operated Amusement**

Senate Bill 19 attempts to provide much needed clarity to a statute that often leads to murky interpretations and unintended results. On close review, this legislation would expand the reward categories for those who play Class A machines and attempts to clarify the term “gift certificate” that exists in current law. In addition, this legislation attempts to clarify for prosecutors that so-called internet sweepstakes cafes are illegal and subject to prosecution for violating Georgia’s prohibition on gambling. I am vetoing this legislation because I do not believe SB 19 provides sufficient clarity or enforcement powers to shut down internet cafes and I also find that the modifications to the current Class A and Class B classifications of coin operated machines could lead to unintended consequences. I look forward to signing legislation in the near future that would more forcefully address these significant concerns. Accordingly, **I VETO SB 19.**

**Veto Number 2****SB 58 – Indemnification**

Senate Bill 58 removes from the code the separate and lower levels of indemnification provided for injured or deceased state highway employees and also changes the current law on determining who qualifies as a "dependent" for purposes of determining who would be entitled to such indemnification monies. This week, I signed HB 156 which also places our state highway employees on equal footing with other public safety officers covered by O.C.G.A. § 45-9-85. However, I VETO Senate Bill 58 because of the change to the current definition of "dependent" for the purpose of determining who is entitled to the indemnification payments. Changing the definition of dependent has the potential of broadening the pool of individuals who could recover from this already limited fund. The current law provides that for a person to be a "dependent of the deceased covered employee or such employees' spouse, the person must have been included as a dependent on the most recent tax return filed by the deceased covered employees or such covered employees spouse." SB 58 would remove this bright line test and, instead, leave the determination of who qualifies as a dependent to "the rules and regulations of the department subject to the approval of the commission." The original intent of this program was to provide some additional funds to the people truly dependent on the state employees' income when an injury or death interrupted the otherwise steady income stream. This bill has the potential to broaden the definition of "dependent", which departs from the original concept of state indemnification. Accordingly, **I VETO SB 58.**

**Veto Number 3****SB 86 – Qualified Local Governments/Certified Retirement Communities**

Senate Bill 86 attempts to address concerns of smaller cities and counties regarding the expense of developing and maintaining plans in order to obtain certification for "Qualified Local Government" status. While I am sympathetic to the desires of cities and counties to more easily attain such status, the Department of Community Affairs through the promulgation of its own internal rules and regulations, is already attempting to meet their needs. Accordingly, I do not believe this bill is necessary and therefore, **I VETO SB 86.**

**Veto Number 4****SB 96 – Peace Officer Standards**

Senate Bill 96 changes the definition of "Peace officer" in Chapter 17 of Title 47 of the Official Code of Georgia Annotated relating to the Peace Officers' Annuity and Benefit Fund. At the request of the author, **I VETO SB 96.**

**Veto Number 5****SB 140 – GHEFA**

Senate Bill 140 removes the \$200 million cap for revenue bonds and allows the Board to issue revenue bonds that they determine are self-liquidating. This legislation defines self-liquidating as revenues derived from the project itself as well as revenue allowed under O.C.G.A. § 10-9-49(g) to be used as security for revenue bonds. Of note, this legislation was not requested by the Georgia World Congress Center. Removing the \$200 million cap introduces operational risk and the determination of self-liquidating is, at best, ambiguous. I did favor the underlying bill that allows the Board to make the determination on the amount of revenue bonds to issue, but as amended, does not allow for sufficient Executive and Legislative branch input into that decision. Accordingly, **I VETO SB 140.**

**Veto Number 6****SB 163 – Campaign Communication Disclosures**

Senate Bill 163 attempts to address the issue of campaign communications in campaigns for state or local office that apparently have failed to provide sufficient clarity on who paid for the communication and whether a candidate authorized such communication. The issue of campaign finance reform has been a consistent theme in Washington, DC and federal court decisions have shown that any type of limitation on the First Amendment right to engage in political speech will receive tough scrutiny. See *Citizens United v. Federal Election Commission*, 558 U.S. 50 (2010). Such tough scrutiny would be especially likely where a violation of limitations on political speech would constitute a crime - as this legislation provides. It is my assessment that, while the legislation is well intended, the potential vagueness in what constitutes "general public political advertising or literature" and "any colorable imitation of the name of an existing person or organization" would constitute significant First Amendment concerns. Furthermore, as has been the case at the federal level, this legislation would likely add significant operational burdens to producing and distributing campaign messages in the variety of mediums that candidates and citizens now use to engage in political speech. Accordingly, **I VETO SB 163.**

**Veto Number 7****HB 226 – Council on Developmental Disabilities**

House Bill 226 provides for the creation of individual development accounts to be used by any person whose income is the lesser of 80 percent of the median household income for the area or whose income is less than or equal to 300 percent of the federal poverty

guidelines. The funds paid into such an account (which could not exceed \$60,000) would be considered custodial accounts and would not be counted as income, assets, or resources of the account holder for the purpose of determining financial eligibility for assistance or services from any federal, federally assisted, state or municipal program based on need. The goal of this legislation is noble in that it seeks to assist those with significant needs like those with a developmental disability. However, this legislation is not narrowly tailored to actually help those with significant and distinct needs, rather it is open for use by any person who meets the income criteria. Furthermore, the criteria for what expenses these accounts may be used to pay for is overly broad and the oversight for how these accounts would be managed is inadequate. I welcome an opportunity to revisit the creation of this type of account next year and create the account in a more narrowly tailored manner that would focus more directly on the populations in Georgia who need assistance in caring for themselves in the community. Accordingly, **I VETO HB 226.**

### **Veto Number 8**

#### **HB 489 – Medicaid Recovery Audit Contractor**

House Bill 489 seeks to prohibit the State of Georgia from compensating any Medicaid recovery audit contractor with a percentage of the overpayment amounts collected by the contractor. Since Federal law, specifically 42 U.S.C. 1396a(a)(42), requires all state Medicaid programs to have a recovery audit contractor program whereby payments to the contractors “shall be made on a contingent basis for collecting overpayments,” the implementation of HB 489 would result in Georgia’s Medicaid program being out of compliance with federal law, which would put at risk billions of dollars in Federal medical assistance funding to the State because Federal Medicaid funds are not available to state Medicaid programs that are out of compliance with the Federal Medicaid state plan requirements, such as the ones found in 42 U.S.C. 1396a(a)(42). HB 489 would also significantly impair Georgia’s ability to detect and deter fraud and abuse within its Medicaid program because it would eliminate an effective option of detecting overpayments. I encourage legislators to help strengthen our capabilities to reduce the prevalence of fraud and abuse in all taxpayer-funded programs next session, and so **I VETO HB 489.**

### **Local Legislation**

### **Veto Number 9**

#### **HB 602 – Bacon County Board of Elections**

House Bill 602 would reconstitute and change the composition of the board of elections and registration for Bacon County to a one member board. A one member county board of elections conflicts with O.C.G.A. § 21-2-212, and thus, **I VETO HB 602.**

MONDAY, AUGUST 15, 2011

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House of Representatives  
332 State Capitol  
Atlanta, GA 30334

August 11, 2011

Mrs. Robyn Underwood  
Legislative Fiscal Officer  
Georgia General Assembly  
State Capitol, Room 434  
Atlanta, Georgia 30334

Dear Robyn:

Please be advised that I have appointed Representative Earl Ehrhart to serve as a member of the House Legislative and Congressional Reapportionment Committee.

Rep. Ehrhart has been informed of this appointment. Thank you for your attention to this matter.

Very Truly Yours,

/s/ David Ralston  
David Ralston, Speaker  
Georgia House of Representatives

DR/lmj

cc: Representative Earl Ehrhart, House District 36  
Mr. Robbie Rivers, Clerk of the House

Representative O'Neal of the 146th moved that the House do now adjourn until 10:00 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 10:00 o'clock, tomorrow morning.