

**Representative Hall, Atlanta, Georgia**

**Tuesday, February 22, 2011**

**Seventeenth Legislative Day**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by Representative Lindsey of the 54th.

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

Allison	Dempsey	Hembree	McBrayer	Setzler
Amerson	Dickerson	Henson	McCall	Shaw
Anderson	Dickson	E Hill	McKillip	Sheldon
Atwood	Dobbs	Holmes	Meadows	Sims, B
Austin	Dollar	Holt	Mills	Sims, C
Baker	Drenner	Houston	Mitchell	Smith, E
Battles	Dudgeon	Howard	Morgan	Smith, K
Beasley-Teague	E Dukes	Huckaby	Murphy	Smith, L
Benfield	Dutton	Hugley	Neal, J	Smith, R
Benton	Ehrhart	Jacobs	Neal, Y	Spencer
Black	England	James	Nix	Stephens, M
Brockway	Epps, C	Jasperse	Oliver	Stephens, R
Brooks	Epps, J	Jerguson	Pak	E Stephenson
Bruce	Evans	E Johnson	Parent	Talton
Bryant	Fludd	E Jones, J	Parrish	Taylor, D
Buckner	Franklin	Jones, S	Peake	Taylor, R
Burns	Frazier	Kaiser	Powell, A	Taylor, T
E Byrd	Fullerton	Kendrick	Powell, J	Teasley
Carter	Geisinger	Kidd	Pruett	Thomas
Casas	Golick	Knight	Purcell	Watson
E Channell	Gordon	Lane	Ramsey	Welch
Cheokas	Greene	Lindsey	E Randall	Weldon
Clark, J	Hamilton	Maddox, B	Rice	Wilkerson
Clark, V	Harden, B	Maddox, G	Riley	Wilkinson
Coleman	Harden, M	Manning	Roberts	Williams, A
Cooke	Harrell	E Marin	Rogers	Williams, E
Cooper	Hatchett	Martin	Rynders	Williams, R
Crawford	Hatfield	Maxwell	Scott, M	Williamson
Davis	Heard	Mayo	Scott, S	Yates
Dawkins-Haigler				

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

Representatives Abdul-Salaam of the 74th, Abrams of the 84th, Ashe of the 56th, Bearden of the 68th, Bell of the 58th, Collins of the 27th, Coomer of the 14th, Gardner of the 57th, Hanner of the 148th, Holcomb of the 82nd, Horne of the 71st, Hudson of the 124th, Jackson of the 142nd, Jordan of the 77th, Lucas of the 139th, Morris of the 155th, Mosby of the 90th, O'Neal of the 146th, Parsons of the 42nd, Ralston of the 7th, Reece of

the 11th, Smith of the 168th, Smyre of the 132nd, Tinubu of the 60th, Walker of the 107th, and Willard of the 49th.

They wished to be recorded as present.

Due to a mechanical malfunction, Representative Braddock of the 19th was not recorded on the attendance roll call. She wishes to be recorded as present.

Prayer was offered by Father Stephen McWhorter, Christ Church Frederica, St. Simons Island, 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 280. By Representatives Harbin of the 118th, Ehrhart of the 36th, Rice of the 51st, Anderson of the 117th, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to correct a cross-reference; to provide additional uses for Emergency Telephone System Fund moneys; to provide for the enhancement of dispatch and response activities and equipment of public safety personnel; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 281. By Representative Harbin of the 118th:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to general provisions regarding interest and usury, so as to change certain provisions relating to the legal rate of interest and the maximum rate of interest generally; to change certain provisions relating to criminal penalties for excessive interest; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

HB 282. By Representatives Yates of the 73rd, Black of the 174th, Coomer of the 14th, Hatchett of the 143rd, Parent of the 81st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to the Child Custody Intrastate Jurisdiction Act, so as to provide a short title; to provide procedures governing parental rights in the event one parent is subject to military deployment; to define certain terms; to provide that a court shall not enter a final order modifying parental rights of a deploying parent until 90 days after the deployment ends; to provide for a temporary order modifying parental rights and responsibilities or parent-child contact during the period of deployment or mobilization; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 283. By Representatives Beasley-Teague of the 65th, Dawkins-Haigler of the 93rd, Heard of the 114th, Dukes of the 150th, Brooks of the 63rd and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs relative to the "Quality Basic Education Act," so as to

provide that the State Board of Education shall incorporate into rape prevention and personal safety education programs a program for preventing teen dating violence, the Love Is Not Abuse Curriculum; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 284. By Representatives Powell of the 171st, Willard of the 49th, Weldon of the 3rd, Lindsey of the 54th, Jacobs of the 80th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to commencement of action and service, so as to change provisions relating to the procedure involved with certified process servers; to provide for procedure; to change provisions relating to process; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 285. By Representatives Coleman of the 97th, Maxwell of the 17th and Casas of the 103rd:

A BILL to be entitled an Act to amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to conditions of employment under the "Quality Basic Education Act", so as to revise provisions relating to criminal background checks on school employees; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 286. By Representatives Marin of the 96th, Wilkinson of the 52nd, Mitchell of the 88th, Benfield of the 85th and Floyd of the 99th:

A BILL to be entitled an Act to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver and temporary renewal permit, so as to provide for training for certain persons licensed to carry a pistol or revolver; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HB 287. By Representative Sims of the 169th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to the sales and use tax exemption regarding eligible food and beverages, so as to provide for a partial suspension of such exemption for a limited period of time; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 288. By Representatives Pak of the 102nd, Ramsey of the 72nd, Sheldon of the 105th, Martin of the 47th, Neal of the 1st and others:

A BILL to be entitled an Act to provide for a short title; to amend Code Section 17-6-1 of the Official Code of Georgia Annotated, relating to where offenses are bailable, so as to require as a condition of bail for certain offenses that DNA collection be performed on the person seeking bond; to provide for procedure; to provide for a reasonable fee; to provide for expungement under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 289. By Representatives Welch of the 110th and Knight of the 126th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem tax exemptions, so as to revise a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 290. By Representatives Cheokas of the 134th, Davis of the 109th, Maddox of the 127th, Harrell of the 106th, Sims of the 169th and others:

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 general authority, duties, and procedure relative to state purchasing, so as to correct an oversight in provisions protecting against fraudulent use of state purchasing cards as discovered and recommended by the House Committee on Information and Audits and to apply such fraud protection provisions to all state entities including state authorities; 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 Governmental Affairs.

HB 291. By Representatives Harrell of the 106th, England of the 108th, Powell of the 171st, Huckaby of the 113th, Jacobs of the 80th and others:

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 regarding ad valorem taxation of property, so as to provide that property tax bills shall not include any nontax related fees or assessments; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 292. By Representatives Hembree of the 67th, Houston of the 170th, Rogers of the 26th and England of the 108th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to extend certain contribution rates and credits; to change certain provisions relating to benefit experience; to continue provisions relating to administrative assessments; to extend the provision relating to automatic repeal; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

HB 293. By Representatives Benton of the 31st, Maxwell of the 17th, Meadows of the 5th, Brooks of the 63rd, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Code Section 47-20-30 of the Official Code of Georgia Annotated, relating to definitions relative to retirement bills in the General Assembly, so as to define a certain term; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 294. By Representatives Maxwell of the 17th and Braddock of the 19th:

A BILL to be entitled an Act to amend an Act to create a board of elections and registration for Paulding County and to provide for its powers and duties, approved May 30, 2007 (Ga. L. 2007, p. 4382), so as to provide for staggered terms of office for members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 295. By Representatives Maxwell of the 17th, Benton of the 31st, Meadows of the 5th, Brooks of the 63rd, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide a method of calculating accrued benefits for persons subject to the Georgia State Employees Pension and Savings Plan who transfer between the Employees' Retirement System of Georgia and the Teachers Retirement System of Georgia; to provide for the transfer of the accrued benefit amount and the present value of the accrued benefit; to provide that the present value shall be based on methods and assumptions of the transferring system; to provide for the recalculation of benefits; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 296. By Representatives Clark of the 98th, Ramsey of the 72nd, Cooke of the 18th, England of the 108th, Harden of the 28th and others:

A BILL to be entitled an Act to amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions for elementary and secondary education, so as to provide for the collection of data pertaining to illegal and undocumented students; to amend Code Section 31-7-6 of the Official Code of Georgia Annotated, relating to the provision of data for research purposes by organizations rendering patient care, so as to provide for the collection of data pertaining to illegal and undocumented patients receiving treatment in hospitals; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- HB 297. By Representatives Maxwell of the 17th, Meadows of the 5th, Benton of the 31st, Brooks of the 63rd, Buckner of the 130th 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 public retirement systems shall be prohibited from expending or obligating funds for certain purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

- HB 298. By Representatives Harbin of the 118th, Peake of the 137th, Stephens of the 164th, Martin of the 47th and Smyre of the 132nd:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to establish a small business investment company credit; to provide definitions; to provide standardized application format; to provide for qualification requirements; to provide for limitations; to provide for certification continuance requirements; to provide for reporting; to provide for decertification; to provide for registration; to provide for reports to the Governor and General Assembly; to provide the tax credit; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

- HB 299. By Representatives Neal of the 1st, Pak of the 102nd, Sheldon of the 105th and Ramsey of the 72nd:

A BILL to be entitled an Act to amend Chapter 4 of Title 24 of the Official Code of Georgia Annotated, relating to proof generally, so as to transfer provisions relating to DNA analysis upon conviction of certain sex offenses, to a new article of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation; to expand the types of convicted felons who shall have a DNA sample collected and maintained in the DNA data bank from certain designated sex offender felons to all convicted felons who are incarcerated or on probation or parole; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- HB 300. By Representatives Channell of the 116th, Kidd of the 141st and Hudson of the 124th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Putnam County, approved September 8, 1879 (Ga. L. 1879, p. 334), as amended, particularly by an Act approved February 13, 1957 (Ga. L. 1957, p. 2130), an Act approved April 11, 1979 (Ga. L. 1979, p. 3496), an Act approved March 30, 1987 (Ga. L. 1987, p. 4819), an Act approved March 30, 1993 (Ga. L. 1993, p. 4410), and an Act approved April 1, 1996 (Ga. L. 1996, p. 3804), so as to provide for certain compensation of the members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

- HB 301. By Representatives Benton of the 31st, Rogers of the 26th, Roberts of the 154th, Cooke of the 18th, Hanner of the 148th and others:

A BILL to be entitled an Act to amend Code Section 32-6-26 of the Official Code of Georgia Annotated, relating to the maximum weights for vehicles and loads, so as to allow a variance for certain vehicles; 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 302. By Representatives Sheldon of the 105th, Lindsey of the 54th, Yates of the 73rd, Bryant of the 160th and Collins of the 27th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to adjust the dates for certain elections to be held in 2012 and the dates for qualifying for such elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

- HB 303. By Representatives Cooper of the 41st, McCall of the 30th, Hembree of the 67th, Dobbs of the 53rd and Watson of the 163rd:

A BILL to be entitled an Act to amend Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physician assistants, so as to revise provisions relating to delegation of authority to a physician assistant

by a physician; to authorize physician assistants to sign off on certain documents relating to health care; to revise a provision relating to a requirement that a supervising physician periodically see a patient; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 304. By Representatives Harbin of the 118th, Willard of the 49th, Riley of the 50th and Tankersley of the 158th:

A BILL to be entitled an Act to amend Code Section 46-5-124.1 of the Official Code of Georgia Annotated, relating to service suppliers that must register certain information with the director of emergency management, updating information, and notices of delinquency, so as to modify provisions relating to information that must be registered by a service supplier doing business in Georgia for support of the 9-1-1 system; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 305. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to provide that members of local boards of education shall serve terms of no less than four years in length; to provide for a phase-in period; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 306. By Representative Stephens of the 164th:

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 state sales and use tax, so as to provide for an exemption from state sales and use tax only with respect to certain sales to qualified job training organizations; to provide for a definition; to provide for conditions and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 307. By Representative Harbin of the 118th:

A BILL to be entitled an Act to amend Article 5 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to the Georgia Trauma Care Network Commission, so as to provide for burn centers and burn patients as part of the trauma network; to revise definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 308. By Representative Maxwell of the 17th:

A BILL to be entitled an Act to amend Article 1 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Public Retirement Systems Standards Law," so as to provide for the duties of the boards of trustees of public retirement systems; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 309. By Representatives Rice of the 51st, Jerguson of the 22nd, Cooke of the 18th, Battles of the 15th, Dudgeon of the 24th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of title, security interests, and liens, so as to change the value of a vehicle that can be scrapped; to provide for procedures for notifying the Department of Revenue regarding the cancellation of titles to scrap vehicles; to add falsifying a statement regarding cancellation of title of a scrap vehicle to the list of acts deemed to be felonies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 310. By Representatives Hugley of the 133rd, Reece of the 11th, Scott of the 76th, Abrams of the 84th, Smyre of the 132nd and others:

A BILL to be entitled an Act to amend Code Section 20-2-751.4 of the Official Code of Georgia Annotated, relating to policies in public schools prohibiting bullying, so as to enact "The End to Cyberbullying Act"; to prohibit cyberbullying; to provide for related matters; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

- HB 311. By Representatives Bruce of the 64th, Fullerton of the 151st, Scott of the 76th, Frazier of the 123rd, Abrams of the 84th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to labor and industrial relations, so as to enact the "Parent Protection Act"; to provide for leave for employees to attend school conferences and medical appointments; to provide for definitions; to provide for conditions to take leave; to provide for annual notification; to provide for statutory construction; to provide that retaliatory actions are unlawful; to provide for a remedy; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

- HB 312. By Representatives Ashe of the 56th, Howard of the 121st, Kaiser of the 59th, Crawford of the 16th, Thomas of the 100th and others:

A BILL to be entitled an Act to enact the "Protecting Public School Funds Act"; to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to repeal Chapter 2A, relating to student scholarship organizations; to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to repeal Code Section 48-7-29.16, relating to the qualified education tax credit; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 326. By Representatives Collins of the 27th, Ralston of the 7th, Jones of the 46th, Abrams of the 84th, O'Neal of the 146th and others:

A BILL to be entitled an Act 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 provide comprehensive revisions to the HOPE scholarship and grant program; to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for determining eligibility of students seeking enrollment in postsecondary courses, so as to require certain coursework; to amend Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Georgia Lottery for Education Act," so as to revise provisions relating to compensation of employees of the Georgia Lottery Corporation; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HR 340. By Representative Franklin of the 43rd:

A RESOLUTION informing Georgia Supreme Court Chief Justice Carol W. Hunstein that Georgia is a republic, not a democracy; recognizing the great differences between these two forms of government; and for other purposes.

Referred to the Committee on Judiciary.

HR 341. By Representatives Henson of the 87th, Benfield of the 85th, Williams of the 89th, Mosby of the 90th, Oliver of the 83rd and others:

A RESOLUTION urging efforts to promote an increase in public awareness of the dangers of celebratory gunfire; urging state and local governments and law enforcement agencies to better educate Georgians regarding the serious threat created by firing a weapon into the air during a celebration; and committing to studying and adopting tougher criminal sanctions for those who perform celebratory gunfire resulting in injury or death to another person; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HR 342. By Representatives Clark of the 98th, Cooke of the 18th, Braddock of the 19th, Taylor of the 79th, Casas of the 103rd and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide for the prioritized expenditure of excess state revenues, including income tax relief, in the event of a budget surplus; to provide for a short title; to provide for definitions; to provide for limitations on appropriations from the Revenue Shortfall Reserve; to provide for the authority of the General Assembly with respect to the foregoing; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Budget and Fiscal Affairs Oversight.

The Speaker assumed the Chair.

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

HB 264	HB 266
HB 267	HB 268
HB 269	HB 270
HB 271	HB 272
HB 273	HB 274

HB 275  
 HB 277  
 HB 279

HB 276  
 HB 278

Representative Golick of the 34th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

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

HB 162	Do Pass
HB 196	Do Pass
HB 238	Do Pass, by Substitute

Respectfully submitted,  
 /s/ Golick of the 34th  
 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 107	Do Pass	HR 108	Do Pass
HR 110	Do Pass	HR 111	Do Pass
HR 117	Do Pass	HR 247	Do Pass
HR 254	Do Pass	HR 286	Do Pass
HR 294	Do Pass	HR 343	Do Pass
HR 346	Do Pass	HR 347	Do Pass

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

HOUSE RULES CALENDAR  
 TUESDAY, FEBRUARY 22, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 17th Legislative Day as enumerated below:

## DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

HB 30        Contracts; illegal or void; repeal certain code sections (Substitute)(Judy-Willard-49th)

**Modified Structured Rule**

HB 53        Detective and security businesses; certified Peace Officer Standard excluded; provide (RegI-Bearden-68th) (AM# 35 0220)

HB 92        Elections; in-person absentee balloting; provide limitations (Substitute)(GAff-Hamilton-23rd) (Rules Committee Substitute)

HB 232       Lobbyists; commission salesperson not required; prohibition not apply (Substitute)(GAff-Lindsey-54th)

**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 37.        By Senators Carter of the 1st, Jackson of the 24th, Staton of the 18th, Rogers of the 21st, Williams of the 19th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to the "State Properties Code," so as to provide the State Properties Commission the authority to enter into multiyear lease agreements; to provide for the termination of certain rental and lease agreements; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 56. By Senator Hooks of the 14th:

A BILL to be entitled an Act to amend an Act creating the Americus-Sumter County Airport Authority, approved April 19, 2000 (Ga. L. 2000, p. 4082), so as to change the membership of the authority; to repeal conflicting laws; and for other purposes.

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

SR 15. By Senator Tolleson of the 20th:

A RESOLUTION creating the Joint Committee on Water Supply; and for other purposes.

SR 84. By Senators Carter of the 1st, Jackson of the 24th, Staton of the 18th, Rogers of the 21st, Williams of the 19th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to allow state entities to enter into multiyear rental agreements without obligating present funds for the full obligation to the state under the full term of such agreements; to provide for procedures, conditions, and limitations; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

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

SB 37. By Senators Carter of the 1st, Jackson of the 24th, Staton of the 18th, Rogers of the 21st, Williams of the 19th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to the "State Properties Code," so as to provide the State Properties Commission the authority to enter into multiyear lease agreements; to provide for the termination of

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

Referred to the Committee on State Institutions & Property.

SB 56. By Senator Hooks of the 14th:

A BILL to be entitled an Act to amend an Act creating the Americus-Sumter County Airport Authority, approved April 19, 2000 (Ga. L. 2000, p. 4082), so as to change the membership of the authority; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SR 15. By Senator Tolleson of the 20th:

A RESOLUTION creating the Joint Committee on Water Supply; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

SR 84. By Senators Carter of the 1st, Jackson of the 24th, Staton of the 18th, Rogers of the 21st, Williams of the 19th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to allow state entities to enter into multiyear rental agreements without obligating present funds for the full obligation to the state under the full term of such agreements; to provide for procedures, conditions, and limitations; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Appropriations.

Pursuant to HR 111, the House recognized and commended the Jones County Lady Hounds softball team on winning the Class AAAA State Championship and invited them to appear before the House of Representatives.

Pursuant to HR 294, the House recognized and commended Mr. Gerard Robinson and invited him to be recognized by the House of Representatives.

Pursuant to HR 117, the House commended Sheriff Robbie Darren Mitchum and invited him to be recognized by the House of Representatives.

Pursuant to HR 286, the House commended Mr. Charles "Chuck" Ware and invited him to be recognized by the House of Representatives.

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

Representatives Atwood of the 179th, Holt of the 112th, Coomer of the 14th, Manning of the 32nd, Nix of the 69th, Purcell of the 159th, Tinubu of the 60th, Lucas of the 139th, Coleman of the 97th, and Burns of the 157th.

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

HR 107. By Representatives Wilkinson of the 52nd, Smyre of the 132nd, Lucas of the 139th, Hanner of the 148th, Brooks of the 63rd and others:

A RESOLUTION recognizing Mr. James G. Ledbetter on the occasion of his retirement and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 108. By Representatives Roberts of the 154th, Ralston of the 7th, O'Neal of the 146th, Houston of the 170th, McCall of the 30th and others:

A RESOLUTION commending Dr. Arthur Leroy Dorminy as the Distinguished Older Georgian for 2011 and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 110. By Representative Holmes of the 125th:

A RESOLUTION commending the Piedmont Academy Cougars Football Team on winning the GISA Class AA State Championship and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 111. By Representatives Holmes of the 125th and Epps of the 140th:

A RESOLUTION recognizing and commending the Jones County Lady Hounds softball team on winning the Class AAAA State Championship and inviting them to appear before the House of Representatives; and for other purposes.

HR 117. By Representative Epps of the 140th:

A RESOLUTION commending Sheriff Robbie Darren Mitchum and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 247. By Representatives Purcell of the 159th, Ralston of the 7th, Jones of the 46th, Stephens of the 164th, Bryant of the 160th and others:

A RESOLUTION commending Ms. Paula Deen and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 254. By Representatives Jordan of the 77th, James of the 135th and Stephens of the 161st:

A RESOLUTION commending Alpha Phi Alpha Fraternity, Inc., and the Georgia District Chapters and inviting the Georgia District Director and representatives of Alpha Phi Alpha Fraternity, Inc., to be recognized by the House of Representatives; and for other purposes.

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.

HR 294. By Representatives Morgan of the 39th, Kaiser of the 59th, Casas of the 103rd, Jones of the 46th, Taylor of the 55th and others:

A RESOLUTION recognizing and commending Mr. Gerard Robinson and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 343. By Representatives Crawford of the 16th, Dempsey of the 13th, Coomer of the 14th and Reece of the 11th:

A RESOLUTION commending Mrs. Kimberly McGuiness and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 346. By Representative Anderson of the 117th:

A RESOLUTION commending Mr. Scott Winkler and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 347. By Representatives Sims of the 119th, Anderson of the 117th, Harbin of the 118th, Howard of the 121st, Murphy of the 120th and others:

A RESOLUTION commending the Augusta State University men's golf team on winning the 2010 NCAA Division I National Championship and inviting them to be recognized by the House of Representatives; and for other purposes.

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

HB 127. By Representatives Holt of the 112th, Smith of the 131st, Ramsey of the 72nd, Hudson of the 124th, Battles of the 15th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates for amateur radio operators; to provide for conditions; to provide for a design; to provide for a list of eligible names; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 30. By Representative Willard of the 49th:

A BILL to be entitled an Act to provide for legislative findings; to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal or void contracts generally, so as to repeal Code Section 13-8-2.1, relating to contracts in partial restraint of trade; to change provisions relating to contracts contravening public policy; to repeal Article 4 of Chapter 8 of Title 13, relating to restrictive covenants in contracts; to provide a statement of legislative findings; to provide for rebuttable presumptions; to provide for enforcement by third-parties; to provide for construction; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To provide for legislative findings; to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal or void contracts generally, so as to repeal Code Section 13-8-2.1, relating to contracts in partial restraint of trade; to change provisions relating to contracts contravening public policy; to repeal Article 4 of Chapter 8 of Title 13, relating to restrictive covenants in contracts; to provide a statement of legislative findings; to define certain terms; to provide for applicability; to provide for the enforcement of contracts that restrict or prohibit competition in certain commercial agreements; to provide for the judicial enforcement of such provisions; to provide for the modification of such provisions; to provide for rebuttable presumptions; to provide for enforcement by third-parties; to provide for construction; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

During the 2009 legislative session the General Assembly enacted HB 173 (Act No. 64, Ga. L. 2009, p. 231), which was a bill that dealt with the issue of restrictive covenants in contracts and which was contingently effective on the passage of a constitutional amendment. During the 2010 legislative session the General Assembly enacted HR 178 (Ga. L. 2010, p. 1260), the constitutional amendment necessary for the statutory language of HB 173 (Act No. 64, Ga. L. 2009, p. 231), and the voters ratified the constitutional amendment on November 2, 2010. It has been suggested by certain parties that because of the effective date provisions of HB 173 (Act No. 64, Ga. L. 2009, p. 231), there may be some question about the validity of that legislation. It is the intention of this Act to remove any such uncertainty by substantially reenacting the substantive provisions of HB 173 (Act No. 64, Ga. L. 2009, p. 231), but the enactment of this Act should not be taken as evidence of a legislative determination that HB 173 (Act No. 64, Ga. L. 2009, p. 231) was in fact invalid.

**SECTION 2.**

Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal and void contracts generally, is amended by repealing subsection (a) of Code Section 13-8-2, relating to contracts contravening public policy, and enacting a new subsection (a) to read as follows:

"(a) A contract that is against the policy of the law cannot be enforced. Contracts deemed contrary to public policy include but are not limited to:

(1) Contracts tending to corrupt legislation or the judiciary;

(2) Contracts in general restraint of trade, as distinguished from contracts which restrict certain competitive activities, as provided in Article 4 of this chapter;

- (3) Contracts to evade or oppose the revenue laws of another country;
- (4) Wagering contracts; or
- (5) Contracts of maintenance or champerty."

### SECTION 3.

Said chapter is further amended by repealing Code Section 13-8-2.1, relating to contracts in partial restraint of trade.

### SECTION 4.

Said chapter is further amended by repealing Article 4, relating to restrictive covenants in contracts, and enacting a new Article 4 to read as follows:

### "ARTICLE 4

#### 13-8-50.

The General Assembly finds that reasonable restrictive covenants contained in employment and commercial contracts serve the legitimate purpose of protecting legitimate business interests and creating an environment that is favorable to attracting commercial enterprises to Georgia and keeping existing businesses within the state. Further, the General Assembly desires to provide statutory guidance so that all parties to such agreements may be certain of the validity and enforceability of such provisions and may know their rights and duties according to such provisions.

#### 13-8-51.

As used in this article, the term:

##### (1) 'Affiliate' means:

(A) A person or entity that directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with another person or entity;

(B) Any entity of which a person is an officer, director, or partner or holds an equity interest or ownership position that accounts for 25 percent or more of the voting rights or profit interest of such entity;

(C) Any trust or other estate in which the person or entity has a beneficial interest of 25 percent or more or as to which such person or entity serves as trustee or in a similar fiduciary capacity; or

(D) The spouse, lineal ancestors, lineal descendants, and siblings of the person, as well as each of their spouses.

##### (2) 'Business' means any line of trade or business conducted by the seller or employer, as such terms are defined in this Code section.

##### (3) 'Confidential information' means data and information:

(A) Relating to the business of the employer, regardless of whether the data or information constitutes a trade secret as that term is defined in Code Section 10-1-761;

(B) Disclosed to the employee or of which the employee became aware of as a consequence of the employee's relationship with the employer;

(C) Having value to the employer;

(D) Not generally known to competitors of the employer; and

(E) Which includes trade secrets, methods of operation, names of customers, price lists, financial information and projections, route books, personnel data, and similar information;

provided, however, that such term shall not mean data or information (A) which has been voluntarily disclosed to the public by the employer, except where such public disclosure has been made by the employee without authorization from the employer; (B) which has been independently developed and disclosed by others; or (C) which has otherwise entered the public domain through lawful means.

(4) 'Controlling interest' means any equity interest or ownership participation held by a person or entity with respect to a business that accounts for 25 percent or more of the voting rights or profit interest of the business prior to the sale, alone or in combination with the interest or participation held by affiliates of such person or entity.

(5) 'Employee' means:

(A) An executive employee;

(B) Research and development personnel or other persons or entities of an employer, including, without limitation, independent contractors, in possession of confidential information that is important to the business of the employer;

(C) Any other person or entity, including an independent contractor, in possession of selective or specialized skills, learning, or abilities or customer contacts, customer information, or confidential information who or that has obtained such skills, learning, abilities, contacts, or information by reason of having worked for an employer; or

(D) A franchisee, distributor, lessee, licensee, or party to a partnership agreement or a sales agent, broker, or representative in connection with franchise, distributorship, lease, license, or partnership agreements.

Such term shall not include any employee who lacks selective or specialized skills, learning, or abilities or customer contacts, customer information, or confidential information.

(6) 'Employer' means any corporation, partnership, proprietorship, or other business organization, whether for profit or not for profit, including, without limitation, any successor in interest to such an entity, who or that conducts business or any person or entity who or that directly or indirectly owns an equity interest or ownership participation in such an entity accounting for 25 percent or more of the voting rights or profit interest of such entity. Such term also means the buyer or seller of a business organization.

(7) 'Executive employee' means a member of the board of directors, an officer, a key employee, a manager, or a supervisor of an employer.

(8) 'Key employee' means an employee who, by reason of the employer's investment of time, training, money, trust, exposure to the public, or exposure to customers, vendors, or other business relationships during the course of the employee's employment with the employer, has gained a high level of notoriety, fame, reputation, or public persona as the employer's representative or spokesperson or has gained a high level of influence or credibility with the employer's customers, vendors, or other business relationships or is intimately involved in the planning for or direction of the business of the employer or a defined unit of the business of the employer. Such term also means an employee in possession of selective or specialized skills, learning, or abilities or customer contacts or customer information who has obtained such skills, learning, abilities, contacts, or information by reason of having worked for the employer.

(9) 'Legitimate business interest' includes, but is not limited to:

(A) Trade secrets, as defined by Code Section 10-1-761;

(B) Valuable confidential information that otherwise does not qualify as a trade secret;

(C) Substantial relationships with specific prospective or existing customers, patients, vendors, or clients;

(D) Customer, patient, or client good will associated with:

(i) An ongoing business, commercial, or professional practice, including, but not limited to, by way of trade name, trademark, service mark, or trade dress;

(ii) A specific geographic location; or

(iii) A specific marketing or trade area; and

(E) Extraordinary or specialized training.

(10) 'Material contact' means the contact between an employee and each customer or potential customer:

(A) With whom or which the employee dealt on behalf of the employer;

(B) Whose dealings with the employer were coordinated or supervised by the employee;

(C) About whom the employee obtained confidential information in the ordinary course of business as a result of such employee's association with the employer; or

(D) Who receives products or services authorized by the employer, the sale or provision of which results or resulted in compensation, commissions, or earnings for the employee within two years prior to the date of the employee's termination.

(11) 'Modification' means the limitation of a restrictive covenant to render it reasonable in light of the circumstances in which it was made. Such term shall include:

(A) Severing or removing that part of a restrictive covenant that would otherwise make the entire restrictive covenant unenforceable; and

(B) Enforcing the provisions of a restrictive covenant to the extent that the provisions are reasonable.

(12) 'Modify' means to make, to cause, or otherwise to bring about a modification.

(13) 'Products or services' means anything of commercial value, including, without limitation, goods; personal, real, or intangible property; services; financial products; business opportunities or assistance; or any other object or aspect of business or the conduct thereof.

(14) 'Professional' means an employee who has as a primary duty the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor. Such term shall not include employees performing technician work using knowledge acquired through on-the-job and classroom training, rather than by acquiring the knowledge through prolonged academic study, such as might be performed, without limitation, by a mechanic, a manual laborer, or a ministerial employee.

(15) 'Restrictive covenant' means an agreement between two or more parties that exists to protect the first party's or parties' interest in property, confidential information, customer good will, business relationships, employees, or any other economic advantages that the second party has obtained for the benefit of the first party or parties, to which the second party has gained access in the course of his or her relationship with the first party or parties, or which the first party or parties has acquired from the second party as the result of a sale. Such restrictive covenants may exist within or ancillary to contracts between or among employers and employees, distributors and manufacturers, lessors and lessees, partnerships and partners, employers and independent contractors, franchisors and franchisees, and sellers and purchasers of a business or commercial enterprise and any two or more employers. A restrictive covenant shall not include covenants appurtenant to real property.

(16) 'Sale' means any sale or transfer of the good will or substantially all of the assets of a business or any sale or transfer of a controlling interest in a business, whether by sale, exchange, redemption, merger, or otherwise.

(17) 'Seller' means any person or entity, including any successor-in-interest to such an entity, that is:

(A) An owner of a controlling interest;

(B) An executive employee of the business who receives, at a minimum, consideration in connection with a sale; or

(C) An affiliate of a person or entity described in subparagraph (A) of this paragraph; provided, however, that each sale involving a restrictive covenant shall be binding only on the person or entity entering into such covenant, its successors-in-interest, and, if so specified in the covenant, any entity that directly or indirectly through one or more affiliates is controlled by or is under common control of such person or entity.

(18) 'Termination' means the termination of an employee's engagement with an employer, whether with or without cause, upon the initiative of either party.

(19) 'Trade dress' means the distinctive packaging or design of a product that promotes the product and distinguishes it from other products in the marketplace.

13-8-52.

(a) The provisions of this article shall be applicable only to contracts and agreements between or among:

- (1) Employers and employees;
- (2) Distributors and manufacturers;
- (3) Lessors and lessees;
- (4) Partnerships and partners;
- (5) Franchisors and franchisees;
- (6) Sellers and purchasers of a business or commercial enterprise; and
- (7) Two or more employers.

(b) The provisions of this article shall not apply to any contract or agreement not described in subsection (a) of this Code section.

13-8-53.

(a) Notwithstanding any other provision of this chapter, enforcement of contracts that restrict competition during the term of a restrictive covenant, so long as such restrictions are reasonable in time, geographic area, and scope of prohibited activities, shall be permitted. However, enforcement of contracts that restrict competition after the term of employment, as distinguished from a customer nonsolicitation provision, as described in subsection (b) of this Code section, or a nondisclosure of confidential information provision, as described in subsection (e) of this Code section, shall not be permitted against any employee who does not, in the course of his or her employment:

- (1) Customarily and regularly solicit for the employer customers or prospective customers;
- (2) Customarily and regularly engage in making sales or obtaining orders or contracts for products or services to be performed by others;
- (3) Perform the following duties:
  - (A) Have a primary duty of managing the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;
  - (B) Customarily and regularly direct the work of two or more other employees; and
  - (C) Have the authority to hire or fire other employees or have particular weight given to suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees; or
- (4) Perform the duties of a key employee or of a professional.

(b) Notwithstanding any other provision of this chapter, an employee may agree in writing for the benefit of an employer to refrain, for a stated period of time following termination, from soliciting, or attempting to solicit, directly or by assisting others, any business from any of such employer's customers, including actively seeking prospective customers, with whom the employee had material contact during his or her employment for purposes of providing products or services that are competitive with those provided by the employer's business. No express reference to geographic area or the types of products or services considered to be competitive shall be required in order for the restraint to be enforceable. Any reference to a prohibition against 'soliciting or

attempting to solicit business from customers' or similar language shall be adequate for such purpose and narrowly construed to apply only to: (1) such of the employer's customers, including actively sought prospective customers, with whom the employee had material contact; and (2) products or services that are competitive with those provided by the employer's business.

(c)(1) Activities, products, or services that are competitive with the activities, products, or services of an employer shall include activities, products, or services that are the same as or similar to the activities, products, or services of the employer. Whenever a description of activities, products, or services, or geographic areas, is required by this Code section, any description that provides fair notice of the maximum reasonable scope of the restraint shall satisfy such requirement, even if the description is generalized or could possibly be stated more narrowly to exclude extraneous matters. In case of a postemployment covenant entered into prior to termination, any good faith estimate of the activities, products, or services, or geographic areas, that may be applicable at the time of termination shall also satisfy such requirement, even if such estimate is capable of including or ultimately proves to include extraneous activities, products, or services, or geographic areas. The postemployment covenant shall be construed ultimately to cover only so much of such estimate as relates to the activities actually conducted, the products or services actually offered, or the geographic areas actually involved within a reasonable period of time prior to termination.

(2) Activities, products, or services shall be considered sufficiently described if a reference to the activities, products, or services is provided and qualified by the phrase 'of the type conducted, authorized, offered, or provided within two years prior to termination' or similar language containing the same or a lesser time period. The phrase 'the territory where the employee is working at the time of termination' or similar language shall be considered sufficient as a description of geographic areas if the person or entity bound by the restraint can reasonably determine the maximum reasonable scope of the restraint at the time of termination.

(d) Any restrictive covenant not in compliance with the provisions of this article is unlawful and is void and unenforceable; provided, however, that a court may modify a covenant that is otherwise void and unenforceable so long as the modification does not render the covenant more restrictive with regard to the employee than as originally drafted by the parties.

(e) Nothing in this article shall be construed to limit the period of time for which a party may agree to maintain information as confidential or as a trade secret, or to limit the geographic area within which such information must be kept confidential or as a trade secret, for so long as the information or material remains confidential or a trade secret, as applicable.

13-8-54.

(a) A court shall construe a restrictive covenant to comport with the reasonable intent and expectations of the parties to the covenant and in favor of providing reasonable

protection to all legitimate business interests established by the person seeking enforcement.

(b) In any action concerning enforcement of a restrictive covenant, a court shall not enforce a restrictive covenant unless it is in compliance with the provisions of Code Section 13-8-53; provided, however, that if a court finds that a contractually specified restraint does not comply with the provisions of Code Section 13-8-53, then the court may modify the restraint provision and grant only the relief reasonably necessary to protect such interest or interests and to achieve the original intent of the contracting parties to the extent possible.

#### 13-8-55.

The person seeking enforcement of a restrictive covenant shall plead and prove the existence of one or more legitimate business interests justifying the restrictive covenant. If a person seeking enforcement of the restrictive covenant establishes by prima-facie evidence that the restraint is in compliance with the provisions of Code Section 13-8-53, then any person opposing enforcement has the burden of establishing that the contractually specified restraint does not comply with such requirements or that such covenant is unreasonable.

#### 13-8-56.

In determining the reasonableness of a restrictive covenant that limits or restricts competition during or after the term of an employment or business relationship, the court shall make the following presumptions:

(1) During the term of the relationship, a time period equal to or measured by duration of the parties' business or commercial relationship is reasonable, provided that the reasonableness of a time period after a term of employment shall be as provided for in Code Section 13-8-57;

(2) A geographic territory which includes the areas in which the employer does business at any time during the parties' relationship, even if not known at the time of entry into the restrictive covenant, is reasonable provided that:

(A) The total distance encompassed by the provisions of the covenant also is reasonable;

(B) The agreement contains a list of particular competitors as prohibited employers for a limited period of time after the term of employment or a business or commercial relationship; or

(C) Both subparagraphs (A) and (B) of this paragraph;

(3) The scope of competition restricted is measured by the business of the employer or other person or entity in whose favor the restrictive covenant is given; provided, however, that a court shall not refuse to enforce the provisions of a restrictive covenant because the person seeking enforcement establishes evidence that a restrictive covenant has been violated but has not proven that the covenant has been violated as to the entire scope of the prohibited activities of the person seeking enforcement or as to the entire geographic area of the covenant; and

(4) Any restriction that operates during the term of an employment relationship, agency relationship, independent contractor relationship, partnership, franchise, distributorship, license, ownership of a stake in a business entity, or other ongoing business relationship shall not be considered unreasonable because it lacks any specific limitation upon scope of activity, duration, or geographic area so long as it promotes or protects the purpose or subject matter of the agreement or relationship or deters any potential conflict of interest.

13-8-57.

(a) In determining the reasonableness in time of a restrictive covenant sought to be enforced after a term of employment, a court shall apply the rebuttable presumptions provided in this Code section.

(b) In the case of a restrictive covenant sought to be enforced against a former employee and not associated with the sale or ownership of all or a material part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;

(4) A limited liability company membership; or

(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise,

a court shall presume to be reasonable in time any restraint two years or less in duration and shall presume to be unreasonable in time any restraint more than two years in duration, measured from the date of the termination of the business relationship.

(c) In the case of a restrictive covenant sought to be enforced against a current or former distributor, dealer, franchisee, lessee of real or personal property, or licensee of a trademark, trade dress, or service mark and not associated with the sale of all or a part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;

(4) A limited liability company membership; or

(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise,

a court shall presume to be reasonable in time any restraint three years or less in duration and shall presume to be unreasonable in time any restraint more than three years in duration, measured from the date of termination of the business relationship.

(d) In the case of a restrictive covenant sought to be enforced against the owner or seller of all or a material part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;

(4) A limited liability company membership; or

(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise, a court shall presume to be reasonable in time any restraint the longer of five years or less in duration or equal to the period of time during which payments are being made to the owner or seller as a result of any sale referred to in this subsection and shall presume to be unreasonable in time any restraint more than the longer of five years in duration or the period of time during which payments are being made to the owner or seller as a result of any sale referred to in this subsection, measured from the date of termination or disposition of such interest.

13-8-58.

(a) A court shall not refuse to enforce a restrictive covenant on the ground that the person seeking enforcement is a third-party beneficiary of such contract or is an assignee or successor to a party to such contract.

(b) In determining the enforceability of a restrictive covenant, it is not a defense that the person seeking enforcement no longer continues in business in the scope of the prohibited activities that is the subject of the action to enforce the restrictive covenant if such discontinuance of business is the result of a violation of the restriction.

(c) A court shall enforce a restrictive covenant by any appropriate and effective remedy available at law or equity, including, but not limited to, temporary and permanent injunctions.

(d) In determining the reasonableness of a restrictive covenant between an employer and an employee, as such term is defined in subparagraphs (A) through (C) of paragraph (5) of Code Section 13-8-51, a court may consider the economic hardship imposed upon an employee by enforcement of the covenant; provided, however, that this subsection shall not apply to contracts or agreements between or among those persons or entities listed in paragraphs (2) through (7) of subsection (a) of Code Section 13-8-52.

13-8-59.

Nothing in this article shall be construed or interpreted to allow or to make enforceable any restraint of trade or commerce that is otherwise illegal or unenforceable under the laws of the United States or under the Constitution of this state or of the United States."

#### **SECTION 5.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to contracts entered into on and after such date and shall not apply in actions determining the enforceability of restrictive covenants entered into before such date.

#### **SECTION 6.**

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

An amendment by Representative Thomas of the 100th was ruled out of order because it failed to meet the time requirements pursuant to Rule 33.2 (b), requiring that amendments to legislation designated as Modified Open Rule be pre-printed and placed upon the desk one hour prior to debate.

The Committee substitute was adopted.

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

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

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

On the passage of the Bill, by substitute, the ayes were 104, nays 58.

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

Due to a mechanical malfunction, the vote of Representative Jordan of the 77th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Heckstall of the 62nd stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representatives Dickerson of the 95th and Howard of the 121st stated that they inadvertently voted "nay" on the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Dawkins-Haigler of the 93rd stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

House of Representatives  
401 Paul D. Coverdell Legislative Office Building  
Atlanta, Georgia 30334

February 22, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 30 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 232. By Representatives Lindsey of the 54th, Smyre of the 132nd, Wilkinson of the 52nd, Stephens of the 164th, Williams of the 4th and others:

A BILL to be entitled an Act to amend Code Section 28-7-3 of the Official Code of Georgia Annotated, relating to the prohibition of contingency compensation of lobbyists, so as to provide that such prohibition shall not

apply to bona fide commission salespersons and that such salespersons shall not be required to register as lobbyists or otherwise be considered to be lobbyists; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED  
AN ACT**

To amend Code Section 28-7-3 of the Official Code of Georgia Annotated, relating to the prohibition of contingency compensation of lobbyists, so as to provide that such prohibition shall not apply to bona fide commission salespersons and that such salespersons shall not be required to register as lobbyists or otherwise be considered to be lobbyists; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Code Section 28-7-3 of the Official Code of Georgia Annotated, relating to the prohibition of contingency compensation of lobbyists, is amended by designating the existing text of the Code section as subsection (a) and adding a new subsection to read as follows:

"(b) The prohibitions on contingent compensation contained in subsection (a) of this Code section and in subsection (a) of Code Section 21-5-76 shall not apply to, and shall not prohibit the retention or employment of, a bona fide commission salesperson who acts in that capacity with respect to governmental procurements; and such a bona fide commission salesperson shall not be required to register as a lobbyist or otherwise be subject to the provisions of Article 4 of Chapter 5 of Title 21."

**SECTION 2.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively.

**SECTION 3.**

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

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

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

Y Abdul-Salaam	Y Davis	Y Hembree	Y McBrayer	Y Sheldon
Y Abrams	Dawkins-Haigler	Y Henson	Y McCall	Y Sims, B
Y Allison	Y Dempsey	E Hill	Y 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	Mitchell	Y Smith, L
Y Atwood	Y 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	Y Stephenson
Y Benfield	Y Epps, C	Y Jacobs	Y Oliver	Talton
Y Benton	Y Epps, J	Y 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
Brockway	Y Fludd	E Johnson	Y Parrish	Y Taylor, T
Y Brooks	N Franklin	E Jones, J	Y Parsons	Y Teasley
Y Bruce	Y Frazier	Y Jones, S	Y Peake	Y Thomas
Y Bryant	Y Fullerton	Y Jordan	Y Powell, A	Y Tinubu
Y Buckner	Gardner	Y Kaiser	Y Powell, J	VACANT
Y Burns	Y Geisinger	Y Kendrick	Y Pruett	VACANT
E Byrd	Y Golick	Y Kidd	Y Purcell	Y Walker
Y Carter	Y Gordon	Knight	Y Ramsey	Y Watson
Y Casas	Y Greene	Y Lane	E Randall	Y Welch
E Channell	Y Hamilton	Y Lindsey	Y Reece	Weldon
Y Cheokas	Y Hanner	Y Long	Y Rice	Y Wilkerson
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	E Marin	N 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
N Crawford	Y Heckstall	Y Mayo	Y Shaw	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 158, nays 3.

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

Representatives Brockway of the 101st, Clark of the 98th, Dawkins-Haigler of the 93rd, and Talton of the 145th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 92. By Representatives Hamilton of the 23rd, Meadows of the 5th, England of the 108th, Mosby of the 90th, Heard of the 114th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; to provide for procedures; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; to provide for procedures; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising paragraph (2) of subsection (b) of Code Section 21-2-381, relating to making application for an absentee ballot, as follows:

"(2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the proper place on the application and ~~shall either~~ then:

(A) Shall mail the ballot as provided in this Code section;

(B) If the application is made in person, shall ~~or~~ issue the ballot to the elector to be voted within the confines of the registrar's or absentee ballot clerk's office if issued during the advance voting period established pursuant to subsection (d) of Code Section 21-2-385; or

(C) May deliver the ballot in person to the elector if such elector is confined to a hospital."

**SECTION 2.**

Said chapter is further amended by revising subsections (a) and (b) of Code Section 21-2-384, relating to preparation and delivery of absentee ballots and supplies, as follows:

"(a)(1) The superintendent ~~must~~ shall, at least 45 days prior to any general primary or general election other than a municipal general primary or general election, as soon as possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the board of registrars or absentee ballot clerk for use in the primary or election. Envelopes and other supplies as required by this article may be

ordered by the superintendent, the board of registrars, or the absentee ballot clerk for use in the primary or election.

(2) The board of registrars or absentee ballot clerk shall, within two days after the receipt of such ballots and supplies, mail or issue official absentee ballots to all eligible applicants. As additional applicants are determined to be eligible, the board or clerk shall mail or issue official absentee ballots to such additional applicants immediately upon determining their eligibility; provided, however, that no absentee ballot shall be mailed by the registrars or absentee ballot clerk on the day prior to a primary or election and provided, further, that no absentee ballot shall be issued on the day prior to a primary or election. The board of registrars shall, at least 45 days prior to any general primary, or general election other than a municipal general primary or general election, as soon as possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election, mail or electronically transmit official absentee ballots to all electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

(3) The date a ballot is voted in the ~~registrars'~~ registrar's or absentee ballot clerk's office or the date a ballot is mailed or issued to an elector and the date it is returned shall be entered on the application record therefor.

(4) The delivery of an absentee ballot to a person confined in a hospital may be made by the registrar or clerk on the day of a primary or election or during a five-day period immediately preceding the day of such primary or election.

(5) In the event an absentee ballot which has been mailed by the board of registrars or absentee ballot clerk is not received by the applicant, the applicant may notify the board of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot has not been received. The board of registrars or absentee ballot clerk shall then issue a second absentee ballot to the applicant and cancel the original ballot issued. The affidavit shall be attached to the original application. A second application for an absentee ballot shall not be required.

(b) ~~It~~ Except for ballots voted within the confines of the registrar's or absentee ballot clerk's office, in addition to the mailing envelope, the superintendent, board of registrars, or absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such size and shape as shall be determined by the Secretary of State, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed the words 'Official Absentee Ballot' and nothing else. On the back of the larger of the two envelopes to be enclosed within the mailing envelope shall be printed the form of oath of the elector and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations of oaths; and on the face of such envelope shall be printed the name and address of the board of registrars or absentee ballot clerk. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, and the uniform instructions for the manner

of preparing and returning the ballot, in form and substance as provided by the Secretary of State and nothing else. The uniform instructions shall include information specific to the voting system used for absentee voting concerning the effect of overvoting or voting for more candidates than one is authorized to vote for a particular office and information concerning how the elector may correct errors in voting the ballot before it is cast including information on how to obtain a replacement ballot if the elector is unable to change the ballot or correct the error."

### SECTION 3.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-385, relating to procedure for voting by absentee ballot, and adding a new subsection to read as follows:

"(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot may be issued to the elector at the time of the application therefor within the confines of the registrar's or absentee ballot clerk's office if such application is made during the advance voting period as provided in subsection (d) of this Code section or may be mailed to the elector, depending upon the elector's request. If the ballot is issued to the elector at the time of application, the elector shall then and there within the confines of the registrar's or absentee ballot clerk's office vote and return the absentee ballot as provided in subsections (a) and (b) of this Code section. ~~The~~ In the case of persons voting in accordance with subsection (d) of this Code section, the board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her absentee ballot.

(d)(1) There shall be a period of advance voting that shall commence on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections in which there are no federal or state candidates on the ballot, no Saturday voting hours shall be required. Except as otherwise provided in this paragraph, counties and municipalities may extend the hours for voting beyond regular business hours and may provide for addition voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option.

(2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice to the electors of their jurisdiction of the availability of advance voting as well as the times, dates, and locations at which advance voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify the Secretary of State in the manner prescribed by the Secretary of State of the times, dates, and locations at which advance voting will be conducted."

**SECTION 4.**

Said chapter is further amended by revising Code Section 21-2-385.1, relating to preferential treatment for older and disabled voters, as follows:

"21-2-385.1.

~~Each~~ During the period of advance voting established pursuant to subsection (d) of Code Section 21-2-385, each elector who is 75 years of age or older or who is disabled and requires assistance in casting an absentee ballot in person at the registrar's office, absentee ballot clerk's office, or other locations as provided for in Code Section 21-2-382; shall, upon request to a designated office employee or other individual, be authorized to vote immediately at the next available voting compartment or booth without having to wait in line if such location utilizes direct recording electronic voting systems or be authorized to go to the head of any line necessary to cast a written absentee ballot. Notice of the provisions of this Code section shall be prominently displayed in the registrar's office or absentee ballot clerk's office."

**SECTION 5.**

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

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

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; to provide for procedures; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising paragraph (2) of subsection (b) of Code Section 21-2-381, relating to making application for an absentee ballot, as follows:

"(2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the proper place on the application and ~~shall either then:~~

(A) Shall mail the ballot as provided in this Code section;

(B) If the application is made in person, shall ~~or~~ issue the ballot to the elector to be voted within the confines of the registrar's or absentee ballot clerk's office if issued during the advance voting period established pursuant to subsection (d) of Code Section 21-2-385; or

(C) May deliver the ballot in person to the elector if such elector is confined to a hospital."

## SECTION 2.

Said chapter is further amended by revising subsections (a) and (b) of Code Section 21-2-384, relating to preparation and delivery of absentee ballots and supplies, as follows:

"(a)(1) The superintendent ~~must~~ shall, at least 45 days prior to any general primary or general election other than a municipal general primary or general election, as soon as possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the board of registrars or absentee ballot clerk for use in the primary or election. Envelopes and other supplies as required by this article may be ordered by the superintendent, the board of registrars, or the absentee ballot clerk for use in the primary or election.

(2) The board of registrars or absentee ballot clerk shall, within two days after the receipt of such ballots and supplies, mail or issue official absentee ballots to all eligible applicants. As additional applicants are determined to be eligible, the board or clerk shall mail or issue official absentee ballots to such additional applicants immediately upon determining their eligibility; provided, however, that no absentee ballot shall be mailed by the registrars or absentee ballot clerk on the day prior to a primary or election and provided, further, that no absentee ballot shall be issued on the day prior to a primary or election. The board of registrars shall, at least 45 days prior to any general primary, or general election other than a municipal general primary or general election, as soon as possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election, mail or electronically transmit official absentee ballots to all electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

(3) The date a ballot is voted in the ~~registrars'~~ registrar's or absentee ballot clerk's office or the date a ballot is mailed or issued to an elector and the date it is returned shall be entered on the application record therefor.

(4) The delivery of an absentee ballot to a person confined in a hospital may be made by the registrar or clerk on the day of a primary or election or during a five-day period immediately preceding the day of such primary or election.

(5) In the event an absentee ballot which has been mailed by the board of registrars or absentee ballot clerk is not received by the applicant, the applicant may notify the board of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot has not been received. The board of registrars or absentee ballot clerk shall then issue a second absentee ballot to the applicant and cancel the original ballot issued. The affidavit shall be attached to the original application. A second application for an absentee ballot shall not be required.

(b) ~~It~~ Except for ballots voted within the confines of the registrar's or absentee ballot clerk's office, in addition to the mailing envelope, the superintendent, board of

registrars, or absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such size and shape as shall be determined by the Secretary of State, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed the words 'Official Absentee Ballot' and nothing else. On the back of the larger of the two envelopes to be enclosed within the mailing envelope shall be printed the form of oath of the elector and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations of oaths; and on the face of such envelope shall be printed the name and address of the board of registrars or absentee ballot clerk. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, and the uniform instructions for the manner of preparing and returning the ballot, in form and substance as provided by the Secretary of State and nothing else. The uniform instructions shall include information specific to the voting system used for absentee voting concerning the effect of overvoting or voting for more candidates than one is authorized to vote for a particular office and information concerning how the elector may correct errors in voting the ballot before it is cast including information on how to obtain a replacement ballot if the elector is unable to change the ballot or correct the error."

### SECTION 3.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-385, relating to procedure for voting by absentee ballot, and adding a new subsection to read as follows:

"(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot may be issued to the elector at the time of the application therefor within the confines of the registrar's or absentee ballot clerk's office if such application is made during the advance voting period as provided in subsection (d) of this Code section or may be mailed to the elector, depending upon the elector's request. If the ballot is issued to the elector at the time of application, the elector shall then and there within the confines of the registrar's or absentee ballot clerk's office vote and return the absentee ballot as provided in subsections (a) and (b) of this Code section. ~~The~~ In the case of persons voting in accordance with subsection (d) of this Code section, the board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her absentee ballot.

(d)(1) There shall be a period of advance voting that shall commence on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections in which there are no federal or state candidates on the ballot,

no Saturday voting hours shall be required. Except as otherwise provided in this paragraph, counties and municipalities may extend the hours for voting beyond regular business hours and may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option.

(2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice to the electors of their jurisdiction of the availability of advance voting as well as the times, dates, and locations at which advance voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify the Secretary of State in the manner prescribed by the Secretary of State of the times, dates, and locations at which advance voting will be conducted."

#### SECTION 4.

Said chapter is further amended by revising Code Section 21-2-385.1, relating to preferential treatment for older and disabled voters, as follows:

"21-2-385.1.

~~Each~~ During the period of advance voting established pursuant to subsection (d) of Code Section 21-2-385, each elector who is 75 years of age or older or who is disabled and requires assistance in casting an absentee ballot in person at the registrar's office, absentee ballot clerk's office, or other locations as provided for in Code Section 21-2-382, shall, upon request to a designated office employee or other individual, be authorized to vote immediately at the next available voting compartment or booth without having to wait in line if such location utilizes direct recording electronic voting systems or be authorized to go to the head of any line necessary to cast a written absentee ballot. Notice of the provisions of this Code section shall be prominently displayed in the registrar's office or absentee ballot clerk's office."

#### SECTION 5.

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

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

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

N Abdul-Salaam	Y Davis	Y Hembree	Y McBrayer	Y Sheldon
Y Abrams	Y Dawkins-Haigler	Y Henson	Y McCall	Y Sims, B
Y Allison	Y Dempsey	E Hill	Y McKillip	Y Sims, C
Y Amerson	N Dickerson	Y Holcomb	Y Meadows	N 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	Y Dollar	Y Horne	N 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
N Beasley-Teague	Y Ehrhart	N Hugley	Y Neal, Y	Y Stephens, R
Y Bell	Y England	Y Jackson	Y Nix	N Stephenson
Y Benfield	Y Epps, C	Y Jacobs	Y Oliver	Y Talton
Y Benton	Y Epps, J	Y James	Y O'Neal	Y Tankersley
Y Black	N Evans	Y Jasperse	Y Pak	Y Taylor, D
Y Braddock	Y Floyd	Y Jerguson	Y Parent	N Taylor, R
Y Brockway	Y Fludd	E Johnson	Y Parrish	Y Taylor, T
N Brooks	N Franklin	E Jones, J	Y Parsons	Y Teasley
N Bruce	Y Frazier	N Jones, S	Y Peake	Y Thomas
Y Bryant	Y Fullerton	Y Jordan	Y Powell, A	N Tinubu
Y Buckner	Y Gardner	Y Kaiser	Y Powell, J	VACANT
Y Burns	Y Geisinger	N Kendrick	Y Pruett	VACANT
E 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	E Randall	Y Welch
E Channell	Y Hamilton	Y Lindsey	Y Reece	Weldon
Y Cheokas	Y Hanner	Y Long	Y Rice	N Wilkerson
Y Clark, J	Y Harbin	N 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	E Marin	Y Scott, M	Y Williams, R
Y Coomer	Y Hatfield	Y Martin	N Scott, S	Y Williamson
Y Cooper	Y Heard	Y Maxwell	Y Setzler	Y Yates
Y Crawford	N Heckstall	N Mayo	Y Shaw	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 148, nays 20.

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

Representative Dickerson of the 95th stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 53. By Representatives Bearden of the 68th, Ramsey of the 72nd and Powell of the 171st:

A BILL to be entitled an Act to amend Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to operators of private detective businesses and private security businesses, so as to clarify that persons certified by the Georgia Peace Officer Standard and Training Council are excluded from the provisions and regulations of this chapter; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Bearden of the 68th offers the following amendment:

*Amend HB 53 (LC 35 1991) by striking line 34 and inserting in lieu thereof the following:*

Title 35, the 'Georgia Peace Officer Standards and Training Act' while providing private security services.

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

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

Abdul-Salaam	Y Davis	Y Hembree	Y McBrayer	Y Sheldon
Y Abrams	Y Dawkins-Haigler	Henson	Y McCall	Sims, B
Y Allison	Y Dempsey	E Hill	Y McKillip	Y Sims, C
Y Amerson	Y Dickerson	Y Holcomb	Y Meadows	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	Y 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
N Beasley-Teague	Y Ehrhart	Hugley	Y Neal, Y	Y Stephens, R
Y Bell	Y England	Y Jackson	Y Nix	Y Stephenson
Y Benfield	Y Epps, C	Y Jacobs	Y Oliver	Y Talton
Y Benton	Y Epps, J	Y 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	E Johnson	Y Parrish	Y Taylor, T
Y Brooks	N Franklin	E Jones, J	Y Parsons	Y Teasley
Bruce	Y Frazier	Jones, S	Y Peake	Y Thomas
Y Bryant	Y Fullerton	Y Jordan	Y Powell, A	Y Tinubu
Y Buckner	Y Gardner	Kaiser	Y Powell, J	VACANT
Y Burns	Y Geisinger	Y Kendrick	Y Pruet	VACANT
E 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	E Randall	Y Welch
E Channell	Y Hamilton	Y Lindsey	Y Reece	Weldon
Y Cheokas	Y 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	Willard
Y Coleman	Y Harden, M	Y Maddox, G	Y Rogers	Williams, A
Y Collins	Y Harrell	Y Manning	Y Rynders	Y Williams, E
Y Cooke	Y Hatchett	E 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	Heckstall	Y Mayo	Y Shaw	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 155, nays 2.

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

Representative Beasley-Teague of the 65th stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

By unanimous consent, the following Bill of the House, having been previously postponed, was again postponed until tomorrow.

HB 91. By Representatives Bearden of the 68th, Ramsey of the 72nd, Powell of the 171st and Cooke of the 18th:

A BILL to be entitled an Act to amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment and the issuance, expiration, and renewal of drivers' licenses, respectively, so as to provide that any person convicted of a felony offense shall have such conviction demarcated on his or her driver's license for the length of his or her sentence; to provide for procedure; to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of licenses, so as to provide for license suspension under certain circumstances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Representative Parsons of the 42nd moved that the following Bill of the House be withdrawn from the Committee on Judiciary and recommitted to the Committee on Public Safety & Homeland Security:

HB 254. By Representatives Parsons of the 42nd, Bearden of the 68th, Rice of the 51st, Evans of the 40th, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to the duty of the driver of a vehicle meeting or overtaking a school bus and reporting of violations, so as to define certain terms; to provide that such Code section may be enforced by means of video images; to provide a civil penalty; to provide for notice and procedures; to provide for a rebuttable presumption; to provide for a transfer of funds; to provide for an exemption from recording provisions; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

HR 365. By Representatives Jordan of the 77th and Stephens of the 161st:

A RESOLUTION commending Major General Ronald L. Bailey and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 366. By Representative Stephens of the 164th:

A RESOLUTION commending Mr. Hal Needham 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 362. By Representatives Coleman of the 97th, Casas of the 103rd, Purcell of the 159th, Reece of the 11th, Clark of the 104th and others:

A RESOLUTION recognizing the first week of October as Georgia Pre-K Week; and for other purposes.

HR 367. By Representatives Yates of the 73rd, Ralston of the 7th, Black of the 174th, Coomer of the 14th, Hatchett of the 143rd and others:

A RESOLUTION A RESOLUTION recognizing Operation One Voice and commending Sergeant First Class Joe Kap; and for other purposes.

HR 368. By Representative Benton of the 31st:

A RESOLUTION commending Julia Lee Ouellette, Jefferson City High School's 2011 STAR Student; and for other purposes.

HR 369. By Representative Benton of the 31st:

A RESOLUTION commending Mr. Matthew Dahlke, Commerce City School System Teacher of the Year and Commerce High School's 2011 STAR Teacher; and for other purposes.

HR 370. By Representative Benton of the 31st:

A RESOLUTION commending Ethan Thomas, Commerce High School's 2011 STAR Student; and for other purposes.

- HR 371. By Representatives Benton of the 31st and McCall of the 30th:  
A RESOLUTION commending Dakota Chandler, East Jackson Comprehensive High School's 2011 STAR Student; and for other purposes.
- HR 372. By Representatives Benton of the 31st and McCall of the 30th:  
A RESOLUTION recognizing and commending Mrs. Kathy Collins; and for other purposes.
- HR 373. By Representative Benton of the 31st:  
A RESOLUTION recognizing and commending Ms. Heather Harris; and for other purposes.
- HR 374. By Representative Benton of the 31st:  
A RESOLUTION commending Nicholas Buran, Jackson County Comprehensive High School's 2011 STAR Student; and for other purposes.
- HR 375. By Representative Benton of the 31st:  
A RESOLUTION recognizing and commending Mrs. Angie Konarski; and for other purposes.
- HR 376. By Representative Benton of the 31st:  
A RESOLUTION commending Mrs. Janet Schwartz, Jefferson City High School's 2011 STAR Teacher; and for other purposes.
- HR 377. By Representative Benton of the 31st:  
A RESOLUTION commending Mrs. Lauren Garrard Moore, Jefferson City School System's 2010-2011 Teacher of the Year; and for other purposes.
- HR 378. By Representatives Stephens of the 161st, Gordon of the 162nd, Bryant of the 160th, Williams of the 165th, Purcell of the 159th and others:  
A RESOLUTION recognizing and commending Dr. J. Alphonso Dandy; and for other purposes.

HR 379. By Representative McCall of the 30th:

A RESOLUTION recognizing and commending the Elbert County High School JROTC Raider Team; and for other purposes.

HR 380. By Representatives Dickerson of the 95th, Stephenson of the 92nd, Dawkins-Haigler of the 93rd, Kendrick of the 94th, Smith of the 122nd and others:

A RESOLUTION recognizing February 26, 2011, as Eagle Scout and Gold Award Scout Recognition Day at the state capitol; and for other purposes.

Representative Morris of the 155th District, Chairman of the Committee on Banks and Banking, submitted the following report:

Mr. Speaker:

Your Committee on Banks and Banking 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 239 Do Pass

Respectfully submitted,  
/s/ Morris of the 155th  
Chairman

Representative Maddox of the 127th District, Chairman of the Committee on Code Revision, submitted the following report:

Mr. Speaker:

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

HB 142 Do Pass, by Substitute  
HB 143 Do Pass  
HB 144 Do Pass

Respectfully submitted,  
/s/ Maddox of the 127th  
Chairman

Representative Neal of the 1st District, Chairman of the Committee on State Institutions and Property, submitted the following report:

Mr. Speaker:

Your Committee on State Institutions and Property has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 95      Do Pass, by Substitute

Respectfully submitted,  
/s/ Neal of the 1st  
Chairman

The following communications were received:

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 in this office for the Special Election held on the 15th day of February 2011 in District 136 for State Representative in Bibb, Crawford, Houston, Lamar, Monroe, Peach and Upson Counties to fill the vacancy created by the Honorable Tony Sellier.

Having received a majority of votes cast, Robert Dickey 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 21st day of February, 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-Fifth.

/s/ Brian P. Kemp  
Brian P. Kemp, Secretary of State

(SEAL)

**Official Election Results  
February 15, 2011 Special Election**

**STATE REPRESENTATIVE, DISTRICT 136**

	<u>Votes</u>	<u>% Votes</u>
<b>BIBB</b>		
Robert Dickey	95	62.09
Sharon B. Howard	18	11.76
Judye H. Sellier	40	26.14
<b>Votes For Seat In County:</b>	<b>153</b>	

	<u>Votes</u>	<u>% Votes</u>
<b>CRAWFORD</b>		
Robert Dickey	727	52.99
Sharon B. Howard	107	7.80
Judye H. Sellier	536	39.07
<b>Votes For Seat In County:</b>	<b>1,370</b>	

	<u>Votes</u>	<u>% Votes</u>
<b>HOUSTON</b>		
Robert Dickey	194	44.50
Sharon B. Howard	28	6.42
Judye H. Sellier	214	49.08
<b>Votes For Seat In County:</b>	<b>436</b>	

	<u>Votes</u>	<u>% Votes</u>
<b>LAMAR</b>		
Robert Dickey	59	60.82
Sharon B. Howard	5	5.15
Judye H. Sellier	33	34.02
<b>Votes For Seat In County:</b>	<b>97</b>	

	<u>Votes</u>	<u>% Votes</u>
<b>MONROE</b>		
Robert Dickey	510	64.72
Sharon B. Howard	22	2.79
Judye H. Sellier	256	32.49
<b>Votes For Seat In County:</b>	<b>788</b>	

	<u>Votes</u>	<u>% Votes</u>
<b>PEACH</b>		
Robert Dickey	273	31.56
Sharon B. Howard	38	4.39
Judye H. Sellier	554	64.05
<b>Votes For Seat In County:</b>	<b>865</b>	
	<u>Votes</u>	<u>% Votes</u>
<b>UPSON</b>		
Robert Dickey	56	65.88
Sharon B. Howard	19	22.35
Judye H. Sellier	10	11.76
<b>Votes For Seat In County:</b>	<b>85</b>	
<b>Total Votes For Seat:</b>	<b>3,794</b>	
	<u>Votes</u>	<u>% Votes</u>
Robert Dickey	1,914	50.45
Sharon B. Howard	237	6.25
Judye H. Sellier	1,643	43.31
<b>Total Votes For Seat:</b>	<b>3,794</b>	
	<b>3,794</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 in this office for the Special Election held on the 15th day of February 2011 in District 178 for State Representative in Brantley, Pierce and a portion of Wayne Counties to fill the vacancy created by the Honorable Mark Williams.

Having received a majority of votes cast, Chad Nimmer 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 21st day of February, 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-Fifth.

/s/ Brian P. Kemp

(SEAL)

Brian P. Kemp, Secretary of State

**Official Election Results  
February 15, 2011 Special Election**

**STATE REPRESENTATIVE, DISTRICT 178**

	<u>Votes</u>	<u>% Votes</u>
<b>BRANTLEY</b>		
Jeana Brown	118	8.50
Gerald Dewitt	79	5.69
Van Herrin	370	26.64
George E. Moxley	183	13.17
Chad Nimmer	639	46.00
<b>Votes For Seat In County:</b>	<b>1,389</b>	

	<u>Votes</u>	<u>% Votes</u>
<b>PIERCE</b>		
Jeana Brown	109	4.52
Gerald Dewitt	46	1.91
Van Herrin	131	5.43
George E. Moxley	135	5.59
Chad Nimmer	1,993	82.56
<b>Votes For Seat In County:</b>	<b>2,414</b>	

	<u>Votes</u>	<u>% Votes</u>
<b>WAYNE</b>		
Jeana Brown	231	12.71
Gerald Dewitt	767	42.21
Van Herrin	46	2.53
George E. Moxley	504	27.74
Chad Nimmer	269	14.80
<b>Votes For Seat In County:</b>	<b>1,817</b>	

**Total Votes For Seat: 5,620**

	<u>Votes</u>	<u>% Votes</u>
Jeana Brown	458	8.15
Gerald Dewitt	892	15.87
Van Herrin	547	9.73
George E. Moxley	822	14.63
Chad Nimmer	2,901	51.62
<b>Total Votes For Seat:</b>	<b>5,620</b>	
	<b>5,620</b>	

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.