

Representative Hall, Atlanta, Georgia

Wednesday, January 12, 2011

Second Legislative Day

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

The following oath of office was administered on January 11, 2011, to Representative-elect Geisinger of the 48th by Tom Campbell, Judge, Superior Court, Atlanta Judicial Circuit.

"I do hereby solemnly swear or affirm that I will support the Constitution of this State and of the United States and, on all questions and measures which may come before me, I will so conduct myself, as will, in my judgment, be most conducive to the interests and prosperity of this state.

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

SO HELP ME GOD.

LOYALTY OATH

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

SO HELP ME GOD."

The following oath of office was administered to Representatives-elect Johnson of the 37th, Morgan of the 39th, Heckstall of the 62nd, Smith of the 70th, Oliver of the 83rd, Benfield of the 85th, Mosby of the 90th, Marin of the 96th, Floyd of the 99th, Holt of the 112th, Hudson of the 124th, Epps of the 128th, and Talton of the 145th by Robert M. Crawford, Judge, Superior Court, Griffin Judicial Circuit.

"I do hereby solemnly swear or affirm that I will support the Constitution of this State and of the United States and, on all questions and measures which may come before me, I will so conduct myself, as will, in my judgment, be most conducive to the interests and prosperity of this state.

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

SO HELP ME GOD.

LOYALTY OATH

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

SO HELP ME GOD."

The Speaker announced the House in recess until 1:00 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

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

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

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

Representatives Austin of the 10th, Bruce of the 64th, Crawford of the 16th, Dawkins-Haigler of the 93rd, Gardner of the 57th, Golick of the 34th, Holcomb of the 82nd, Kendrick of the 94th, Long of the 61st, Smyre of the 132nd, Stephens of the 164th, and Stephenson of the 92nd.

They wished to be recorded as present.

Due to a mechanical malfunction, Representative Randall of the 138th was not recorded on the attendance roll call. She wished to be recorded as present.

Prayer was offered by Representative Jay Neal, District 1, LaFayette, Georgia.

The members pledged allegiance to the flag.

Representative Sims of the 169th, 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.

The following communications were received:

Jan. 12, 2011

To Whom It May Concern:

I, Rep. Willie Talton, was not present Monday the 10th, the beginning of the Session, because of weather. I would like to be excused.

Thanks,

/s/ Willie Talton

Jan. 12, 2011

To Whom It May Concern:

Due to the unsafe weather and road conditions, I was unable to attend the swearing-in ceremony on Monday, January 10, 2011. May I be excused on that day.

Thanks,

/s/ Pedro Marin
HD 96

House of Representatives
State Capitol, Room 416
Atlanta, Georgia 30334

January 12, 2011

Mr. Robby Rivers
Clerk, House of Representatives
309 State Capitol
Atlanta, Georgia 30334

Dear Mr. Clerk,

I was unable to attend the legislative session today because of hazardous ice and snow conditions on the roads from my home to the Capitol. Please excuse me from today's session day and record this in the House Journal.

Very truly yours,

/s/ Brooks P. Coleman, Jr.

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

HB 1. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated so as to provide that prenatal murder shall be unlawful in all events and to remove numerous references to such procedures; to amend Title 16, relating to crimes and offenses, so as to make certain findings of fact; to define certain terms; to provide that any prenatal murder shall be unlawful; to provide a penalty; to repeal certain exceptions to certain offenses; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 2. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to agriculture, so as to provide a short title; to preempt certain local ordinances relating to production of agricultural or farm products; to protect the right to

grow food crops and raise small animals on private property so long as such crops and animals are used for human consumption by the occupants, gardeners, or raisers and their households and not for commercial purposes; to define a term; to provide for effect on certain private agreements and causes of action; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 3. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, so as provide a short title; to provide legislative findings; to define certain terms; to require any bank or lending institution serving as a depository for the state or any department or agency of the state to offer and to accept gold and silver coin for deposit; to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide legislative findings; to define certain terms; to require the exclusive use of gold and silver coin as tender in payment of debts by or to the state; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

HB 4. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to create the Joint Committee on Repeals; to provide a short title; to provide legislative findings; to provide for membership; to provide for duties; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 5. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to provide a short title; to provide for legislative intent; to repeal Article 4, relating to dangerous instrumentalities and practices, in its entirety; 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 6. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to provide a short title; to amend Part 1 of Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency powers of the Governor, so as to repeal the power of the Governor to suspend or limit the sale or transportation of firearms during times of emergency; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 7. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to repeal Chapter 5, relating to drivers' licenses; provide for a short title; to report the findings of the General Assembly regarding the constitutionality of certain laws relating to drivers' licenses; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 8. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to wiretapping, eavesdropping, surveillance, and related offenses, so as to provide a short title; to prohibit certain forms of surveillance without search warrants; to provide for exceptions; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 9. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to provide a short title; to make findings of fact; to amend Article 1 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to general provisions relative to the arrest of persons, so as to provide that the use of forced entry in the execution of a search warrant is prohibited; to amend Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to searches with warrants, so as to provide

that the use of forced entry in the execution of a search warrant is prohibited; to provide for penalties; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 10. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to counties and municipal corporations, so as to provide a short title; to provide that no local governing authority shall prohibit the construction of a fence between properties of a sufficient height to prevent a person at the highest point of observation in one residence to observe activity within an adjacent property; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 11. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to provide a short title; to amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of hazardous conditions, preventable diseases, and metabolic disorders, so as to repeal requirements for mandatory vaccination; to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to repeal the authority of the Governor to issue mandatory vaccination orders; to prohibit the quarantine of persons solely for failure to submit to and receive voluntary vaccinations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 12. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to agriculture, so as to exempt from local regulations certain retail sales of Georgia grown agricultural or farm products directly from the producer to the consumer as food for human consumption; to amend Article 1 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to general provisions relative to standards, adulteration, and misbranding of food, so as to exempt from certain prohibitions and regulation the retail sales of Georgia

grown agricultural or farm products directly from the producer to the consumer as food for human consumption; to provide a short title; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 13. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to repeal Chapter 7, relating to income taxes; to prohibit the levy or collection of income taxes; to provide for applicability; to provide that this Act shall not abate or affect prosecutions, punishments, penalties, administrative proceedings or remedies, or civil actions related to certain violations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 14. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Titles 16 and 17 of the Official Code of Georgia Annotated, relating to criminal law and criminal procedure, respectively, so as to change the term "victim" to the term "accuser" in the context of a number of statutes making reference to circumstances where there has not yet been a criminal conviction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 15. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Chapter 7 of Title 28 of the Official Code of Georgia Annotated, relating to prohibited lobbying practices, so as to provide that no person employed by or under contract with the executive or judicial branch of this state, any political subdivision of this state, or any agency or authority of this state shall be permitted to address any committee or subcommittee of the General Assembly; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Rules.

HB 16. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to repeal provisions of law enacted by the "Georgia Nuclear Energy Financing Act" approved April 21, 2009 (Ga. L. 2009, p. 39); to state legislative findings; to amend Code Section 46-2-25 of the Official Code of Georgia Annotated, relating to the procedure for changing any rate, charge, classification, or service, so as to eliminate provisions for a utility to recover from its customers the costs of financing associated with the construction of a nuclear generating plant; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 17. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated so as to abolish the Department of Human Services; to repeal Title 49, relating to social services; to provide that references in the Title 49 shall be repealed; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 18. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the State Road and Tollway Authority, so as to abolish the State Road and Tollway Authority; to provide for the transfer of certain duties, responsibilities, obligations, and functions to the Department of Transportation; to provide for the disposition of liabilities, assets, and property of the authority; to provide for related matters; to conform statutory references; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 19. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, computation, and exemptions regarding income taxes, so as to provide that federal reserve banks and branches located in Georgia shall not be exempt

from state income tax; to provide for legislative findings; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 20. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for the comprehensive regulation of federal tax funds; to provide for a short title; to provide for legislative findings; to provide for definitions; to create the federal tax fund panel and provide for its members, operation, powers, and duties; to create the federal tax fund and provide for its operation; to provide for powers, duties, responsibilities, and liabilities of state officials and state taxpayers in connection with the forgoing; to provide for related matters; to provide for applicability; to provide for use of certain funds; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 21. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to treason and other subversive activities, so as to provide findings of the General Assembly regarding the constitutionality of certain federal laws and other mandates; to provide that any judicial officer, law enforcement officer, agent, or employee of the federal government, any multinational government, any international government, or any global government commits the offense of racketeering by color of law when he or she attempts to enforce any law not recognized as valid; to provide for a short title; to provide for penalties; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 28. By Representatives Heard of the 114th, Hugley of the 133rd and Smyre of the 132nd:

A BILL to be entitled an Act to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, so as to create the Martin Luther King, Jr. Advisory Council; to provide for membership on the commission; to provide for terms and duties

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

Referred to the Committee on Governmental Affairs.

HB 29. By Representatives Heard of the 114th, Hugley of the 133rd and Smyre of the 132nd:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for applicability of Chapter 16, the "Tax Amnesty Program Act," and Chapter 16A, the "Property Tax Amnesty Program Act," to additional amnesty periods; to provide for additional waiver periods; to provide for new duration and applicability periods; to change certain provisions regarding collection costs; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 35. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions regarding motor vehicles and traffic, so as to provide for a short title; to require property damage or bodily injury or death before citing a person for a violation of any provision in Title 40; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 36. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide a short title; to define certain terms; to abolish civil forfeitures; to provide for the criminal offense of theft under color of law; to provide a penalty; to provide for applicability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 37. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that political parties shall provide documentation that their candidates in the presidential preference primary meet the qualifications of the United States Constitution to hold the office of President of the United States; to provide that political parties and bodies that have candidates for the offices of President and Vice President shall provide documentation that their candidates meet the qualifications of the United States Constitution to hold the office of President and Vice President of the United States; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 38. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure not required and disclosure of exempting legal authority, so as to require government disclosure of a real estate purchase price under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

HB 39. By Representatives Benton of the 31st, England of the 108th, McKillip of the 115th and Walker of the 107th:

A BILL to be entitled an Act to amend Code Section 20-2-690.1 of the Official Code of Georgia Annotated, relating to mandatory education for children between ages six and 16, so as to provide that notice by local school systems to parents relating to unexcused absences may be made by United States mail; to revise provisions relating to content of notice; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 40. By Representatives Benton of the 31st, England of the 108th, Buckner of the 130th and Kaiser of the 59th:

A BILL to be entitled an Act to provide a short title; to amend Part 3 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to antifreeze, so as to provide that engine coolant or antifreeze sold

in this state containing more than 10 percent ethylene glycol shall include denatonium benzoate as an aversive agent to render it unpalatable; to provide for applicability; to provide for a limitation on liability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HR 1. By Representative Franklin of the 43rd:

A RESOLUTION proposing an amendment to the Constitution so as to abolish and prohibit all state, county, consolidated government, municipal, school district, special district, or any other governmental entity from imposing taxes, fees, and liens on property; to provide for procedures, conditions, and limitations; to provide for local option sales and use tax or a flat rate household tax; to provide for applicability of prior tax provisions; to change certain provisions regarding local taxation for education; to change certain provisions regarding special districts; and for other purposes.

Referred to the Committee on Ways & Means.

HR 2. By Representative Franklin of the 43rd:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to prohibit the taking of private property through eminent domain; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

HR 3. By Representative Franklin of the 43rd:

A RESOLUTION proposing an amendment to the Constitution so as to provide that no restrictions shall be placed by any government or governmental entity on the use of property within this state; to provide that land use and zoning laws, ordinances, and resolutions shall be prohibited; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

HR 4. By Representative Franklin of the 43rd:

A RESOLUTION proposing an amendment to the Constitution so as to provide for standing to bring an action to challenge the constitutionality of a law; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

HR 5. By Representative Franklin of the 43rd:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to remove provisions relative to decisions of the Court of Appeals and Supreme Court binding other courts and thereby provide that persons who are not parties to judicial actions shall not be bound by decisions therein; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

HR 6. By Representative Franklin of the 43rd:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to remove the power of the Judicial Qualifications Commission to remove and discipline judges; to provide that actions by the commission shall be advisory only; to provide that the power to remove and discipline judges is vested exclusively in the elected General Assembly; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

HR 7. By Representative Franklin of the 43rd:

A RESOLUTION proposing an amendment to the Constitution so as to provide that a person appointed to fill a vacancy in an elective public office shall not be eligible for election to such office in the next election to fill such office; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 8. By Representative Franklin of the 43rd:

A RESOLUTION proposing an amendment to the Constitution so as to repeal the provision requiring that appropriations to any institution of the University System of Georgia be paid to the board of regents in a lump sum; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Appropriations.

HR 20. By Representatives Brockway of the 101st and Dudgeon of the 24th:

A RESOLUTION proposing an amendment to the Constitution so as to limit the rate of growth in the state budget, with such limitation based upon changes in the Consumer Price Index and population growth; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Appropriations.

HR 23. By Representative Franklin of the 43rd:

A RESOLUTION urging Congress to adopt and submit to the states for ratification an amendment to the United States Constitution relating to the adoption and challenge of laws; and for other purposes.

Referred to the Committee on Judiciary.

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

Mr. Speaker:

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

SR 8. By Senators Williams of the 19th and Rogers of the 21st:

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

SR 9. By Senators Williams of the 19th and Rogers of the 21st:

A RESOLUTION relative to adjournment; and for other purposes.

HR 18. By Representative O`Neal of the 146th:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Governor; inviting the Justices of the Supreme Court and the Judges of the Court of Appeals to be present at the joint session; and for other purposes.

HR 19. By Representative O`Neal of the 146th:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 21. By Representatives Brockway of the 101st and Dudgeon of the 24th:

A RESOLUTION commending student leaders of the Georgia Institute of Technology and recognizing January 12, 2011, as Georgia Institute of Technology Day at the state capitol; and for other purposes.

HR 22. By Representatives Benton of the 31st, Mills of the 25th, Rogers of the 26th and Collins of the 27th:

A RESOLUTION recognizing and commending Judge Sidney O. Smith, Jr.; and for other purposes.

HR 25. By Representatives Meadows of the 5th and Dickson of the 6th:

A RESOLUTION recognizing and commending the Woodlawn Elementary School archery team; and for other purposes.

HR 26. By Representative Murphy of the 120th:

A RESOLUTION recognizing and commending Reverend Corey D. Brown on his selection as pastor of Moses Baptist Church; and for other purposes.

HR 27. By Representatives Smith of the 131st, Greene of the 149th, Rogers of the 26th, Houston of the 170th and Meadows of the 5th:

A RESOLUTION recognizing February 12, 2011, as Georgia Day and commending Oglethorpe Chapter National Society Daughters of the American Revolution; and for other purposes.

The following Resolution of the Senate was read:

SR 9. By Senators Williams of the 19th and Rogers of the 21st

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the General Assembly shall adjourn at the close of the legislative day on Wednesday, January 12, 2011, and shall reconvene at 10:00 A.M. on Monday, January 24, 2011.

BE IT FURTHER RESOLVED that for the duration of the remainder of the 2011 session of the General Assembly until its 40th day, unless otherwise provided by resolution of the General Assembly, the General Assembly shall adjourn at 5:00 P.M. on each Friday on which the General Assembly is in session and shall reconvene on the Monday next following.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hour for convening the Senate on each such Monday may be as ordered by the Senate; and the hour for convening the House on each such Monday may be as ordered by the House.

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

E Abdul-Salaam	Y Davis	Y Hembree	Y McBrayer	Y Sheldon
Y Abrams	Y Dawkins-Haigler	Y Henson	McCall	Y Sims, B
Y Allison	Y Dempsey	Y Hill	Y McKillip	Y Sims, C
Y Amerson	Y Dickerson	Y Holcomb	Y Meadows	Y Smith, E
Y Anderson	Y Dickson	Y Holmes	Mills	Smith, K
Y Ashe	E 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	E Smith, T
Y Baker	Y Dudgeon	Y Howard	Y Mosby	Smyre
Y Battles	Y Dukes	Huckaby	Y Murphy	Y Spencer
Y Bearden	Y Dutton	Y Hudson	Y Neal, J	Y Stephens, M
E Beasley-Teague	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, R
E Bell	Y England	Y Jackson	Y Nix	Y Stephenson
Y Benfield	E 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
Brooks	Y Franklin	Y Jones, J	Y Parsons	Y Teasley
E Bruce	Y Frazier	E Jones, S	Y Peake	Y Thomas
Y Bryant	Y Fullerton	Y Jordan	Y Powell, A	Y Tinubu
Y Buckner	Y Gardner	Y Kaiser	Y Powell, J	VACANT
Y Burns	Y Geisinger	Y Kendrick	Y Pruett	VACANT

Byrd	Golick	Kidd	Y Purcell	Walker
Carter	Y Gordon	Y Knight	Y Ramsey	Y Watson
E Casas	Y Greene	Y Lane	Randall	Y Welch
Y Channell	Y Hamilton	Y Lindsey	Y Reece	Y Weldon
Y Cheokas	Y Hanner	Y Long	E Rice	Y Wilkerson
Y Clark, J	E Harbin	Lucas	Y Riley	Y Wilkinson
Y Clark, V	Y Harden, B	Y Maddox, B	Y Roberts	Y Willard
Coleman	Y Harden, M	Y Maddox, G	Rogers	Y Williams, A
Collins	Y Harrell	Y Manning	Y Rynders	Y Williams, E
Y Cooke	Y Hatchett	Marin	E 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
Crawford	Y Heckstall	Y Mayo	Y Shaw	Ralston, Speaker

On the adoption of the Resolution, the ayes were 145, nays 0.

The Resolution was adopted.

Representative Dobbs of the 53rd was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following member was recognized during the period of Morning Orders and addressed the House:

Representative Drenner of the 86th.

The hour of convening the Joint Session pursuant to HR 18 having arrived, the Senate appeared upon the floor of the House, and the Joint Session, convened for the purpose of hearing an address from the Governor, was called to order by the President of the Senate, Lieutenant Governor Casey Cagle.

The Resolution calling for the Joint Session was read.

Accompanied by the Committee of Escort and other distinguished guests, His Excellency, Governor Nathan Deal, appeared upon the floor of the House and delivered the following address:

Lt. Governor, Mr. Speaker, President Pro Tem Williams, Speaker Pro Tem Jones, Members of the General Assembly, Constitutional Officers, Members of the Judiciary, my fellow Georgians:

The address I deliver today is historically referred to as the State of the State. It is designed to convey my assessment of the condition of our State and its people with special emphasis on the budgets I present for your deliberation. With regard to our State and its citizens, I concur in the description found in the 1885 publication entitled The

Commonwealth of Georgia, prepared under the direction of Georgia's second Commissioner of Agriculture, J.T. Henderson, which poses the following question:

"In general productiveness, in salubrity of climate, in the incomparable blessing of good water, in facilities of transportation, in educational advantages, in the moral tone of her people, and the almost unbroken good order of society, what State of our day and generation can justly claim a happier condition or a higher civilization?"

It is comforting to know that the things which truly define who we are as a State and a people have changed very little in 126 years. With regard to our State budget, however, it must be adjusted to reflect the financial realities of today. Those realities, unlike the natural resources of our State and the character of our people, are constantly changing and the budgets I submit to you today reflect those changes.

Today I will present two budgets. The first is an amendment to the Fiscal Year 2011 budget, which was adopted by the General Assembly last year. Since our 2011 fiscal year began on July 1, 2010, we are approximately half way through the budget period. I am reducing the revenue estimate on which the budget is based by over \$27.5 million. The primary reason for this reduction is that revenues from fees are lower than projected. Even though there are some signs of economic recovery, I do not believe we should spend additional revenue, if actual collections exceed the estimate. One of the driving principles behind these conservative budgets is a commitment to replenish the Revenue Shortfall Reserve, sometimes referred to as our Rainy Day Fund. I commend you for raising the authorized limits of the Fund last year. It will help protect our future budgets.

Although I am lowering the Revenue Estimate for the remainder of the Fiscal Year, I am also proposing that 1 percent of the Revenue Shortfall Reserve be appropriated for K-12 education. This will cover the Mid-Term Adjustment for QBE (Quality Basic Education) and the shortfall for Non-Certified Personnel health insurance costs.

An important part of these budgets is curbing the growth of the number of State employees. Downsizing is a process that began several years ago. Now we are adjusting the authorized position count downward and eliminating about 14,000 positions which effectively freezes State employment at current levels. That is a reduction of over 10 percent. Many politicians have long talked about reducing the size of the government. My friends, we are doing it.

I also believe we should redirect some of our budgeted spending. I am proposing that State Agencies reduce their spending on an average of 4 percent. The agencies are currently withholding at that level so it should be achievable. Those savings are necessary in order to replace the enhanced Federal Medicaid funds that will not be received, and address other critical needs such as funding for Disproportionate Share Hospitals, almost \$20 million for the One Georgia Authority (which is an important tool for economic

development in rural Georgia), and other important budget areas such as funding the settlement with the Department of Justice so that mental health patients and developmentally disabled individuals can be transferred from State hospitals into community service settings.

For the Fiscal Year 2012 budget I am setting the Revenue Estimate based on a modest 3.75 percent increase over the amended 2011 recommendations. The greatest challenge for 2012 is replacing almost \$1 billion in the Federal Stimulus Funds that will not be available this year. In order to keep our budget in balance, State Agencies must reduce their spending by an average of 7 percent. These reductions are not uniform across agencies, but are designed to give priority funding to core responsibilities of State Government. My budget will have a net increase of \$30 million in K-12 formula funding and no reduction in Equalization Grants. Earlier this school year, the Federal Education Jobs Bill directed \$322 million to Georgia schools. Local school systems should have been able to set aside local funds to be used in FY 2012.

Both budgets make funding for K-12 education a top priority. Let me be clear: my budget will end teacher furloughs and keep students in school for a full school year. I view education as our number one economic development tool and there is no more forward-looking or strategic place to invest.

Georgia is one of only eight states in the nation with a Triple A bond rating by all three major bond rating agencies. I intend to maintain that rating.

My proposed bond package is less than \$563 million which is approximately 50% less than bond packages in recent years. I urge you to join me in keeping our borrowing at a lower level than the past. I believe that is the wise course of action.

Let me highlight some of the projects I propose for bond funding: \$231 million for K-12 construction, equipment and buses; \$15 million for funding for STEM charter schools that focus on Science, Technology, Engineering and Mathematics education, areas that are vital to our competitiveness in the global economy; \$46 million for reservoir development; \$35 million for water and sewer infrastructure; \$32 million for deepening of the Savannah harbor; \$50 million for repairs and renovations in the University System, and \$28 million for upgrades at our technical colleges.

My budgets reflect my commitment to preserving the HOPE Program. Since its creation, it has served over 1.2 million students and provided benefits totaling more than 5 billion dollars. It has also established the first state universal program for Pre-Kindergarten that has served over 1 million children.

Over the past several years, HOPE pays out more than the lottery brings in. In FY 2010, over \$150 million of reserve funds were spent. In FY 2011, it is estimated that over \$300

million of reserves will be needed and for FY 2012, over \$400 million of reserve funds will be needed. If this pattern is not preserved by FY 2013 all of the reserves will have been expended and HOPE cannot meet its obligations.

If we are to save HOPE we must make programmatic changes during this legislative session. I am ready and your leadership has indicated they are ready to make those changes. My 2012 budget does not authorize HOPE expenditures beyond what the lottery produces; therefore, we must act now to maintain the Georgia jewel known as HOPE.

Another top priority of this administration will be ensuring that our Medicaid program continues to deliver quality care for Georgians. However, the overreaching federal health care legislation will greatly add to the burden that we face.

In fact, it will add approximately 650,000 Georgians to the Medicaid rolls. This mandated expansion of service will cost Georgia Medicaid an additional \$2.5 billion in State funds alone over the next ten years.

The Obama Administration has placed onerous Maintenance of Effort requirements as well, which have severely tied our hands with respect to managing our state Medicaid program.

Last month, I co-signed a letter with Governors and Governors-elect from across the country highlighting the challenges that those requirements will place on our state. We urged the President and the Congress to provide the flexibility that is needed so Medicaid programs across the country can be managed in the most effective manner. Left unaddressed, we expect to see patient access to care severely limited and an overall erosion of the high-quality care that our state prides itself upon.

Going forward, tough decisions will have to be made, and I look forward to working with you and healthcare providers across our state to find unique and innovative ways to ensure quality patient care and competitive reimbursement rates for physicians. And we must meet these budgetary challenges while maintaining our chief focus on improving Georgia's economic competitiveness.

To that end, we must ensure that Georgia has all of the ingredients necessary to attract, support and grow business. One of the biggest threats to that future is water. We just learned in the 2010 Census that Georgia's population grew 18.3 percent over the last ten years. That growth combined with recent droughts have Georgians focused on water availability more than at any point in our state's history. We are continuing to negotiate with Alabama and Florida and it will be a top priority of my administration to reach an agreement before the Federal Court ruling takes effect in 2012. We are also continuing our appeal efforts to overturn the ruling.

But that is not enough. That's why I am recommending \$300 million spread over the next four years for reservoir creation and expansion.

We are also making changes that will allow these funds to be used for planning and design. We believe this money can be leveraged best in the form of local-state partnerships as we work together to ensure a sustainable water supply.

There is no more important public works project for the competitiveness of our entire region than the Savannah harbor deepening project. When the enlarged Panama Canal comes online in 2014, we will be ready to receive the Post-Panamax ships heading north. These larger ships improve cargo rates for shippers and receiving these ships in Savannah will have a ripple effect throughout the state.

Also, as we prepare to deepen the Savannah Harbor, we must work to ensure that we have last mile connectivity with the Port and statewide East-West connectivity to guarantee the efficient movement of people and goods throughout our state.

Infrastructure is key to economic competitiveness and Georgia's transportation network has always been our strength. Georgia is already home to the most capable airport in the world, an extensive network of regional airports, the fastest growing ports in the nation and two Class One rail lines. 99 percent of Georgians live within 20 miles of a four-lane road.

But we still have transportation issues that demand resolution...just ask Atlanta commuters. And to confront those issues in these tough times, we must prioritize funding to relieve congestion and improve mobility.

Over this next year, through regional transportation roundtables, Georgians will have an opportunity to shape investment in their communities - decisions that will ultimately be made by voters. It is important that all Georgians be involved in this process.

But we will not stop there, we must think innovatively to find alternative funding sources. In particular, because Georgia is an attractive destination for investment with a strong balance sheet and good demographics, public-private partnerships hold incredible potential.

Before I close, I want to acknowledge that this period has held unique challenges for Georgians from all walks of life. I also know that this period has been particularly challenging for state employees and teachers and I want to recognize their excellence and professionalism in this difficult time. Everyone from teachers to police officers have been asked to do more with less and they have delivered.

That commitment to go the extra mile deserves our recognition. To all members of our State team: Thank you for putting in the extra effort and the extra hours to meet this challenge! Thank you for refusing to make excuses!

These are tough times, but the State of our State is strong. The economy has begun to stabilize and Georgia businesses are seeing the first signs of recovery.

We are now entering a new era of smaller government and greater personal responsibility. Government must pull back, but Georgians and our strong communities, big and small, have what it takes to fill the gap. Our State's fortunes do not rise and fall with the size of government. I saw that last Saturday when Georgians from around the State rallied together for a Day of Service. Today, I am calling on all Georgians to support us in this time of transition.

Some may have lost optimism, but I have not. I believe that the citizens of this great State are ready to rally in this time to achieve great things...and to create a better Georgia. As elected leaders we must sound the call and demonstrate a new form of statesmanship. I call on all Georgians to support their elected officials when they make the tough choices to ensure our future prosperity.

I am confident that through working together we can put our people back to work, and educate our children for the jobs of the future. Then, we can ask as did our State leaders in 1885, "What State of our day and generation can justly claim a happier condition or a higher civilization?"

Thank you. God bless you and the great State of Georgia.

Senator Rogers of the 21st moved that the Joint Session of the General Assembly be now dissolved and the motion prevailed.

The President of the Senate, Lieutenant Governor Casey Cagle, announced the Joint Session dissolved.

The Speaker called the House to order.

Representative O'Neal of the 146th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, January 24, 2011, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, January 24, 2011.