

Representative Hall, Atlanta, Georgia**Tuesday, February 15, 2011****Fourteenth Legislative Day**

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

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

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

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

Representatives Bryant of the 160th, Burns of the 157th, Byrd of the 20th, Crawford of the 16th, Fludd of the 66th, Lucas of the 139th, Manning of the 32nd, Sims of the 169th, Smith of the 168th, and Tinubu of the 60th.

They wished to be recorded as present.

Due to a mechanical malfunction, Representatives Coleman of the 97th, Hanner of the 148th, and Taylor of the 173rd were not recorded on the attendance roll call. They wished to be recorded as present.

Prayer was offered by Dr. Foley Beach, Holy Cross Anglican Church, Loganville, Georgia.

The members pledged allegiance to the flag.

Representative Davis of the 109th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

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

The Journal was confirmed.

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

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

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

HB 241. By Representatives Kidd of the 141st, Baker of the 78th and Greene of the 149th:

A BILL to be entitled an Act to amend Code Section 26-2-22 of the Official Code of Georgia Annotated, relating to prohibited acts regarding standards, labeling, and adulteration of food, so as to prohibit labeling seafood as fresh

under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 242. By Representatives Coomer of the 14th, Jacobs of the 80th, Atwood of the 179th, Weldon of the 3rd, Allison of the 8th and others:

A BILL to be entitled an Act to amend Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to verdict and judgment, so as to provide a short title; to provide for legislative findings; to define certain terms; to provide that no court, administrative agency, or other tribunal shall enforce a foreign law if doing so would violate a right guaranteed by the Constitution of this state or of the United States; to provide for construction; to provide for null contracts; to provide for findings of fact and conclusion of law; to provide for applicability; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 243. By Representatives Kidd of the 141st, Baker of the 78th and Greene of the 149th:

A BILL to be entitled an Act to amend Code Section 26-2-22 of the Official Code of Georgia Annotated, relating to prohibited acts regarding standards, labeling, and adulteration of food, so as to prohibit labeling any food as fresh under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 244. By Representative Greene of the 149th:

A BILL to be entitled an Act to amend an Act reincorporating the City of Arlington in the County of Calhoun and Early, State of Georgia, approved April 10, 1971 (Ga. L. 1971, p. 3885), as amended, particularly by an Act approved May 16, 2007 (Ga. L. 2007, p. 3622), so as to provide for duties of the mayor; to provide for administrative departments and officers thereof; to provide for appointment, qualifications, and compensation of a city manager; to provide for powers and duties of the city manager; to prohibit certain council interference with administration; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

- HB 245. By Representatives Kidd of the 141st, Battles of the 15th, Greene of the 149th, Mills of the 25th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 10 of the Official Code of Georgia Annotated, relating to contract of suretyship, so as to provide that the surety or cosigner of a loan is entitled to notice of a default by the principal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- HB 246. By Representatives Johnson of the 37th, Yates of the 73rd, Black of the 174th, Thomas of the 100th, Evans of the 40th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to retirement and pensions, so as to provide that no employee of the Employees' Retirement System of Georgia or the Teachers Retirement System of Georgia shall receive an increase in compensation in any calendar year in excess of 50 percent of his or her salary; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

- HB 247. By Representatives Neal of the 1st, Bearden of the 68th, Talton of the 145th, Parrish of the 156th, Howard of the 121st and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services personnel, so as to authorize the Department of Community Health to require fingerprinting and criminal background investigations of all applicants for licensure and currently licensed emergency medical services personnel; to provide definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

- HB 248. By Representatives Neal of the 1st, Golick of the 34th, Meadows of the 5th, Battles of the 15th and Walker of the 107th:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide that a health care sharing ministry which enters into a health care cost sharing

arrangement with its participants shall not be considered an insurance company, health maintenance organization, or health benefit plan of any class, kind, or character and shall not be subject to any laws related to such; to provide a short title; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 249. By Representatives Sims of the 119th and Cooper of the 41st:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relating to health, so as to provide for information on pertussis disease by hospitals to parents of newborn infants; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 250. By Representatives Weldon of the 3rd, Maxwell of the 17th, Benton of the 31st, Epps of the 140th, Greene of the 149th and others:

A BILL to be entitled an Act to amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Judicial Retirement System, so as to provide that a member who rejected survivor's benefits may elect such benefits by paying the actuarial cost; to provide for a revised survivor's benefit option for persons who become members on or after July 1, 2012; to provide for options; to provide for the event of death or divorce; to provide for the death of an active member; to provide for the payment of the remainder of a member's accumulated contributions; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HR 252. By Representatives Kidd of the 141st, Reece of the 11th and Buckner of the 130th:

A RESOLUTION creating the House Study Committee on Adult Mental Health and Disability Facilities; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 253. By Representatives Randall of the 138th, Lucas of the 139th, Epps of the 140th, Peake of the 137th and Jordan of the 77th:

A RESOLUTION honoring the life and service of SGT Rodney Maxwell Davis and dedicating an interchange in his honor; and for other purposes.

Referred to the Committee on Transportation.

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

HB 208	HB 209
HB 210	HB 211
HB 212	HB 213
HB 214	HB 215
HB 216	HB 217
HB 218	HB 219
HB 220	HB 221
HB 222	HB 223
HB 224	HB 225
HB 226	HB 227
HB 228	HB 229
HB 230	HB 231
HB 232	HB 233
HB 234	HB 235
HB 236	HB 237
HB 238	HB 239
HB 240	HR 248
HR 250	HR 251

Representative Coleman of the 97th District, Chairman of the Committee on Education, submitted the following report:

Mr. Speaker:

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

HB 130 Do Pass

Respectfully submitted,
/s/ Coleman of the 97th
Chairman

Representative Walker of the 107th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

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

HB 60 Do Pass

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

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

Mr. Speaker:

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

HB 30 Do Pass, by Substitute

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

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 244 Do Pass
HR 246 Do Pass

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

HOUSE RULES CALENDAR
TUESDAY, FEBRUARY 15, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 14th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 46 Uniform Interstate Depositions and Discovery Act; enact (Judy-Jacobs-80th)

Modified Open Rule

None

Modified Structured Rule

None

Structured Rule

None

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

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

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

Mr. Speaker:

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

SB 16. By Senator Golden of the 8th:

A BILL to be entitled an Act to amend and supersede the laws pertaining to the governing authority of Lowndes County; to provide for a Board of Commissioners of Lowndes County; to provide for the powers and composition of the board of commissioners; to provide for election districts,

qualifications, terms of office, and filling of vacancies of commissioners; to provide for meetings and quorum; to provide for the responsibilities of the chairperson; to provide for a vice chairperson and the vice chairperson's responsibilities; to provide for submission pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for severability and effective dates; to provide for the repeal of existing enabling legislation; to repeal conflicting laws; and for other purposes.

SB 30. By Senators Hamrick of the 30th and Crosby of the 13th:

A BILL to be entitled an Act to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions for municipal courts, so as to require municipal court judges to be attorneys; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 16. By Senator Golden of the 8th:

A BILL to be entitled an Act to amend and supersede the laws pertaining to the governing authority of Lowndes County; to provide for a Board of Commissioners of Lowndes County; to provide for the powers and composition of the board of commissioners; to provide for election districts, qualifications, terms of office, and filling of vacancies of commissioners; to provide for meetings and quorum; to provide for the responsibilities of the chairperson; to provide for a vice chairperson and the vice chairperson's responsibilities; to provide for submission pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for severability and effective dates; to provide for the repeal of existing enabling legislation; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 30. By Senators Hamrick of the 30th and Crosby of the 13th:

A BILL to be entitled an Act to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions for municipal courts, so as to require municipal court judges to be attorneys; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

Pursuant to HR 263, the House Recognized February 15, 2011, as Girl Scout Day at the state capitol.

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

Collins of the 27th, Kidd of the 141st, Hudson of the 124th, Epps of the 140th, Peake of the 137th, Hugley of the 133rd, Williams of the 89th, Marin of the 96th, Fludd of the 66th, Buckner of the 130th, Smyre of the 132nd, and Dickerson of the 95th.

Pursuant to HR 246, the House recognized and commended the band Widespread Panic and invited them to be recognized by the House of Representatives.

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 244. By Representatives O`Neal of the 146th, Talton of the 145th and Abrams of the 84th:

A RESOLUTION commending the Honorable Larry Walker and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 246. By Representatives Heard of the 114th, McKillip of the 115th, Kaiser of the 59th, Parent of the 81st, Benfield of the 85th and others:

A RESOLUTION recognizing and commending the band Widespread Panic and inviting them to be recognized by the House of Representatives; and for other purposes.

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

HB 46. By Representatives Jacobs of the 80th, Lindsey of the 54th, Oliver of the 83rd, Willard of the 49th, Lane of the 167th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 24 of the Official Code of Georgia Annotated, relating to securing attendance of witnesses and production and preservation of evidence, so as to repeal the "Uniform Foreign Depositions Act" and to replace such Act with the "Uniform Interstate Depositions and Discovery Act"; to provide for a short title; to provide for definitions; to provide for issuance and service of subpoenas; to provide for depositions and production and inspection of documents and

tangible evidence; to provide for protective orders; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

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

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

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

On the passage of the Bill, the ayes were 161, nays 0.

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

Due to a mechanical malfunction, the vote of Representative Hanner of the 148th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Kaiser of the 59th and Pruett of the 144th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 286. By Representative Baker of the 78th:

A RESOLUTION commending Mr. Charles "Chuck" Ware 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 287. By Representatives Shaw of the 176th, Carter of the 175th, Black of the 174th, Roberts of the 154th, Powell of the 171st and others:

A RESOLUTION honoring the life and memory of James Eunice; and for other purposes.

HR 288. By Representative Talton of the 145th:

A RESOLUTION recognizing and commending Fellowship Bible Baptist Church; and for other purposes.

HR 289. By Representative Neal of the 1st:

A RESOLUTION recognizing and commending Lance Christopher Underwood; and for other purposes.

HR 290. By Representative McBrayer of the 153rd:

A RESOLUTION recognizing and commending Mr. Gene Fandel; and for other purposes.

HR 291. By Representatives Bearden of the 68th and Powell of the 171st:

A RESOLUTION commending police chiefs and other heads of law enforcement agencies in this state and observing a day of recognition in their honor; and for other purposes.

Representative Coleman of the 97th moved that the following Bill of the House be withdrawn from the Committee on Ways & Means and recommitted to the Committee on Education:

HB 202. By Representatives Coleman of the 97th, Maxwell of the 17th, Kaiser of the 59th, Amerson of the 9th, Austin of the 10th and others:

A BILL to be entitled an Act to amend Part 1 of Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to powers of local boards with respect to public school property and facilities, and Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the sales tax for educational purposes, so as to enact the "Traffic Operations and School Safety Act of 2011"; to authorize the use of educational funds for roadway improvements; to require a planning and construction guide relating to site accessibility and traffic flow for school construction; to define the term "capital outlay projects for educational purposes" with respect to the sales tax for educational purposes; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative Jasperse of the 12th moved that the following Bill of the House be withdrawn from the Committee on Governmental Affairs and recommitted to the Committee on Agriculture & Consumer Affairs:

HB 223. By Representatives Jasperse of the 12th, England of the 108th, McCall of the 30th and Roberts of the 154th:

A BILL to be entitled an Act to amend Code Section 8-2-25 of the Official Code of Georgia Annotated, relating to state-wide application of minimum standard building codes, codes requiring adoption by municipality or county, adoption of more stringent requirements by local governments, and adoption of standards for which state code does not exist, so as to provide an exemption for certain farm buildings or structures; to provide an effective date; to repeal conflicting laws; and for other purposes.

The motion prevailed.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Judiciary:

HB 24. By Representatives Willard of the 49th, Lindsey of the 54th, Weldon of the 3rd, Dobbs of the 53rd, Jacobs of the 80th and others:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated so as to substantially revise, supersede, and modernize provisions relating to evidence; to provide for legislative findings; to amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so as to move provisions relating to DNA analysis of persons convicted of certain crimes from Title 24 to Title 35; to change provisions relating to foreign language interpreters and interpreters for the hearing impaired; to amend the Official Code of Georgia Annotated so as to conform provisions to the new Title 24 and correct cross-references; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

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.