

Representative Hall, Atlanta, Georgia

Wednesday, March 2, 2011

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

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

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, Austin of the 10th, Bryant of the 160th, Byrd of the 20th, Dobbs of the 53rd, Dollar of the 45th, Ehrhart of the 36th, England of the 108th, Geisinger of the 48th, Hanner of the 148th, Horne of the 71st, Hudson of the 124th, Hugley of the 133rd, Jordan of the 77th, Lucas of the 139th, Martin of the 47th, McCall of the 30th, Powell of the 29th, Pruett of the 144th, Ramsey of the 72nd, Reece of the 11th, Roberts of the 154th, Scott of the 2nd, Scott of the 76th,

Sims of the 169th, Smith of the 168th, Smith of the 131st, Stephenson of the 92nd, Taylor of the 55th, Tinubu of the 60th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Pastor Gregory Vaughn Eason, Sr., Big Bethel A.M.E. Church, Atlanta, 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 416. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to membership in labor organizations, so as to prohibit collective bargaining by public employees; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

HB 417. By Representatives Johnson of the 37th, Oliver of the 83rd, Benfield of the 85th, Ashe of the 56th, Dobbs of the 53rd and others:

A BILL to be entitled an Act to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide certain requirements for the identification of campaign communications, advertising, and literature; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 418. By Representatives Huckaby of the 113th and Channell of the 116th:

A BILL to be entitled an Act to abolish the office of elected county surveyor of Oglethorpe County; to provide for the appointment of a county surveyor by the governing authority of the county; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 419. By Representatives Mitchell of the 88th, Jacobs of the 80th and Willard of the 49th:

A BILL to be entitled an Act to amend Part 1 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to foreclosure in general, so as to change the time for the delivery of a notice of the initiation of foreclosure proceedings; to provide, under certain circumstances, for an opportunity, prior to foreclosure, for a debtor to cure a foreclosure and bring the debt current by making all past due payments along with any late fees and charges; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 420. By Representative Lane of the 167th:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated, which is reserved, so as to authorize county governing authorities under certain conditions to redistrict themselves by ordinance or resolution following each decennial census; to provide for procedures; to provide for limitations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Legislative & Congressional Reapportionment.

HB 421. By Representatives Welch of the 110th, Willard of the 49th, Manning of the 32nd and Atwood of the 179th:

A BILL to be entitled an Act to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to change provisions relating to the proceedings upon a plea of mental incompetency to stand trial; to provide for definitions and the use of consistent terminology; to provide for a bench trial for competency proceedings; to provide for maximum commitment to the Department of Behavioral Health and Developmental Disabilities under certain circumstances; to amend the "Crime Victims' Bill of Rights" so as to change provisions relating to victim notification from the Department of Behavioral Health and Developmental Disabilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 422. By Representatives Atwood of the 179th, Houston of the 170th, Lindsey of the 54th, Golick of the 34th and Welch of the 110th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to privilege under the rules of evidence, so as to change provisions relating to spousal privilege in criminal proceedings; to provide certain exceptions to the general rule of privilege; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 423. By Representatives Maxwell of the 17th, Golick of the 34th, Hembree of the 67th, Murphy of the 120th, Hugley of the 133rd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to unfair trade practices, so as to provide that certain acts by residential contractors as they relate to insurance claims shall be considered violations of unfair trade practice; to provide for definitions; to provide for certain contractual requirements; to prohibit rebate or other compensation as inducement for an insured to enter into an agreement; to provide for notice language; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- HB 424. By Representatives Weldon of the 3rd, Maxwell of the 17th, Meadows of the 5th, Benton of the 31st, Brooks of the 63rd and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits, disability benefits, and spouses' benefits under the Superior Court Clerks' Retirement Fund, so as to provide for a death benefit for active and retired members; 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 425. By Representatives Byrd of the 20th, Holt of the 112th, Spencer of the 180th, Taylor of the 79th, Coomer of the 14th and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum for elementary and secondary students under the "Quality Basic Education Act," so as to require an annual educational program on the governing principles of the United States Constitution by all elementary and secondary schools receiving state funds; to amend Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the university system, so as to require an annual educational program on the governing principles of the United States Constitution by all colleges and universities receiving state funds; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

- HB 431. By Representatives Holcomb of the 82nd, Buckner of the 130th, Rogers of the 26th, Parent of the 81st, Manning of the 32nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to general provisions relative to standards, labeling, and adulteration of food, so as to prohibit the manufacture, sale, or distribution of certain food containers or products in containers which contain bisphenol-A; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

- HB 432. By Representatives Dempsey of the 13th, Manning of the 32nd, Smith of the 129th, McKillip of the 115th, Sims of the 119th 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 allow employees to use sick leave for the care of immediate family members; to provide for definitions; to provide for conditions to take leave; to provide that retaliatory actions are unlawful; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

- HB 433. By Representatives Shaw of the 176th, Sims of the 169th, Black of the 174th, Hatchett of the 143rd, Carter of the 175th and others:

A BILL to be entitled an Act to amend Code Section 50-17-22 of the Official Code of Georgia Annotated, relating to the State Financing and Investment Commission, so as to provide that the construction division of the commission shall give preference to in-state materialmen, contractors, builders, architects, and laborers when such preference does not impair quality and cost considerations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

- HB 434. By Representatives Dempsey of the 13th, Rynders of the 152nd, Purcell of the 159th, Kaiser of the 59th, Sims of the 119th and others:

A BILL to be entitled an Act to amend Chapter 10A of Title 43 of the Official Code of Georgia Annotated, relating to professional counselors, social workers, and marriage and family therapists, so as to revise a definition; to revise provisions relating to requirements for licensure in social work; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- HB 435. By Representatives Marin of the 96th, Floyd of the 99th, Bruce of the 64th and Mitchell of the 88th:

A BILL to be entitled an Act to amend Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under the influence of alcohol, so as to require persons convicted to have an ignition interlock

device installed; to amend Code Section 42-8-111 of the Official Code of Georgia Annotated, relating to court ordered installation of ignition interlock devices, so as to make it applicable to all convictions for driving under the influence of alcohol; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 436. By Representative Reece of the 11th:

A BILL to be entitled an Act to provide a new charter for the City of Menlo; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 437. By Representatives Neal of the 1st, Williams of the 4th, Maxwell of the 17th and Gardner of the 57th:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to change provisions relating to possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine and restrictions on sales of products containing pseudoephedrine; to provide for real-time tracking of sales of products containing ephedrine, pseudoephedrine, and phenylpropanolamine; to provide for definitions; to change provisions relating to exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 458. By Representative Marin of the 96th:

A RESOLUTION recognizing the growing incidence of chronic obstructive pulmonary disease in this state and encouraging the Georgia Department of Community Health to pass regulations requiring the collection of data relating to incidents of this disease in this state; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 459. By Representatives Dudgeon of the 24th, Carter of the 175th, Huckaby of the 113th, Coleman of the 97th, Nix of the 69th and others:

A RESOLUTION supporting the Georgia Professional Standards Commission rule change on certificate upgrades for advanced degrees that come from providers that meet established quality standards and for degrees that are in a field for which the Professional Standards Commission offers a certificate; and for other purposes.

Referred to the Committee on Education.

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

HB 393	HB 394
HB 395	HB 396
HB 397	HB 398
HB 399	HB 400
HB 408	HB 409
HB 410	HB 411
HB 412	HB 413
HB 414	HB 415
HB 426	HB 427
HB 428	HB 429
HB 430	HR 423
HR 424	HR 425
HR 426	HR 457
SB 58	SB 64
SB 94	SB 95

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

Mr. Speaker:

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

HB 62 Do Pass, by Substitute

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

Representative Roberts of the 154th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation 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 301 Do Pass, by Substitute

Respectfully submitted,
/s/ Roberts of the 154th
Chairman

Representative Channell of the 116th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means 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 95 Do Pass, by Substitute

Respectfully submitted,
/s/ Channell of the 116th
Chairman

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

HOUSE RULES CALENDAR
WEDNESDAY, MARCH 2, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 22nd Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 196 Search warrants by video conference; what portion of video maintained; clarify (JudyNC-Pak-102nd)

Modified Structured Rule

HB 66 Insurance; certificate of insurance forms approved by commissioner; provide (Substitute)(Ins-Maxwell-17th)
HB 137 Transportation, Department of; change multiple provisions (Substitute)(Trans-Sheldon-105th)
HB 200 Crimes and offenses; human trafficking; change compensation; provisions (Substitute)(JudyNC-Lindsey-54th)
HB 237 Residential mortgage fraud; mortgage lending process; revise definition (Substitute)(JudyNC-Golick-34th)
HB 293 Retirement bills; define a certain term (Ret-Benton-31st)
HB 297 Retirement and pensions; public systems prohibited from expending fund for certain purposes; provide (Ret-Maxwell-17th)

Structured Rule

HB 48 Ad valorem tax; freeport exemptions; revise and change certain provisions (W&M-Powell-171st)

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 33. By Senators Shafer of the 48th, Chance of the 16th, Davis of the 22nd, Hill of the 32nd, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide short titles; to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 67. By Senators Carter of the 1st, Unterman of the 45th, Goggans of the 7th and Grant of the 25th:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to prohibit the use of the title "nurse" unless licensed as a registered professional nurse or a licensed practical nurse; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 33. By Senators Shafer of the 48th, Chance of the 16th, Davis of the 22nd, Hill of the 32nd, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide short titles; to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Budget and Fiscal Affairs Oversight.

SB 67. By Senators Carter of the 1st, Unterman of the 45th, Goggans of the 7th and Grant of the 25th:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to prohibit the use of the title "nurse" unless licensed as a registered professional nurse or a licensed practical nurse; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

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

Representatives Neal of the 1st, Harden of the 147th, Greene of the 149th, Smith of the 168th, Bearden of the 68th, Kidd of the 141st, Riley of the 50th, Burns of the 157th, Parsons of the 42nd, Smith of the 70th, and Peake of the 137th.

Pursuant to HR 345, the House congratulated the Sandy Creek High School football team on winning the 2010 GHSA Class AAA State Championship and invited the team to be recognized by the House of Representatives.

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 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.

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Abrams	Y Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	E Smith, K
Austin	Y Dollar	Y Horne	E Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	E Mosby	Y Smith, T

Y Bearden	Y Dukes	Y Huckaby	Y Murphy	E Smyre
E Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Taylor, R
E Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Powell, A	Y Tinubu
Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Welch
Y Channell	Y Greene	Y Lane	Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Reece	Y Wilkinson
Y Clark, V	Harbin	Lucas	Rice	Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Y Scott, M	Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 149, nays 1.

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

Due to a mechanical malfunction, the vote of Representative Hugley of the 133rd was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representatives Maddox of the 172nd, Powell of the 29th, Pruett of the 144th, Rice of the 51st, and Welch of the 110th 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 66. By Representatives Maxwell of the 17th, Meadows of the 5th, Rogers of the 26th, Murphy of the 120th, Hembree of the 67th and others:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, so as to provide for certificate of insurance forms to be approved by the commissioner; to provide for definitions; to provide certain provisions of such certificate; to provide for related matters; 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 Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, so as to provide for certificate of insurance forms to be approved by the commissioner; to provide for definitions; to provide certain provisions of such certificate; 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 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, is amended by adding a new Code section to read as follows:

"33-24-19.1.

(a) As used in this Code section, the term:

(1) 'Certificate' or 'certificate of insurance' means any document or instrument, no matter how titled or described, which is prepared or issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. 'Certificate' or 'certificate of insurance' shall not include a policy of insurance or insurance binder, including any policy of insurance which may be referred to as a certificate.

(2) 'Certificate holder' means any person, other than a policyholder, that requests, obtains, or possesses a certificate of insurance.

(3) 'Insurance producer' means a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.

(4) 'Insurer' means any person engaged as indemnitor, surety, or contractor who issues insurance as defined by Code Sections 33-7-3 and 33-7-6. Nothing in this Code section shall apply to or affect any offering of accident, sickness, or disability insurance by a fraternal benefit society, as provided under Code Section 33-15-60; nonprofit medical service corporations, as provided under Chapters 18 and 19 of this title; health care plans, as provided under Chapter 20 of this title; health maintenance organizations, as provided under Chapter 21 of this title; any provisions of accident and sickness insurance policies generally, as provided under Code Sections 33-24-20 through 33-24-31; individual accident and sickness insurance, as provided under Chapter 29 of this title; or group or blanket accident and sickness insurance, as provided under Chapter 30 of this title.

(5) 'Person' means any individual, partnership, corporation, association, or other legal entity, including any government or governmental subdivision or agency.

(6) 'Policyholder' means a person who has contracted with a property or casualty insurer for insurance coverage.

(b) No person, wherever located, may prepare, issue, or request the issuance of a certificate of insurance unless the form has been filed with and approved by the Commissioner of Insurance. No person, wherever located, may alter or modify an approved certificate of insurance form.

(c) The Commissioner of Insurance shall disapprove a form filed under this Code section, or withdraw approval of a form, if the form:

(1) Is unjust, unfair, misleading, or deceptive, or violates public policy;

(2) Fails to comply with the requirements of subsection (d) of this Code section; or

(3) Violates any law, including any regulation adopted by the Commissioner of Insurance.

(d) Each certificate of insurance must contain the following or similar statement: 'This certificate of insurance is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policies referenced herein.' However, the Commissioner of Insurance may approve a form filed under this Code section that does not state that the form is provided for information purposes only, if such form states that the certificate of insurance does not confer any rights or obligations other than those conveyed by the policy and that the terms of the policy control.

(e) Standard certificate of insurance forms promulgated by the Association for Cooperative Operations Research and Development or the Insurance Services Office are deemed approved by the Commissioner of Insurance and are not required to be filed if the forms otherwise comply with the requirements of this Code section.

(f) No person, wherever located, shall demand or request the issuance of a certificate of insurance from an insurer, insurance producer, or policyholder that contains any false or misleading information concerning the policy of insurance to which the certificate makes reference.

(g) No person, wherever located, may knowingly prepare or issue a certificate of insurance that contains any false or misleading information or that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy of insurance to which the certificate makes reference.

(h) No person may prepare, issue, or request, either in addition to or in lieu of a certificate of insurance, an opinion letter or other document or correspondence that is inconsistent with this Code section.

(i) The provisions of this Code section shall apply to all certificate holders, policyholders, insurers, insurance producers, and certificate of insurance forms issued as evidence of insurance coverages on property, operations, or risks located in this state, regardless of where the certificate holder, policyholder, insurer, or insurance producer is located.

(j) A certificate of insurance is not a policy of insurance and does not affirmatively or negatively amend, extend, or alter the coverage afforded by the policy to which the certificate of insurance makes reference. A certificate of insurance shall not confer to a

certificate holder new or additional rights beyond what the referenced policy of insurance expressly provides.

(k) No certificate of insurance shall contain references to contracts, including construction or service contracts, other than the referenced contract of insurance. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which a certificate of insurance may be issued or may pertain, the insurance afforded by the referenced policy of insurance is subject to all the terms, exclusions, and conditions of the policy itself.

(l) A certificate holder shall have a legal right to notice of cancellation, nonrenewal, or any material change, or any similar notice concerning a policy of insurance only if the person is named within the policy or any endorsement and the policy or endorsement requires notice to be provided. The terms and conditions of the notice, including the required timing of the notice, are governed by the policy of insurance and cannot be altered by a certificate of insurance.

(m) Any certificate of insurance or any other document or correspondence prepared, issued, or requested in violation of this Code section shall be null and void and of no force and effect.

(n) Any person who violates this Code section may be fined up to \$5,000.00 per violation.

(o) The Commissioner of Insurance shall have the power to examine and investigate the activities of any person that the Commissioner reasonably believes has been or is engaged in an act or practice prohibited by this Code section. The Commissioner of Insurance shall have the power to enforce the provisions of this Code section and to impose any authorized penalty or remedy against any person who violates this Code section.

(p) The Commissioner of Insurance may adopt reasonable rules and regulations as are necessary or proper to carry out the provisions of this Code section."

SECTION 2.

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 Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	E Smith, K
Austin	Y Dollar	Y Horne	E Morgan	Y Smith, L

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

On the passage of the Bill, by substitute, the ayes were 157, nays 1.

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

Representatives Byrd of the 20th, Pruett of the 144th, Rice of the 51st, Sims of the 119th, and Welch of the 110th 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.

Representative Purcell of the 159th District, Chairman of the Committee on Human Relations and Aging, submitted the following report:

Mr. Speaker:

Your Committee on Human Relations and Aging 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 226 Do Pass, by Substitute

Respectfully submitted,
/s/ Purcell of the 159th
Chairman

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 196. By Representatives Pak of the 102nd, Tankersley of the 158th, Neal of the 75th, Weldon of the 3rd, Golick of the 34th and others:

A BILL to be entitled an Act to amend Code Section 17-5-21.1 of the Official Code of Georgia Annotated, relating to the issuance of search warrants by video conferencing, so as to clarify what portion of the video recordings must be maintained; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

Y Clark, V	Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 165, nays 2.

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

Representatives Sims of the 119th and Welch of the 110th 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 200. By Representatives Lindsey of the 54th, Golick of the 34th, Houston of the 170th, Oliver of the 83rd, Willard of the 49th and others:

A BILL to be entitled an Act to amend Titles 16, 17, and 35 of the Official Code of Georgia Annotated, relating to crimes and offenses, criminal procedure, and law enforcement, respectively, so as to discourage trafficking of persons for labor or sexual servitude and provide greater protections to persons subject to such crimes; to change provisions relating to compensation from the Georgia Crime Victims Compensation Board; to provide for notification of federal assistance for certain persons under the Crime Victims' Bill of Rights; to provide for training for law enforcement investigating crimes involving trafficking persons for labor or sexual servitude; to provide for related matters; 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 Titles 16, 17, and 35 of the Official Code of Georgia Annotated, relating to crimes and offenses, criminal procedure, and law enforcement, respectively, so as to discourage trafficking of persons for labor or sexual servitude and provide greater protections to persons subject to such crimes; to increase the penalties for trafficking of persons for labor or sexual servitude; to change provisions relating to trafficking of persons for labor or sexual servitude; to provide that certain facts or circumstances shall not constitute a defense to the crime of trafficking of persons for labor or sexual servitude; to increase penalties for the crimes of keeping a place of prostitution, pimping, and pandering when the crimes involve certain youth; to provide for definitions; to

provide for an affirmative defense to certain sexual crimes under certain circumstances; to change provisions relating to compensation from the Georgia Crime Victims Compensation Board; to provide for notification of federal assistance for certain persons under the Crime Victims' Bill of Rights; to provide for training for law enforcement investigating crimes involving trafficking persons for labor or sexual servitude; to provide that the Georgia Bureau of Investigation shall have the duty to investigate violations of Code Section 16-5-46 and shall have subpoena power under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offense, is amended by revising Code Section 16-5-46, relating to trafficking of persons for labor or sexual servitude, as follows:

"16-5-46.

(a) As used in this Code section, the term:

(1) 'Coercion' means:

(A) Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person;

(B) Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that ~~if revealed~~ would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule;

(C) Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person; ~~or~~

(D) Providing a controlled substance, as such term is defined by Code Section 16-13-21, to such person for the purpose of compelling such person to engage in labor or sexual servitude against his or her will; or

(E) Causing or threatening to cause financial harm to any person or using financial control over any person.

(2) 'Deception' means:

(A) Creating or confirming another's impression of an existing fact or past event which is false and which the accused knows or believes to be false;

(B) Maintaining the status or condition of a person arising from a pledge by that person of his or her personal services as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined, or preventing a person from acquiring information pertinent to the disposition of such debt; or

(C) Promising benefits or the performance of services which the accused does not intend to deliver or perform or knows will not be delivered or performed. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this Code section.

(3) 'Labor servitude' means work or service of economic or financial value which is performed or provided by another person and is induced or obtained by coercion or deception.

(4) 'Performance' shall have the same meaning as set forth in Code Section 16-12-100.

(5) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section 16-12-100.

~~(4)~~(6) 'Sexual servitude' means:

(A) Any sexually explicit conduct ~~as defined in paragraph (4) of subsection (a) of Code Section 16-12-100~~ or performance involving sexually explicit conduct for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or

(B) Any sexually explicit conduct ~~as defined in paragraph (4) of subsection (a) of Code Section 16-12-100~~ or performance involving sexually explicit conduct which is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.

(b) A person commits the offense of trafficking a person for labor servitude when that person knowingly subjects another person to or maintains another person in labor servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of labor servitude.

(c) A person commits the offense of trafficking a person for sexual servitude when that person knowingly subjects another person to or maintains another person in sexual servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of sexual servitude.

(d) The age of consent for sexual activity or the accused's lack of knowledge of the age of the person being trafficked shall not constitute a defense in a prosecution for a violation of this Code section.

(e) The sexual history or history of commercial sexual activity of a person alleged to have been trafficked or such person's connection by blood or marriage to an accused in the case or to anyone involved in such person's trafficking shall be excluded from evidence if the court finds at a hearing outside the presence of the jury that the probative value of the evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.

~~(d)~~(f)(1) Except as provided in paragraph (2) of this subsection any accused ~~Any person~~ who commits the offense of trafficking a person for labor or sexual servitude shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than ~~one~~ ten nor more than 20 years, a fine not to exceed \$100,000.00, or both.

(2) Any person accused who commits the offense of trafficking a person for labor or sexual servitude against a person who is under the age of 18 years shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than ten nor more than 20 years, a fine not to exceed \$100,000.00, or both; provided, however, that if the offense is committed against a person under 18 years of age and such person under the age of 18 years was coerced or deceived into being trafficked for labor or sexual servitude, the accused shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than 25 nor more than 50 years or life imprisonment, a fine not to exceed \$100,000.00, or both.

(g) All real and personal property of every kind used or intended for use in the course of, derived from, or realized through a violation of this Code section shall be subject to forfeiture to the state. Forfeiture shall be had by the same procedure set forth in Code Section 16-14-7. Prosecuting attorneys and the Attorney General may commence forfeiture proceedings under this Code section.

~~(e)~~(h) Prosecuting attorneys and the Attorney General shall have concurrent authority to prosecute any criminal cases arising under the provisions of this Code section and to perform any duty that necessarily appertains thereto.

~~(f)~~(i) Each violation of this Code section shall constitute a separate offense and shall not merge with any other offense.

~~(g)~~(j) A corporation may be prosecuted under this Code section for an act or omission constituting a crime under this Code section only if an agent of the corporation performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of his or her employment on behalf of the corporation or constituted a pattern of illegal activity that an agent of the company knew or should have known was occurring."

SECTION 2.

Said title is further amended by revising subsections (a) and (b) of Code Section 16-6-13, relating to the penalties for violating Code Sections 16-6-9 through 16-6-12, as follows:

"(a) Except as otherwise provided in subsection (b) of this Code section, a person convicted of any of the offenses enumerated in Code Sections 16-6-10 through 16-6-12 shall be punished as for a misdemeanor of a high and aggravated nature. A person convicted of the offense enumerated in Code Section 16-6-9 shall be punished as for a misdemeanor.

~~(b)(1) A person convicted of keeping a place of prostitution, pimping, or pandering any of the offenses enumerated in Code Sections 16-6-10 through 16-6-12 when such offense involves keeping a place of prostitution for, the pimping for, or the solicitation the conduct of a person under the age of who is at least 16 but less than 18 years of age to perform an act of prostitution or the assembly of two or more persons under the age of 18 years at a fixed place for the purpose of being solicited by others to perform an act of prostitution shall be guilty of a felony and shall be punished by imprisonment for a period of not less than five nor more than 20 years, and such~~

~~convicted person shall be fined a fine of not less than \$2,500.00 nor more than \$10,000.00, or both.~~

(2) A person convicted of any of the offenses enumerated in Code Sections 16-6-10 through 16-6-12 when such offense involves the conduct of a person under the age of 16 years shall be guilty of a felony and shall be punished by imprisonment for a period of not less than ten nor more than 30 years, a fine of not more than \$100,000.00, or both.

~~(3) Adjudication of guilt or imposition of a sentence for a conviction of a second or subsequent offense when such offense involves keeping a place of prostitution for, the pimping for, or pandering of a person under the age of 18 years pursuant to this subsection, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld."~~

SECTION 3.

Said title is further amended by adding a new Code section to Article 1 of Chapter 3, relating to responsibility as a defense to criminal prosecutions, to read as follows:

"16-3-6.

(a) As used in this Code section, the term:

(1) 'Coercion' shall have the same meaning as set forth in Code Section 16-5-46.

(2) 'Deception' shall have the same meaning as set forth in Code Section 16-5-46.

(3) 'Sexual crime' means prostitution, sodomy, solicitation of sodomy, or masturbation for hire as such offenses are proscribed in Chapter 6 of Title 16.

(4) 'Sexual servitude' shall have the same meaning as set forth in Code Section 16-5-46.

(b) A person shall not be guilty of a sexual crime if the conduct upon which the alleged criminal liability is based was committed under coercion or deception while the accused was being trafficked for sexual servitude in violation of subsection (c) of Code Section 16-5-46.

(c) A defense based upon any of the provisions of this Code section shall be an affirmative defense."

SECTION 4.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising paragraphs (3) and (9) of Code Section 17-15-2, relating to definitions for victim compensation, as follows:

"(3) 'Crime' means:

(A) An act which constitutes hit and run as defined in Code Section 40-6-270, homicide by vehicle as defined in Code Section 40-6-393, serious injury by vehicle as defined in Code Section 40-6-394, or any act which constitutes a violation of Code Section 16-5-46 or Chapter 6 or Part 2 of Article 3 of Chapter 12 of Title 16, a violation of Code Section 16-5-70, or a violent crime as defined by state or federal law which results in physical injury, serious mental or emotional trauma, or death to the victim and which is committed:

- (i) In this state;
 - (ii) In a state which does not have a victims' compensation program, if the victim is a resident of this state; or
 - (iii) In a state which has compensated the victim in an amount less than the victim would be entitled to pursuant to this chapter, if the victim is a resident of this state;
- (B) An act which constitutes international terrorism as defined in 18 U.S.C. Section 2331 which results in physical injury, serious mental or emotional trauma, or death to the victim, if the victim is a resident of this state and is outside the territorial boundaries of the United States when such act is committed; or
- (C) An act of mass violence which results in physical injury, serious mental or emotional trauma, or death to the victim, if the victim is a resident of this state and is outside the territorial boundaries of the United States when such act is committed."
- "(9) 'Victim' means a person who:
- (A) Is injured physically, who dies, or who suffers financial hardship as a result of being injured physically as a direct result of a crime;
 - (B) Suffers a serious mental or emotional trauma as a result of being threatened with a crime which could result in physical injury or death; ~~or~~
 - (C) Suffers a serious mental or emotional trauma as a result of being present during the commission of a crime; or
 - (D) Suffers a serious mental or emotional trauma as a result of being trafficked for labor or sexual servitude as defined in Code Section 16-5-46."

SECTION 5.

Said title is further amended by revising subsection (e) of Code Section 17-15-7, relating to persons eligible for awards, as follows:

"(e) A person who is criminally responsible for the crime upon which a claim is based or is an accomplice of such person shall not be eligible to receive an award with respect to such claim; provided, however, that such ineligibility shall not apply if the claimant is a victim as defined in subparagraph (D) of paragraph (9) of Code Section 17-15-2."

SECTION 6.

Said title is further amended by revising subsection (a) of Code Section 17-15-8, relating to required findings and the amount of the award, as follows:

"(a) No award may be made unless the board or director finds that:

- (1) A crime was committed;
- (2) The crime directly resulted in the victim's physical injury, serious mental or emotional trauma, or financial hardship as a result of the victim's physical injury, serious mental or emotional trauma, or the victim's death;
- (3) Police records, records of an investigating agency, or records created pursuant to a mandatory reporting requirement show that the crime was promptly reported to the proper authorities. In no case may an award be made where the police records, records of an investigating agency, or records created pursuant to a mandatory

reporting requirement show that such report was made more than 72 hours after the occurrence of such crime unless the board, for good cause shown, finds the delay to have been justified and provided, further, that good cause shall be presumed if the claimant is a victim as defined in subparagraph (D) of paragraph (9) of Code Section 17-15-2; and

(4) The applicant has pursued restitution rights against any person who committed the crime unless the board or director determines that such action would not be feasible.

The board, upon finding that any claimant or award recipient has not fully cooperated with all law enforcement agencies, may deny, reduce, or withdraw any award."

SECTION 7.

Said title is further amended by revising subsection (a) of Code Section 17-17-6, relating to notification to victim of accused's pretrial release and of victims' rights and the availability of victims' compensation and services, as follows:

"(a) Upon initial contact with a victim, all law enforcement and court personnel shall make available to the victim the following information written in plain language:

(1) The possibility of pretrial release of the accused, the victim's rights and role in the stages of the criminal justice process, and the means by which additional information about these stages can be obtained;

(2) The availability of victim compensation and, if the victim has been trafficked for labor or sexual servitude as defined in Code Section 16-5-46, compensation available through the federal government pursuant to 22 U.S.C. Section 7105; and

(3) The availability of community based victim service programs."

SECTION 8.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement, is amended by adding a new Code section to Chapter 1, relating to general provisions for law enforcement officers and agencies, to read as follows:

"35-1-16.

(a) The Georgia Peace Officer Standards and Training Council and the Georgia Public Safety Training Center shall establish guidelines and procedures for the incorporation of training materials and information in:

(1) Methods for identifying, combating, and reporting incidents where a person has been trafficked for labor or sexual servitude, as such terms are defined in Code Section 16-5-46;

(2) Methods for providing proper detention facilities or alternatives to detention facilities for persons who have been trafficked for labor or sexual servitude, as such terms are defined in Code Section 16-5-46, including providing information on therapeutic facilities for such persons; and

(3) Methods for assisting persons who have been trafficked for labor or sexual servitude, as such terms are defined in Code Section 16-5-46, including providing information on social service organizations available to assist such person.

(b) The guidelines and procedures listed in subsection (a) of this Code section shall be for use by law enforcement training centers monitored by the Georgia Peace Officer Standards and Training Council and monitored and funded by the Georgia Public Safety Training Center in all courses for which they have responsibility and oversight."

SECTION 9.

Said title is further amended by revising subsection (a) of Code Section 35-3-4, relating to powers and duties of the Georgia Bureau of Investigation, by striking "or" at the end of paragraph (11), striking the period at the end of paragraph (12) and inserting "; or" in lieu thereof, and adding a new paragraph to read as follows:

"(13) Identify and investigate violations of Code Section 16-5-46."

SECTION 10.

Said title is further amended by adding a new Code section to read as follows:

"35-3-4.3.

(a) In any investigation of a violation of Code Section 16-5-46 involving trafficking of persons for labor or sexual servitude, the director, assistant director, or deputy director for investigations shall be authorized to issue a subpoena, with the consent of the Attorney General, to compel the production of books, papers, documents, or other tangible things, including records and documents contained within, or generated by, a computer or any other electronic device.

(b) Upon the failure of a person without lawful excuse to obey a subpoena, the director, assistant director, or the deputy director for investigations, through the Attorney General or district attorney, may apply to a superior court having jurisdiction for an order compelling compliance. Such person may object to the subpoena on grounds that it fails to comply with this Code section or upon any constitutional or other legal right or privilege of such person. The court may issue an order modifying or setting aside such subpoena or directing compliance with the original subpoena. Failure to obey a subpoena issued under this Code section may be punished by the court as contempt of court."

SECTION 11.

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 Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B

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

On the passage of the Bill, by substitute, the ayes were 168, nays 1.

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

Due to a mechanical malfunction, the vote of Representative Dempsey of the 13th was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representatives Austin of the 10th and Welch of the 110th 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.

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

March 2, 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 200 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 237. By Representatives Golick of the 34th, Morris of the 155th, Hatfield of the 177th, Ramsey of the 72nd and Setzler of the 35th:

A BILL to be entitled an Act to amend Article 5 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to residential mortgage fraud, so as revise the definition of "mortgage lending process"; to provide for investigative and subpoena powers of district attorneys and the Attorney General relative to residential mortgage fraud; to provide for related matters; 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 Article 5 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to residential mortgage fraud, so as revise the definition of "mortgage lending process"; to change provisions relating to the offense of mortgage fraud; to provide for investigative and subpoena powers of district attorneys and the Attorney General relative to residential mortgage fraud; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to residential mortgage fraud, is amended by revising paragraph (1) of Code Section 16-8-101, relating to definitions, as follows:

"(1) 'Mortgage lending process' means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. Such term shall also include the execution of deeds under power of sale that are required to be recorded pursuant to Code Section 44-14-160 and the execution of assignments that are required to be recorded pursuant to subsection (b) of Code Section 44-14-162. Documents involved in the mortgage lending process include, but ~~are~~ shall not be limited to, uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll stubs; and any required disclosures."

SECTION 2.

Said article is further amended by revising the undesignated paragraph at the end of Code Section 16-8-102, relating to the offense of residential mortgage fraud, as follows:

"An offense of residential mortgage fraud shall not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations, and interpretations related to the mortgage lending process nor upon truthful information contained in documents filed with the official registrar of deeds of any county of this state for the stated purpose of correcting scrivener's errors, mistakes, inadvertent misstatements, or omissions contained in previously filed documents."

SECTION 3.

Said article is further amended by revising Code Section 16-8-104, relating to the authority to investigate and prosecute for residential mortgage fraud, as follows:

"16-8-104.

(a) District attorneys and the Attorney General shall have the authority to conduct the criminal investigation and prosecution of all cases of residential mortgage fraud under this article or under any other provision of this title. Nothing in this Code section shall be construed to preclude otherwise authorized law enforcement agencies from conducting investigations of offenses related to residential mortgage fraud.

(b) In any investigation of a violation of this article, the Attorney General or any district attorney shall be authorized to issue a subpoena to compel the production of any books, papers, documents, or other tangible things, including records and documents contained within, or generated by, a computer or other electronic device.

(c) Upon the failure of a person without lawful excuse to obey a subpoena, the Attorney General or district attorney may apply to a superior court having jurisdiction for an order compelling compliance. Such person may move to modify or quash the subpoena on any legal or constitutional basis. The court may issue an order modifying or quashing such subpoena or directing compliance with the original subpoena. Failure to obey a subpoena issued pursuant to this Code section may be punished by the court as contempt of court."

SECTION 4.

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

On the passage of the Bill, by substitute, the ayes were 168, nays 1.

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

Representative Welch of the 110th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

March 2, 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 237 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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.

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	E Smith, K
Y Austin	Y Dollar	Y Horne	E Morgan	Y Smith, L

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

On the passage of the Bill, the ayes were 166, nays 0.

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

Representative Welch of the 110th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Due to a mechanical malfunction, the vote of Representative Lindsey of the 54th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 137. By Representatives Sheldon of the 105th, Roberts of the 154th and Burns of the 157th:

A BILL to be entitled an Act to amend provisions of the O.C.G.A. relating to the Department of Transportation; to amend Title 32 of the O.C.G.A., relating to highways, bridges, and ferries, so as to change definitions; to amend Title 33 of the O.C.G.A., relating to insurance, so as to exempt the department from having to provide accident reports to attorneys in certain situations; to amend Title 36 of the O.C.G.A., relating to local government,

so as to require cities to include certain information in annexation reports; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic, so as to provide that designees of the department may charge for accident reports; to amend Title 50 of the O.C.G.A., relating to state government, so as to provide that government agencies cannot charge other government agencies for geographic information; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend provisions of the Official Code of Georgia Annotated relating to the Department of Transportation; to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change definitions; to clarify the term of the planning director and eliminate the bonding requirement; to remove the requirement of including the ZIP Code designation on official maps and lists; to clarify procedures for removing asbestos pipe for utility facilities; to allow counties and cities to send updated information to the department using geospatial information system files; to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt the department from having to provide accident reports to attorneys in certain situations; to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to require cities to include certain information in annexation reports; to provide that the department is not required to obtain cemetery redevelopment permits except in certain instances; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide that designees of the department may charge for accident reports; to require electronic submission of certain accident reports by law enforcement agencies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising paragraphs (24) and (30) of Code Section 32-1-3, relating to definitions, as follows:

"(24) 'Public road' means a highway, road, street, avenue, toll road, tollway, drive, detour, or other way that either is open to the public or has been acquired as right of way, and is intended to be used for its enjoyment by the public and for the passage of vehicles in any county or municipality of Georgia, including but not limited to the following public rights, structures, sidewalks, facilities, and appurtenances incidental to the construction, maintenance, and enjoyment of such rights of way:

- (A) Surface, shoulders, and sides;
 - (B) Bridges;
 - (C) Causeways;
 - (D) Viaducts;
 - (E) Ferries;
 - (F) Overpasses;
 - (G) Underpasses;
 - (H) Railroad grade crossings;
 - (I) Tunnels;
 - (J) Signs, signals, markings, or other traffic control devices;
 - (K) Buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of such ways or research pertaining thereto;
 - (L) Wayside parks;
 - (M) Parking facilities;
 - (N) Drainage ditches;
 - (O) Canals and culverts;
 - (P) Rest areas;
 - (Q) Truck-weighing stations or check points; and
 - (R) Scenic easements and easements of light, air, view, and access."
- "(30) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage, and other similar services and commodities, including publicly owned fire and police ~~and traffic~~ signals and street lighting systems, which directly or indirectly serve the public. This term also means a person, municipal corporation, county, state agency, or public authority which owns or manages a utility as defined in this paragraph."

SECTION 2.

Said title is further amended by revising subsection (a) of Code Section 32-2-43, relating to the appointment and responsibilities of the director of planning, as follows:

"(a) There shall be a director of planning appointed by the Governor subject to approval by a majority vote of both the House Transportation Committee and the Senate Transportation Committee. The director shall serve during the term of the Governor by whom he or she is appointed and at the pleasure of the Governor. ~~Before assuming the duties of his or her office, the director shall qualify by giving bond with a corporate surety licensed to do business in this state, such bond to be in the amount of \$500,000.00 and payable to the Governor and his or her successors in office. The bond shall be subject to the approval of the Governor and shall be conditioned on the faithful discharge of the duties of the office. The premium for the bond shall be paid out of the funds of the department. If the Governor's term expires and the incoming Governor has not made an appointment, the current director of planning shall serve until a~~

replacement is appointed by the incoming Governor and confirmed by the House and Senate Transportation Committees."

SECTION 3.

Said title is further amended by revising paragraph (2) of subsection (a) and by adding a new subsection to Code Section 32-4-2, relating to the official map of public roads and records pertaining thereto, as follows:

"(2)(A) The department shall prepare an official list of all portions or features of the state highway system, including without limitation public roads, bridges, or interchanges, which have been named by Act or resolution of the General Assembly or by resolution of the State Transportation Board. The department shall update the list to reflect any additions or changes as soon as is reasonably possible; and such list, as periodically revised, shall be open for public inspection. For each such named portion or feature of the state highway system, the list shall specify without limitation the official name; the state highway system route number; the name of each county ~~and the number of each five digit postal ZIP Code area~~ wherein the named portion or feature is located; a citation to the Act or resolution of the General Assembly or the resolution of the State Transportation Board officially naming such portion or feature; and a brief biographical, historical, or other relevant description of the person, place, event, or thing commemorated by such naming.

(B) The department may contract with a state historical society to make such list available in electronic format free of charge to Internet users, provided that any web page providing such list pursuant to this subparagraph shall be searchable without limitation by county name ~~or five digit postal ZIP Code.~~"

"(g) For purposes of this chapter, state maps and written records shall only be maintained on public roads which are open to public travel."

SECTION 4.

Said title is further amended by revising Code Section 32-4-4, relating to removal of asbestos pipe from utility facilities, as follows:

"32-4-4.

(a) As used in this Code section, the term 'entity' means a county, a municipality, a consolidated government, or a local authority.

(b) Whenever existing utility facilities owned and operated by an entity contain asbestos pipe and such pipe facility exists in the public rights of way of any highway, road, ~~bridge, or other transportation project~~ or street authorized pursuant to this title, and the entity determines that such pipe facility should no longer be utilized, the entity that owns and operates the utility facility shall file a notice of abandonment with the department if the facility is located upon the public rights of way under the authority of the department. Upon abandonment, the entity shall have the discretion to:

(1) Remove and dispose of the asbestos pipe in accordance with federal laws and regulations;

- (2) Leave the asbestos pipe in place and fill it with grout or other similar substance designed to harden within the pipe and report the asbestos to any prospective buyer or lessee prior to any conveyance of the property; or
- (3) Allow the pipe to remain undisturbed in the ground and ~~take no further action~~ report the asbestos to any prospective buyer or lessee prior to any conveyance of the property.
- (c) At the request of the department or entity, any asbestos pipe left in the right of way as authorized by subsection (b) of this Code section shall be marked so as to be locatable.
- (d) ~~Any costs, claims, or other liability associated with the entity's decision pursuant to subsection (b) of this Code section shall be borne by the entity and may be subject to offset by the department.~~ The entity shall not relinquish the ownership of said facility as stated in subsection (h) of Code Section 25-9-7 and Code Section 32-6-174. The facility shall be deemed abandoned and out of service.
- (e) If retention of the utility facility in its existing location makes the highway improvement or project or operation or activity of the department on the public rights of way impracticable or unfeasible, then the facility should be removed in accordance with federal laws and regulations. The department shall notify the owner of the facility of the reasons the facility makes the highway improvement or project or operation or activity impracticable or unfeasible.
- (f) If the entity decides to follow the options contained in paragraph (2) or (3) in subsection (b) of this Code section for any facility installed after the effective date of this subsection and the facility is later determined to qualify under subsection (e) of this Code section, then the entity shall remove the facility in accordance with federal laws and regulations.
- (g)(1) If a project comes within 24 inches of the facility being exposed, the entity shall be responsible for costs associated with removal of the facility.
- (2) Any indirect or direct removal of pipes not within 24 inches of being exposed shall be the sole responsibility of the department, including all costs.
- (3) It shall be incumbent upon the department or the entity to remove only the affected area of such a facility and not to remove any section that would not otherwise be impractical so as to reasonably avoid the removal of abandoned or dormant facilities."

SECTION 5.

Said title is further amended by revising paragraph (4) of Code Section 32-4-41, relating to the duties of a county with respect to the county road system, as follows:

"(4) A county shall keep on file in the office of the county clerk, available for public inspection, the map of the county road system prepared by the department as provided for in subsection (a) of Code Section 32-4-2. In addition to keeping on file a map of the county road system, the county shall notify the department within three months after a county road is added to the local road or street system and shall further notify the department within three months after a local road or street has been abandoned.

This notification shall be accompanied by a an appropriate digital file, map, or plat depicting the location of the new or abandoned road;"

SECTION 6.

Said title is further amended by revising subsection (b) of Code Section 32-4-91, relating to the construction and maintenance of municipal street systems, as follows:

"(b) A municipality shall notify the department within three months after a municipal street is added to the municipal street system and shall further notify the department within three months after a municipal street is abandoned. This notification shall be accompanied by a an appropriate digital file, map, or plat depicting the location of the new or abandoned street."

SECTION 7.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising subsection (c) of Code Section 33-24-53, relating to the prohibition of compensation for referrals to attorneys, as follows:

"(c) With respect to a motor vehicle accident, no employee of any law enforcement agency or the Department of Transportation shall allow any person, including an attorney, health care provider, or their agents, to examine or obtain a copy of any accident report or related investigative report when the employee knows or should reasonably know that the request for access to the report is for commercial solicitation purposes. No person shall request any law enforcement agency or the Department of Transportation to permit examination or to furnish a copy of any such report for commercial solicitation purposes. For purposes of this subsection, a request to examine or obtain a copy of a report is for 'commercial solicitation purposes' if made at a time when there is no relationship between the person or his or her principal requesting the report and any party to the accident, and there is no apparent reason for the person to request the report other than for purposes of soliciting a business or commercial relationship. All persons, except law enforcement personnel and persons named in the report, shall be required to submit a separate written request to the law enforcement agency or the Department of Transportation for each report. Such written request shall state the requestor's name, address, and the intended use of the report in sufficient detail that the law enforcement agency or the Department of Transportation may ascertain that the intended use is not for commercial solicitation purposes. The law enforcement agency or the Department of Transportation shall file each written request with the original report. No person shall knowingly make any false statement in any such written request."

SECTION 8.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by revising subsection (a) of Code Section 36-36-3, relating to property annexed by municipalities, as follows:

"(a) The clerk, city attorney, or other person designated by the governing authority of any municipality annexing property shall file a report identifying any property annexed with the Department of Community Affairs and with the county governing authority of the county in which the property being annexed is located. Such reports shall be filed, at a minimum, not more than 30 days following the last day of the quarter in which the annexation becomes effective but may be filed more frequently. Each report shall include the following:

- (1) The legal authority under which the annexation was accomplished, which shall be the ordinance or resolution number for any annexation effected pursuant to Article 2, 3, 4, or 6 of this chapter or the Act number if effected by local Act of the General Assembly;
- (2) The name of the county in which the property being annexed is located; the enactment date and effective date of the annexation ordinance, resolution, or local Act of the General Assembly; ~~and~~
- (3) A letter from the governing authority of any municipality annexing property stating their intent to add the annexed area to maps provided by the United States Bureau of the Census during their next regularly scheduled boundary and annexation survey of the municipality and stating that the survey and map will be completed as instructed and returned to the United States Bureau of the Census; and
- (4) A list identifying roadways, bridges, and rights of way on state routes that are annexed and, if necessary, the total mileage annexed."

SECTION 9.

Said title is further amended by adding a new subsection to Code Section 36-72-14, relating to a permit for development of land on which a cemetery is located, as follows:

"(c) The provisions of this chapter notwithstanding, the Department of Transportation shall not be required to obtain a permit under this chapter unless human remains are to be relocated."

SECTION 10.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising Code Section 40-9-30, relating to fees for copies of accident reports, as follows:

"40-9-30.

The Department of Transportation, or its third-party designee, shall charge a fee of \$5.00 for each copy of any accident report received and maintained by that department or its designee pursuant to Code Section 40-6-273."

SECTION 11.

Said title is further amended by revising Code Section 40-9-31, relating to submission of accident reports, as follows:

"40-9-31.

Each state and local law enforcement agency shall submit to the Department of Transportation the original document of any accident report prepared by such law enforcement agency or submitted to such agency by a member of the public. If the Department of Driver Services receives a claim requesting determination of security, the Department of Transportation shall provide a copy or an electronic copy of any relevant accident reports to the Department of Driver Services. A Any law enforcement agency may transmit the information contained on the accident report form by electronic means, provided that the Department of Transportation has first given approval to the reporting agency for the electronic reporting method utilized. The law enforcement agency shall retain a copy of each accident report. Law enforcement agencies that submit more than 500 reports each calendar year, as determined by the prior calendar year's volume, must transmit the information contained on the accident report form by electronic means, provided that the Department of Transportation has first given approval to the reporting agency for the electronic reporting method utilized. All such reports shall be submitted to the Department of Transportation, in the format specified by the department, not more than 15 days following the end of the month in which such report was prepared or received by such law enforcement agency. The Department of Transportation is authorized to engage the services of a third party in fulfilling its responsibilities under this Code section."

SECTION 12.

This Act shall become effective on July 1, 2011.

SECTION 13.

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 Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	E Smith, K
Y Austin	Y Dollar	Y Horne	E Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	E Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	E Smyre
Y Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M

Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Floyd	Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
E Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 1.

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

Representative Welch of the 110th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

March 2, 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 137 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 48. By Representatives Powell of the 171st, Lindsey of the 54th, Stephens of the 164th, England of the 108th, Allison of the 8th and others:

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 and change certain provisions regarding applications for, waiver of, denial of, renewal of, and granting of freeport exemptions; to provide for level 1 and level 2 freeport exemptions; to provide for applicability to business inventory; to provide for procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

Y Cooper	Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 166, nays 1.

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

Representative Dempsey of the 13th 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.

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.

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

HR 462. By Representatives Dickson of the 6th, England of the 108th and Ehrhart of the 36th:

A RESOLUTION commending Mr. Hines Ward 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 463. By Representatives Marin of the 96th and Casas of the 103rd:

A RESOLUTION recognizing and commending the Georgia Hispanic Chamber of Commerce; and for other purposes.

HR 464. By Representatives Henson of the 87th, Wilkinson of the 52nd, Jacobs of the 80th, Ashe of the 56th, Brooks of the 63rd and others:

A RESOLUTION recognizing September, 2011, as Jewish Heritage Month; and for other purposes.

HR 465. By Representative Powell of the 29th:

A RESOLUTION commending William Glenn Hollingsworth, Franklin County High School's 2011 STAR Student, and Ms. Shari Spokes, Franklin County High School's 2011 STAR Teacher; and for other purposes.

HR 466. By Representative Channell of the 116th:

A RESOLUTION commending the Healthy Kids Challenge program and recognizing March 3, 2011, as Healthy Kids Challenge Day at the state capitol; and for other purposes.

HR 467. By Representative Byrd of the 20th:

A RESOLUTION commending Brett Carter; and for other purposes.

HR 468. By Representatives Wilkinson of the 52nd, Maddox of the 172nd, Taylor of the 173rd, Smyre of the 132nd, Coleman of the 97th and others:

A RESOLUTION recognizing and commending Ms. Karen Cox for her outstanding work in the field of education; and for other purposes.

HR 469. By Representative Heckstall of the 62nd:

A RESOLUTION recognizing and commending St. Paul Missionary Baptist Church on the occasion of its 50th anniversary; and for other purposes.

HR 470. By Representatives Geisinger of the 48th, Williams of the 89th, Talton of the 145th, Dobbs of the 53rd, Epps of the 128th and others:

A RESOLUTION commending the Prostate Cancer Pledge and recognizing Monday, March 14, 2011, as Prostate Cancer Awareness Day at the state capitol; and for other purposes.

Representative Williams of the 4th District, Chairman of the Committee on Regulated Industries, submitted the following report:

Mr. Speaker:

Your Committee on Regulated Industries has had under consideration the following Bill and Resolution of the House and has instructed me to report the same back to the House with the following recommendations:

HB 374	Do Pass
HR 186	Do Pass, by Substitute

Respectfully submitted,
/s/ Williams of the 4th
Chairman

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

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