

Representative Hall, Atlanta, Georgia**Thursday, March 10, 2011****Twenty-Seventh Legislative Day**

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

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

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

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

Representatives Abdul-Salaam of the 74th, Collins of the 27th, Cooper of the 41st, Crawford of the 16th, Fludd of the 66th, Holt of the 112th, Jordan of the 77th, Lucas of

the 139th, Morris of the 155th, Powell of the 29th, Taylor of the 55th, Walker of the 107th, Weldon of the 3rd, Willard of the 49th, and Williams of the 89th.

They wished to be recorded as present.

Prayer was offered by Pastor Austin DeLoach, Jr., Southside Baptist Church, Lakeland, 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 Resolution of the House were introduced, read the first time and referred to the Committees:

HB 497. By Representatives Drenner of the 86th, Abrams of the 84th, Thomas of the 100th, Frazier of the 123rd, Hudson of the 124th and others:

A BILL to be entitled an Act to amend Chapter 3A of Title 46 of the Official Code of Georgia Annotated, relating to integrated resource planning for certain electric suppliers, so as to provide for energy savings plans to optimize the use of demand-side capacity options; to provide for

requirements; provide for reports and recommendations; to provide for certain editorial changes; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 498. By Representative Coomer of the 14th:

A BILL to be entitled an Act to provide a new charter for the City of Adairsville; 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 a city manager, mayor, and mayor pro tempore and certain duties, powers, and other matters relative thereto; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 506. By Representatives Dawkins-Haigler of the 93rd, Stephens of the 161st, Murphy of the 120th, Mayo of the 91st, Heard of the 114th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, so as to provide for definitions; to provide for payment or reimbursement of orally administered chemotherapy at the same reimbursement rate as intravenously administered chemotherapy; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 507. By Representative Fludd of the 66th:

A BILL to be entitled an Act to amend Code Section 48-8-200 of the Official Code of Georgia Annotated, relating to definitions relative to water and sewer projects and costs tax, so as to change a certain definition; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 508. By Representatives Setzler of the 35th, Manning of the 32nd, Teasley of the 38th, Dollar of the 45th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, particularly by home rule amendment filed in the office of Secretary of State September 22, 2009 (Ga. L. 2010, p. 4239), so as to change the provisions relating to the corporate limits of the city; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

- HB 509. By Representatives Huckaby of the 113th, Carter of the 175th and Collins of the 27th:

A BILL to be entitled an Act to abolish the State Medical Education Board and provide that the Georgia Board for Physician Workforce shall succeed to the powers, rights, and duties of said abolished board; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- HB 510. By Representative Hembree of the 67th:

A BILL to be entitled an Act to authorize the governing authority of the City of Douglasville to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

- HB 511. By Representative Epps of the 128th:

A BILL to be entitled an Act to provide a new charter for the City of Greenville, Georgia; 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, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 512. By Representatives Harbin of the 118th, Willard of the 49th, Powell of the 29th and Abrams of the 84th:

A BILL to be entitled an Act to amend Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to sale or distribution to, or possession by, minors of cigarettes and tobacco related objects, so as to provide definitions; to provide for the regulation of blunt wraps; to provide for legislative intent; to provide for preemption of certain matters; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 513. By Representatives Shaw of the 176th, Dollar of the 45th, Smith of the 131st, Maxwell of the 17th, Cheokas of the 134th and others:

A BILL to be entitled an Act to amend Chapter 27 of Title 33 of the Official Code of Georgia Annotated, relating to group life insurance, so as to allow the issuance of a group life insurance policy to certain groups as approved by the Commissioner; to remove a participation requirement before the extension of group life policy coverage to dependents of employees or members; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HR 520. By Representatives Drenner of the 86th, Abrams of the 84th, Thomas of the 100th, Frazier of the 123rd, Williams of the 89th and others:

A RESOLUTION creating the House Study Committee on Renewable and Sustainable Energy in Georgia; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

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

HB 525. By Representatives Hatfield of the 177th, Lindsey of the 54th, Willard of the 49th and Weldon of the 3rd:

A BILL to be entitled an Act to amend Code Section 9-10-91 of the Official Code of Georgia Annotated, relating to the grounds for exercise of personal jurisdiction over nonresidents, so as to clarify provisions relating to domestic relations cases; 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.

HR 572. By Representative Jasperse of the 12th:

A RESOLUTION celebrating the life of Jimmy (Lou) Chastain and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 573. By Representative Shaw of the 176th:

A RESOLUTION honoring the service of PFC Don Manac and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

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

HB 481	HB 482
HB 483	HB 484
HB 489	HB 490
HB 491	HB 492
HB 493	HB 494
HB 495	HB 496
HB 499	HB 500
HB 501	HB 502
HB 503	HB 504
HB 505	HR 509
HR 510	HR 546
HR 547	SB 9
SB 61	

Representative England of the 108th District, Chairman of the Committee on Appropriations, submitted the following report:

Mr. Speaker:

Your Committee on Appropriations 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 78 Do Pass, by Substitute

Respectfully submitted,
/s/ England of the 108th
Chairman

Representative Stephens of the 164th District, Chairman of the Committee on Economic Development and Tourism, submitted the following report:

Mr. Speaker:

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

HB 235 Do Pass, by Substitute
HB 448 Do Pass
HB 475 Do Pass

Respectfully submitted,
/s/ Stephens of the 164th
Chairman

Representative Hamilton of the 23rd District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

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

HB 50 Do Pass, by Substitute
HB 428 Do Pass, by Substitute
HB 454 Do Pass, by Substitute

Respectfully submitted,
/s/ Hamilton of the 23rd
Chairman

Representative Smith of the 131st District, Chairman of the Committee on Insurance, submitted the following report:

Mr. Speaker:

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

HB 298	Do Pass, by Substitute	HB 341	Do Pass
HB 370	Do Pass	HB 371	Do Pass
HB 423	Do Pass, by Substitute	HB 461	Do Pass
HB 463	Do Pass	HB 476	Do Pass, by Substitute
HB 477	Do Pass, by Substitute	HB 486	Do Pass

Respectfully submitted,
/s/ Smith of the 131st
Chairman

Representative Smith of the 131st District, Chairman of the Committee on Insurance, submitted the following report:

Mr. Speaker:

Your Committee on Insurance 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 413 Do Pass, by Substitute

Respectfully submitted,
/s/ Maxwell of the 17th
Vice-Chairman

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

Mr. Speaker:

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

HB 185 Do Pass, by Substitute
HB 372 Do Pass
HB 503 Do Pass

Respectfully submitted,
/s/ Golick of the 34th
Chairman

Representative Rice of the 51st District, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

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

HB 443 Do Pass
HB 468 Do Pass

Respectfully submitted,
/s/ Rice of the 51st
Chairman

Representative Bearden of the 68th District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety and Homeland Security 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 203 Do Pass, by Substitute
HR 341 Do Pass

Respectfully submitted,
/s/ Bearden of the 68th
Chairman

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 Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 356 Do Pass
HB 449 Do Pass
HB 472 Do Pass

Respectfully submitted,
/s/ Williams of the 4th
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 131 Do Pass, by Substitute

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

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

HOUSE RULES CALENDAR
THURSDAY, MARCH 10, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 27th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

- HB 125 Agricultural Education Advisory Commission; meetings; change certain provisions (Substitute)(A&CA-Dickson-6th)
- HB 198 Superior court clerks; real estate or personal property filing fees; extend sunset dates (Substitute)(Judy-Rice-51st)
- HB 205 Georgia Lemon Law; consumer; define term (MotV-Dickson-6th)

Modified Structured Rule

- HB 47 Health insurance; offer accident and sickness policies approved in other states; authorize (Ins-Ramsey-72nd)
- HB 110 Mortgages and liens; vacant property registry; provisions (Substitute)(Judy-Jacobs-80th) (AM# 29 1013)
- HB 127 Special license plates; amateur radio operators; provide (Substitute)(MotV-Holt-112th)
- HB 147 Patient Right to Know Act of 2001; medical malpractice insurance; include (Substitute)(H&HS-Watson-163rd)
- HB 390 Criminal cases; state has right of direct appeal; authorize (JudyNC-Coomer-14th)

Structured Rule

- HB 158 Elections; nonpartisan election; change date (GAff-Mills-25th)

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 84. By Senators Jones of the 10th and Carter of the 42nd:

A BILL to be entitled an Act to provide a code of ethics for the DeKalb County School System; to provide for definitions; to provide for prohibited practices; to provide for disclosure of financial interests in contracts or matters pending before the board; to prohibit use of school system property for personal benefit; to amend an Act establishing in DeKalb County districts from which the members of the county board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended, particularly by an Act approved January 28, 1982 (Ga. L. 1982 p. 3797), so as to add a qualification for board members; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 86. By Senators Ginn of the 47th, Miller of the 49th, Williams of the 19th, Rogers of the 21st, Murphy of the 27th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, so as to repeal the definition of a "qualified local government"; to provide that comprehensive planning by local governments shall be optional; to eliminate reviews of developments of regional impact; to provide that the department shall provide assistance in planning to local governments; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 110. By Senators Murphy of the 27th, Bulloch of the 11th, Miller of the 49th, Gooch of the 51st, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 12-8-25.3 of the Official Code of Georgia Annotated, relating to further restrictions on municipal solid waste landfill sites within significant ground-water recharge areas or near military air space used as a bombing range and untreated municipal sewage sludge, so as to repeal certain provisions relating to restrictions on municipal solid waste landfill sites within significant ground-water recharge areas; to eliminate a reference to such provisions; to repeal conflicting laws; and for other purposes.

SB 113. By Senator Carter of the 1st:

A BILL to be entitled an Act to provide for local government contracting powers and related requirements; to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to clarify that the authority of municipal corporations to enter into certain contracts is in addition to and does not change or conflict with any otherwise existing

authority to enter into such contracts; to change certain provisions relating to definitions relative to public works bidding; to amend Chapter 37 of Title 50 of the Official Code of Georgia Annotated, relating to guaranteed energy savings performance contracts, so as to clarify that the authority of counties and municipal corporations to enter into such contracts is in addition to and does not change or conflict with any otherwise existing authority to enter into such contracts; and for other purposes.

SB 189. By Senators Jones of the 10th and Davenport of the 44th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to change provisions relating to the form of government of the City of Stockbridge, Georgia; to revise, restate, and modernize certain provisions of said Act; to revise certain provisions related to the powers and duties of the mayor; to revise certain provisions related to vetoes; to provide for the office of city administrator and establish powers and duties of said position; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 195. By Senator Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the election of members of the Board of Education of Brantley County," approved April 17, 1975 (Ga. L. 1975, p. 3937), as amended, so as to provide for nonpartisan elections for such members; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 179. By Representatives Burns of the 157th, Roberts of the 154th, England of the 108th, Bryant of the 160th, Hamilton of the 23rd and others:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to the state highway system, so as to modify the procedures whereby owners of legally erected and maintained signs obtain and renew permits for the installation of signs; to change certain conditions relating to permits to remove vegetation from the viewing zones of outdoor signs; to provide for related matters; to provide for severability; to provide for the Department of Transportation to promulgate

forms and policies; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

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

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to provide comprehensive revisions to the HOPE scholarship and grant program; to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for determining eligibility of students seeking enrollment in postsecondary courses, so as to require certain coursework; to amend Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Georgia Lottery for Education Act," so as to revise provisions relating to compensation of employees of the Georgia Lottery Corporation; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

SB 84. By Senators Jones of the 10th and Carter of the 42nd:

A BILL to be entitled an Act to provide a code of ethics for the DeKalb County School System; to provide for definitions; to provide for prohibited practices; to provide for disclosure of financial interests in contracts or matters pending before the board; to prohibit use of school system property for personal benefit; to amend an Act establishing in DeKalb County districts from which the members of the county board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended, particularly by an Act approved January 28, 1982 (Ga. L. 1982 p. 3797), so as to add a qualification for board members; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 86. By Senators Ginn of the 47th, Miller of the 49th, Williams of the 19th, Rogers of the 21st, Murphy of the 27th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, so as to repeal the definition of a "qualified local government"; to provide that comprehensive planning by local governments shall be optional; to eliminate reviews of developments of regional impact; to provide that the department shall provide assistance in planning to local governments; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

SB 110. By Senators Murphy of the 27th, Bulloch of the 11th, Miller of the 49th, Gooch of the 51st, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 12-8-25.3 of the Official Code of Georgia Annotated, relating to further restrictions on municipal solid waste landfill sites within significant ground-water recharge areas or near military air space used as a bombing range and untreated municipal sewage sludge, so as to repeal certain provisions relating to restrictions on municipal solid waste landfill sites within significant ground-water recharge areas; to eliminate a reference to such provisions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

SB 113. By Senator Carter of the 1st:

A BILL to be entitled an Act to provide for local government contracting powers and related requirements; to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to clarify that the authority of municipal corporations to enter into certain contracts is in addition to and does not change or conflict with any otherwise existing authority to enter into such contracts; to change certain provisions relating to definitions relative to public works bidding; to amend Chapter 37 of Title 50 of the Official Code of Georgia Annotated, relating to guaranteed energy savings performance contracts, so as to clarify that the authority of counties and municipal corporations to enter into such contracts is in addition to and does not change or conflict with any otherwise existing authority to enter into such contracts; and for other purposes.

Referred to the Committee on Governmental Affairs.

SB 189. By Senators Jones of the 10th and Davenport of the 44th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to change provisions relating to the form of government of the City of Stockbridge, Georgia; to revise, restate, and modernize certain provisions of said Act; to revise certain provisions related to the powers and duties of the mayor; to revise certain provisions related to vetoes; to provide for the office of city administrator and establish powers and duties of said position; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 195. By Senator Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the election of members of the Board of Education of Brantley County," approved April 17, 1975 (Ga. L. 1975, p. 3937), as amended, so as to provide for nonpartisan elections for such members; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

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

HR 548. By Representatives Dollar of the 45th and Cooper of the 41st:

A RESOLUTION commending the Walton High School girls tennis team and inviting them to be recognized by the House of Representatives; and for other purposes.

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 548 Do Pass

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

HR 548. By Representatives Dollar of the 45th and Cooper of the 41st:

A RESOLUTION commending the Walton High School girls tennis team and inviting them to be recognized by the House of Representatives; and for other purposes.

Pursuant to HR 387, the House commended the band Drivin' 'N' Cryin' and invited them to be recognized by the House of Representatives.

Pursuant to HR 256, the House commended Ms. Irma J. Monroe and invited her to be recognized by the House of Representatives in honor of Women's History Month.

Pursuant to HR 257, the House commended Commissioner Virginia Burton Gray and invited her to be recognized by the House of Representatives in honor of Women's History Month.

Pursuant to HR 433, the House congratulated the Clinch County High School football team on winning the 2010 GHSA Class A State Championship and invited them to be recognized by the House of Representatives.

Pursuant to HR 548, the House commended the Walton High School girls tennis team and invited them to be recognized by the House of Representatives.

Pursuant to HR 116, the House recognized and commended Dr. Samuel T. King on being named Georgia's 2010 Superintendent of the Year and invited him to be recognized by the House of Representatives.

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

Representatives Meadows of the 5th, Smith of the 70th, Coleman of the 97th, Anderson of the 117th, and Epps of the 140th.

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

HB 457. By Representatives Stephens of the 164th, Cooper of the 41st, Channell of the 116th, Parrish of the 156th and Randall of the 138th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to authorize the use of remote automated medication systems; to provide for

legislative findings; to provide for definitions; to provide for requirements; to provide for the establishment of rules and regulations by the State Board of Pharmacy; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize pharmacists to dispense prescriptions through a remote automated medication system; to repeal conflicting laws; and for other purposes.

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

HB 198. By Representatives Rice of the 51st, Lane of the 167th, Anderson of the 117th, Powell of the 29th and Powell of the 171st:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to extend sunset dates for real estate or personal property filing fees, the state-wide uniform automated information system, and the collection and remittance of real estate or personal property filing; 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 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to extend sunset dates for real estate or personal property filing fees; to repeal the sunset date of the state-wide uniform automated information system; to extend the sunset date for the collection and remittance of real estate or personal property filings; 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 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, is amended by revising the introductory paragraphs of subsections (f) and (f.1) of Code Section 15-6-77, relating to fees to be collected by clerks of superior courts, as follows:

"(f) Until July 1, ~~2014~~ 2016, sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:"

"(f.1) On and after July 1, ~~2014~~ 2016, sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:"

SECTION 2.

Said article is further amended by repealing subsection (c) of Code Section 15-6-97, relating to the development and implementation of a state-wide uniform automated information system.

SECTION 3.

Said article is further amended by revising subsection (d) of Code Section 15-6-98, relating to collection of fees and remittance to the Georgia Superior Court Clerks' Cooperative Authority, as follows:

"(d) This Code section shall be repealed in its entirety on July 1, ~~2014~~ 2016."

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	E Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y 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	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
E Austin	Y Dollar	Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	E Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y 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	E Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y 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	Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	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	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
Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
N Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

Representative Weldon of the 3rd 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.

HB 125. By Representatives Dickson of the 6th, England of the 108th and Burns of the 157th:

A BILL to be entitled an Act to amend Code Section 20-14-90 of the Official Code of Georgia Annotated, relating to the Agricultural Education Advisory Commission, so as to change certain provisions relating to commission meetings; to repeal an automatic termination provision; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 20-14-90 of the Official Code of Georgia Annotated, relating to the Agricultural Education Advisory Commission, so as to change certain provisions relating to commission meetings; to extend an automatic termination provision; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 20-14-90 of the Official Code of Georgia Annotated, relating to the Agricultural Education Advisory Commission, is amended by revising paragraph (1) of subsection (e) and subsection (f) as follows:

"(e)(1) The commission may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this Code section. The commission shall meet upon the call of either co-chairperson. The commission shall meet ~~not less than two nor more than four times~~ at least once annually."

"(f) This part shall stand repealed on December 31, ~~2012~~ 2016."

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	E Heckstall	Y Mayo	Setzler
Y Abrams	Y Dawkins-Haigler	Y 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	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
E Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	E Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y 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	E Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y 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	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	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

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.

HB 390. By Representatives Coomer of the 14th, Golick of the 34th, Jacobs of the 80th, Pak of the 102nd and Holcomb of the 82nd:

A BILL to be entitled an Act to amend Chapter 7 of Title 5 of the Official Code of Georgia Annotated, relating to appeal or certiorari by the state in criminal cases, so as to authorize the state to have the right of direct appeal rather than seeking a certificate for immediate review when a defendant's motion for new trial or extraordinary motion of new trial is granted; 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	E Heckstall	Y Mayo	Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	N 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	Y Smith, K
E Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	E Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y 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	E Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y 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	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	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 170, nays 1.

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

Representative Sheldon of the 105th stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

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

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 Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 507 Do Pass, by Substitute

Respectfully submitted,
/s/ Roberts of the 154th
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 110. By Representatives Jacobs of the 80th, Willard of the 49th, Lindsey of the 54th, Powell of the 171st, Welch of the 110th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating generally to mortgages, conveyances to secure debt, and liens, so as to provide for a vacant property registry; to provide for a definition; to provide for required elements of a form for such registration; to provide for exemptions and maximum fees for such registration and for removal from the registry; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating generally to mortgages, conveyances to secure debt, and liens, so as to provide for a vacant real property registry; to provide for definitions; to provide for required elements of a form for such registration; to provide for exemptions from registration; to provide for maximum fees and penalties for registration and failure to register; to provide for appellate rights; 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 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating generally to mortgages, conveyances to secure debt, and liens, is amended by adding a new Code section to read as follows:

"44-14-14.

(a) For purposes of this Code section, the term:

(1) 'Agent' means an individual with a place of business in this state at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant real property owner.

(2) 'Department' means the Department of Community Affairs.

(3) 'Street address' means the street or route address. Such term shall not mean or include a post office box.

(4) 'Vacant real property' means real property that has a building or structure on it that:

(A) Is intended for habitation, has not been lawfully inhabited for at least 60 days with no evidence of utility usage, and is not actively being marketed for sale, lease, or rent with prominent signage posted on such property bearing the name and valid phone number of the vacant real property owner or the individual licensed pursuant to Chapter 40 of Title 43 representing the vacant real property owner;

- (B) Is partially constructed or incomplete, without a valid building permit; or
- (C) Is held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor.

Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage. A county or municipal corporation may define such term as using all of this definition or any combination of subparagraph (A), (B), or (C).

(b) Effective July 1, 2011:

(1) A county or municipal corporation may establish by ordinance or resolution for the requirement of registration of vacant real property as provided in this Code section;

(2) No county or municipal corporation shall require registration of vacant real property on any basis other than as set forth in this Code section or as may be hereafter authorized by general law, and all existing county or municipal ordinances or resolutions to the contrary shall hereby be preempted; and

(3) No county or municipal corporation shall require for purposes of a vacant real property registry established pursuant to this Code section any information or documentation other than as set forth in this Code section.

(c) Each registrant shall be required to file with a specifically identified office or officer a registration form, in paper or electronic format, as required by the county or municipal corporation, requiring submission of only the following information, unless the department promulgates a form as provided in subsection (d) of this Code section requiring additional information:

(1) The vacant real property owner's name, street address, mailing address, phone number, fax number, and e-mail address;

(2) The agent's name, street address, mailing address, phone number, fax number, and e-mail address;

(3) The vacant real property's street address and tax parcel number;

(4) The transfer date of the instrument conveying the vacant real property to the owner; and

(5) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the vacant real property to the owner.

(d) The department may promulgate rules and regulations to add information that is required to be collected on a vacant real property registry form, and local governments shall conform their registries to accept new registrations consistent with the department's rules and regulations. The department may promulgate a standard form, in paper and electronic format, for use as the form for a vacant real property registry. If such form is promulgated by the department, all counties and municipal corporations with a vacant real property registry shall use such form.

(e)(1) When any vacant real property is acquired by foreclosure under power of sale pursuant to Code Section 44-14-160 or acquired pursuant to a deed in lieu of foreclosure and:

(A) The deed under power of sale or deed in lieu of foreclosure contains the information specified in paragraphs (1) through (5) of subsection (c) of this Code section as modified pursuant to subsection (d) of this Code section;

(B) The deed is filed with the clerk of superior court within 60 days of the transfer; and

(C) Proof of the following is provided to the office or officer in charge of the county or municipal vacant real property registry:

(i) A filing date stamp or a receipt showing payment of the applicable filing fees; and

(ii) The entire deed under power of sale or entire deed in lieu of foreclosure, a county or municipal corporation shall not require the transferee to register such vacant real property pursuant to this Code section or the payment of any administrative fees pursuant to subsection (h) of this Code section.

(2) The provisions of paragraph (1) of this subsection shall also apply to the transferee and the deed for the first subsequent transfer of vacant real property after the vacant real property has been acquired by foreclosure under power of sale pursuant to Code Section 44-14-160 or acquired pursuant to a deed in lieu of foreclosure.

(3) No county or municipal corporation may require registration of vacant real property pursuant to this Code section within 60 days of such vacant real property's transfer:

(A) Pursuant to a deed under power of sale or deed in lieu of foreclosure; or

(B) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to Code Section 44-14-160 or acquired pursuant to a deed in lieu of foreclosure.

(f) An ordinance or resolution establishing a registry pursuant to this Code section may require a vacant real property owner to update the information specified in paragraphs (1) through (5) of subsection (c) of this Code section as modified pursuant to subsection (d) of this Code section within 30 days after any change in such required information.

(g) A vacant real property owner, or the agent of such owner, may apply to remove such vacant real property from the registry at such time as the real property no longer constitutes vacant real property. The county or municipal corporation shall grant or deny such application within 30 days, and if no such determination is made within 30 days, the application shall be deemed granted.

(h) An ordinance or resolution establishing a vacant real property registry may require the payment of administrative fees for registration which shall reasonably approximate the cost to the county or municipal corporation of the establishment, maintenance, operation, and administration of the registry. Such fees shall not exceed \$100.00 per registration.

(i) An ordinance or resolution establishing a vacant real property registry may require penalties for failure to register or failure to update the information specified in paragraphs (1) through (5) of subsection (c) of this Code section as modified pursuant to subsection (d) of this Code section, provided that such penalties shall not exceed \$500.00 per month.

(j) A county or municipal ordinance or resolution requiring the registration of vacant real property shall provide for administrative procedures. The administrative procedures shall include the right to appeal to the municipal or recorder's court in the city where the vacant real property is located or to the magistrate or recorder's court of the county in which the vacant real property is located, subject to applicable jurisdictional requirements. Any vacant real property owner affected by a county or municipal ordinance or resolution requiring vacant real property registration may challenge any determination made pursuant to such ordinance or resolution.

(k) An ordinance or resolution adopted by the governing authority of a county to establish a registry pursuant to this Code section may, subject to and in accordance with the requirements of this Code section, require registration of vacant real property within the entire territory of the county, except territory located within the boundaries of any municipal corporation, unless otherwise allowed by intergovernmental agreement between the county and municipal corporation.

(l) Nothing in this Code section shall be construed to impair, limit, or preempt in any way the power of a county or municipal corporation to enforce any applicable codes, as defined in Code Section 42-2-8, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(m) Notwithstanding Code Section 36-74-30, an ordinance or resolution establishing a vacant real property registry may require the registration of residential rental property if such property is vacant real property."

SECTION 2.

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

The following amendment was read and adopted:

Representatives Willard of the 49th, Lindsey of the 54th, and Jacobs of the 80th offer the following amendment:

Amend the House Committee on Judiciary substitute to HB 110 (LC 29 4688ERS) by replacing line 21 as follows:

(A) Is intended for habitation, has not been lawfully inhabited for at least 60 days, has

By replacing line 34 as follows:

any combination of subparagraph (A), (B), or (C) of this paragraph.

By replacing line 60 as follows:

required to be collected on a vacant real property registry form, and counties and municipal corporations

The Committee substitute, as amended, was adopted.

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

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

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

On the passage of the Bill, by substitute, as amended, the ayes were 117, nays 39.

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

Representatives Dobbs of the 53rd, Jordan of the 77th, Maddox of the 172nd, and Murphy of the 120th 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.

Representatives Dawkins-Haigler of the 93rd and Stephenson of the 92nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "nay" thereon.

HB 147. By Representatives Watson of the 163rd, Cooper of the 41st, Ramsey of the 72nd, Hatchett of the 143rd and Pak of the 102nd:

A BILL to be entitled an Act to amend Chapter 34A of Title 43 of the Official Code of Georgia Annotated, the "Patient Right to Know Act of 2001," so as to include information as to whether a physician has medical malpractice insurance as part of the physician profile; to provide that a patient has the right to inquire as to whether the physician carries medical malpractice insurance; 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 34A of Title 43 of the Official Code of Georgia Annotated, the "Patient Right to Know Act of 2001," so as to include information as to whether a physician has medical malpractice insurance as part of the physician profile; to provide that a patient has the right to inquire as to whether the physician carries medical malpractice insurance; to require the Georgia Composite Medical Board to compile an annual report; 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 34A of Title 43 of the Official Code of Georgia Annotated, the "Patient Right to Know Act of 2001," is amended by revising Code Section 43-34A-3, relating to physician profiles, dissemination to public, content and maintenance requirements,

corrections, judgments prior to April 11, 2001, sealed judgments, arbitration awards, and settlements prohibited, by adding a new paragraph to subsection (c), to read as follows:

"(10.1) Whether carrying any medical malpractice insurance: "

SECTION 2.

Said chapter is further amended by revising Code Section 43-34A-5, relating to the estimation of fees and collection of payment prior to rendering of services, as follows:

"43-34A-5.

A patient has the right to inquire as to whether the physician carries medical malpractice insurance and as to the estimated charges for a routine office visit, routine treatments, and lab tests prior to receiving such treatment. When asked for such information, the physician or other authorized personnel shall give such information freely and without reservation or evasion. Violation of this right should be reported immediately to the board. Physicians are not responsible for ascertaining the details of the patient's insurance coverage and explaining such information to the patient. A physician may require the payment of his or her fee or any applicable copayment in advance of delivering professional services unless otherwise prohibited by law."

SECTION 3.

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

"43-34A-9.

(a) On January 1 of each year, the board shall compile a report for the Governor and General Assembly containing a statistical and comparative data analysis using information obtained from the physician profiles in addition to other information collected by the board. The board shall not be required to distribute copies of the report to the Governor or members of the General Assembly but shall provide notification of the availability of the report in the manner which it deems to be the most effective and efficient.

(b) The report shall include, but shall not be limited to, the following information:

(1) The number of physicians for which it has created physician profiles;

(2) The specialty board certification of such physicians;

(3) The geographic regions of the primary practices;

(4) The number of physicians participating in the Medicaid program; and

(5) The number of physicians carrying any medical malpractice insurance and the specialty and current hospital privileges of the physicians not carrying such insurance and whether such physicians are actively seeing patients."

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	E Heckstall	Y Mayo	E Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	N 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	N Holt	Y Mitchell	Y Smith, K
E Austin	Y Dollar	N Horne	N Morgan	Y Smith, L
E Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	N Mosby	E Smith, T
Y Bearson	Y Dukes	Y Huckaby	Y Murphy	N Smyre
N Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	N 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	Stephenson
Y Black	Y Epps, J	N James	Y Oliver	Y Talton
N Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	E Taylor, D
Y Brooks	N Fludd	Y Johnson	Y Parent	N Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
N Buckner	Y Fullerton	Y Jordan	Y Peake	Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	N Tinubu
N 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	N Randall	Y Wilkerson
Y Clark, J	Y Hanner	N Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	N 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	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 150, nays 20.

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

Representatives Dawkins-Haigler of the 93rd and Stephenson of the 92nd 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 10, 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 147 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

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

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to provide comprehensive revisions to the HOPE scholarship and grant program; to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for determining eligibility of students seeking enrollment in postsecondary courses, so as to require certain coursework; to amend Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Georgia Lottery for Education Act," so as to revise provisions relating to compensation of employees of the Georgia Lottery Corporation; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to provide comprehensive revisions to the HOPE scholarship and grant program; to revise definitions; to revise eligibility requirements; to combine and revise the HOPE scholarship programs relating to public and private postsecondary institutions; to revise requirements relating to HOPE grants and HOPE GED vouchers; to revise provisions relating to the Georgia Student Finance Commission; to repeal certain laws relating to HOPE scholarships at private postsecondary institutions, PROMISE teacher's scholarships, HOPE teacher's scholarships, PROMISE II teacher's scholarships, and the HOPE Scholarship/Pre-K Legislative Oversight Committee; to provide for service cancelable loans for certain direct loans to students on the basis of need and merit; to provide for loans to cover the difference between the amount of tuition and the HOPE award; to revise definitions relating to tuition equalization grants at private colleges and universities; to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for determining eligibility of students seeking enrollment in postsecondary courses, so as to require certain coursework; to amend Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Georgia Lottery for Education Act," so as to revise provisions relating to compensation of employees of the Georgia Lottery Corporation; to eliminate a reserve subaccount and automatic reduction triggers relating to books and fees; to revise a provision relating to retailers; 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.

Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, is amended in Code Section 20-3-519, relating to definitions relative to HOPE scholarships and grants, as follows:

"20-3-519.

As used in this part, the term:

- (1) 'Academic year' means a period of time, typically nine months, in which a full-time student is expected to complete the equivalent of at least two semesters' or three quarters' academic work.
- (2) ~~'Advanced degree' means a master's degree, specialist's degree, or doctorate in education conferred by an approved postsecondary institution upon completion of a unified program of study at the graduate level.~~ Reserved.
- (3) ~~'Approved teacher education program' means a program offered by a public or private postsecondary institution which program has been approved by the Georgia Professional Standards Commission.~~ Reserved.
- (4) 'Certificate' or 'diploma' means a credential, other than a degree, indicating satisfactory completion of training in a program of study offered by an eligible public postsecondary institution.

~~(5) 'Critical shortage field' means an area of study or an area of specialized expertise for which a shortage of qualified teachers or educators exists in Georgia, designated as such by the Georgia Student Finance Commission.~~

~~(5.1) 'Dual credit enrollment' means enrollment by a student in a postsecondary course in which an agreement has been established between an eligible high school and an eligible postsecondary institution wherein the student earns Carnegie units of credit that count toward both high school graduation requirements and postsecondary coursework requirements.~~

~~(6) 'Eligible high school' school,' until December 31, 2010, means a public or private secondary school which is:~~

~~(A) Located in Georgia and is currently or within the last two years has been accredited by:~~

- ~~(i) The Southern Association of Colleges and Schools;~~
- ~~(ii) The Georgia Accrediting Commission;~~
- ~~(iii) The Georgia Association of Christian Schools;~~
- ~~(iv) The Association of Christian Schools International;~~
- ~~(v) The Georgia Private School Accreditation Council; or~~
- ~~(vi) The Southern Association of Independent Schools; or~~

~~(B) Located in another state and accredited by one of the following regional or state accrediting entities:~~

- ~~(i) The Southern Association of Colleges and Schools;~~
- ~~(ii) The New England Association of Schools and Colleges;~~
- ~~(iii) The Middle States Association of Colleges and Schools;~~
- ~~(iv) The North Central Association of Colleges and Schools;~~
- ~~(v) The Northwestern Association of Schools and Colleges;~~
- ~~(vi) The Western Association of Schools and Colleges;~~
- ~~(vii) The Alabama Independent School Association;~~
- ~~(viii) The Southern Association of Independent Schools; or~~
- ~~(ix) The Florida Council of Independent Schools.~~

~~(6.1) On and after January 1, 2011, 'eligible high school' means a public or private secondary school which is:~~

~~(A) Located in Georgia and accredited as such by:~~

- ~~(i) The Southern Association of Colleges and Schools;~~
- ~~(ii) The Georgia Accrediting Commission;~~
- ~~(iii) The Georgia Association of Christian Schools;~~
- ~~(iv) The Association of Christian Schools International;~~
- ~~(v) The Georgia Private School Accreditation Council; or~~
- ~~(vi) The Accrediting Commission for Independent Study; or~~
- ~~(vii) The Southern Association of Independent Schools;~~

~~(B) Located in another state and accredited by one of the following regional agencies:~~

- ~~(i) The Southern Association of Colleges and Schools;~~
- ~~(ii) The New England Association of Schools and Colleges;~~

- (iii) The Middle States Association of Colleges and Schools;
 - (iv) The North Central Association of Colleges and Schools;
 - (v) The Northwestern Association of Schools and Colleges;
 - (vi) The Western Association of Schools and Colleges;
 - (vii) The Alabama Independent School Association; or
 - (viii) The Southern Association of Independent Schools.
- (7) 'Eligible postsecondary institution' means a school which is:
- (A) A unit of the University System of Georgia;
 - (B) A branch of the Technical College System of Georgia;
 - (C) A private independent nonprofit postsecondary institution eligible for tuition equalization grants in accordance with the provisions of subparagraph (A) of paragraph (2) of Code Section 20-3-411; or
 - (D) A private proprietary postsecondary institution eligible for tuition equalization grants in accordance with the provisions of subparagraph ~~(C)~~(B) of paragraph (2) of Code Section 20-3-411.
- (8) 'Eligible private postsecondary institution' means an eligible postsecondary institution which meets the criteria set out in subparagraph (C) or (D) of paragraph (7) of this Code section.
- (9) 'Eligible public postsecondary institution' means an eligible postsecondary institution which meets the criteria set out in subparagraph (A) or (B) of paragraph (7) of this Code section.
- (9.1) 'Factor rate' means the percentage amount established by the Georgia Student Finance Commission against which the previous year HOPE award amount is multiplied.
- (9.2) 'First professional degree program' means a nonundergraduate degree program that meets the requirements established by the program regulations promulgated by the Georgia Student Finance Commission which, at a minimum, shall include, but not be limited to, the following:
- (A) Accepts students after the completion of the sophomore or junior year; and
 - (B) Results in the award of a nonundergraduate degree.
- (10) 'Freshman student' means a student at a postsecondary institution who has attempted less than 46 quarter hours or less than 31 semester hours.
- (11) 'Full-time student' means a matriculated student attending a postsecondary educational institution and enrolled for at least 12 semester hours or the equivalent in any given semester or quarter.
- (12) 'Grade point average' means the numbered grade average calculated using a 4.0 scale.
- (12.1) 'Half-time student' means a matriculated student attending a postsecondary educational institution and enrolled for six to 11 semester hours or the equivalent in any given semester or quarter.
- (12.2) 'HOPE award rate' means the rate equal to the previous academic year HOPE tuition payment to the eligible public postsecondary institution multiplied by the factor rate divided by 15. Notwithstanding the foregoing, the Georgia Student

Finance Commission may adjust the previous academic year HOPE tuition payment used to calculate the HOPE award rate to reflect changes in the mission or sector of an eligible public postsecondary institution that affects the tuition charged by that institution.

(13) 'HOPE grant' means a Helping Outstanding Pupils Educationally grant for education awarded in accordance with Code Section 20-3-519.5.

(13.1) 'HOPE award amount' means the amount of HOPE award to be made to an eligible student as follows:

(A) At an eligible public postsecondary institution, the HOPE award amount is equal to the HOPE award rate multiplied by the number of credit hours, up to a maximum of 15, in which an eligible student is enrolled per quarter or semester; provided, however, that the quarter award shall equal two-thirds of the semester award and that credit hours for remedial and developmental courses shall not be included for the HOPE scholarship; or

(B) At an eligible private postsecondary institution, the HOPE award amount is equal to HOPE tuition payment multiplied by the factor rate for full-time students and one-half of the HOPE tuition payment multiplied by the factor rate for half-time students. No awards shall be made to eligible students enrolled in five or fewer credit hours and credit hours for remedial and developmental courses shall not be included for the HOPE scholarship.

(14) 'HOPE scholarship' means a Helping Outstanding Pupils Educationally scholarship for education awarded in accordance with Code Sections Section 20-3-519.2 or 20-3-519.3.

~~(15) 'HOPE teacher's scholarship' means a Helping Outstanding Pupils Educationally scholarship for education awarded in accordance with Code Section 20-3-519.8.~~
Reserved.

(16) 'HOPE GED voucher' means a Helping Outstanding Pupils Educationally general educational development (GED) diploma voucher for postsecondary education awarded in accordance with Code Section 20-3-519.6.

(16.1) 'HOPE tuition payment' means, in the case of an eligible public postsecondary institution, the amount paid for tuition only based on the standard undergraduate full-time tuition rate for 15 hours; and, in the case of an eligible private postsecondary institution, the amount paid for tuition based on the amount established by the General Assembly in an appropriations Act.

(17) 'Junior student' means a student at a postsecondary institution who has attempted at least 91 quarter hours but less than 136 quarter hours or at least 61 semester hours but less than 91 semester hours.

~~(18) 'Mandatory fees' means fees approved by the Georgia Student Finance Commission that are charged by a postsecondary institution to every student enrolled in that institution, regardless of the student's program of study.~~
Reserved.

(19) 'Matriculated status' means being recognized as a student in a defined program of study leading to a degree, diploma, or certificate at a postsecondary institution.

(19.1) 'Part-time student' means a matriculated student attending a postsecondary educational institution and enrolled for less than 12 semester hours or the equivalent in any given semester or quarter and who has never been enrolled for 12 or more semester hours or the equivalent in any given semester or quarter.

(20) ~~'PROMISE teacher's scholarship' means a scholarship awarded in accordance with Code Section 20-3-519.7.~~ Reserved.

(21) 'Quarter hours' includes each quarter hour attempted, ~~whether remedial or for credit toward a degree, certificate, or diploma,~~ but shall not include hours attempted for remedial and developmental courses for purposes of the HOPE scholarship.

(21.1) 'Remedial and developmental courses' means coursework required by the postsecondary institution or chosen by the student that does not count toward program requirements for college degrees in the case of the HOPE scholarship, or, diplomas or certificates in the case of the HOPE grant.

(22) 'Semester hours' includes each semester hour attempted, ~~whether remedial or for credit toward a degree, certificate, or diploma,~~ but shall not include hours attempted for remedial and developmental courses for purposes of the HOPE scholarship.

(23) 'Senior student' means a student at a postsecondary institution who has attempted at least 136 quarter hours but less than 191 quarter hours or at least 91 semester hours but less than 128 semester hours.

(24) 'Sophomore student' means a student at a postsecondary institution who has attempted at least 46 quarter hours but less than 91 quarter hours or at least 31 semester hours but less than 61 semester hours.

(25) 'Title IV' means Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C.A. Section 1070, et seq.

(26) 'Tuition' means the charges to a student for postsecondary academic instruction without regard to other fees such as technology, activity, athletic, health, or other similar fees.

(27) 'Zell Miller Scholar' means a student that has met the applicable eligibility requirements to receive a HOPE scholarship in accordance with Code Section 20-3-519.2 and:

(A) As an incoming freshman:

(i) Having graduated from an eligible high school with a grade point average of at least 3.7 calculated in accordance with Code Section 20-2-157 and having received a score of at least 1,200 combined critical reading score and math score on a single administration of the SAT or an ACT composite scale score of at least 26;

(ii) Having graduated from an eligible high school as a valedictorian or salutatorian; or

(iii) Having completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received a score of at least 1,200 combined critical reading score and math score on a single administration of the SAT or an ACT composite scale score of at least 26, and earning a cumulative grade point average of at least 3.3 at an eligible postsecondary institution at the

end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive scholarship for such student's freshman year to be paid at the end of the freshman year; and

(B) As a sophomore, junior, senior, or first professional student who met the requirements of subparagraph (A) of this paragraph, having a cumulative grade point average of at least 3.3 at the checkpoints set forth in paragraph (1) of subsection (b) of Code Section 20-3-519.2. Notwithstanding the foregoing, a student that entered an eligible postsecondary institution as a freshman between July 1, 2007, and June 30, 2011, and met the requirements of subparagraph (A) of this paragraph may become a Zell Miller Scholar as a sophomore, junior, senior, or first professional student.

A student that loses eligibility to be a Zell Miller Scholar for any reason may regain eligibility one time if the student requalifies at one of the checkpoints set forth in paragraph (1) of subsection (b) of Code Section 20-3-519.2."

SECTION 2.

Said article is further amended in Code Section 20-3-519.1, relating to ineligibility for scholarships or grants, as follows:

"20-3-519.1.

(a) A student is eligible for any scholarship or grant described in this part if the student:

(1) Meets residency requirements by:

(A)(i) Being classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia; and

(ii)(I) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in division (i) of this subparagraph for a period of at least 12 months immediately prior to the first day of classes for which the scholarship or grant is to be awarded; or

(II) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in division (i) of this subparagraph for a period of at least 24 months immediately prior to the first day of classes for which the scholarship or grant is to be awarded;

or

(B) Being classified as a legal resident of Georgia if such student is an active duty military service member or the spouse or dependent child of an active duty military service member and the active duty military service member is stationed in Georgia or lists Georgia as their home of record.

(2) Meets all applicable requirements of this part relating to the relevant scholarship or grant and applicable to the student.

(b) A student is ineligible for any scholarship or grant described in this part if the student:

- (1) Is not a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements;
- (2) Has not complied with United States Selective Service System requirements for registration, if such requirements are applicable to the student;
- (3) Is in default on a federal Title IV educational loan or a State of Georgia educational loan, provided that a student who is otherwise eligible and has fully repaid the defaulted loan will be eligible to obtain a scholarship or grant for future academic terms but not retroactively;
- (4) Owes a refund on a federal Title IV student financial aid program or a Georgia student financial aid program, provided that a student who is otherwise eligible and has fully paid the refund owed will be eligible to obtain a scholarship or grant for future academic terms but not retroactively;
- (5) Has been convicted of a felony offense involving marijuana, a controlled substance, or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24 of the 'Drug-free Postsecondary Education Act of 1990,' provided that such ineligibility extends from the date of conviction to the completion of the next academic term;
- (6) Is incarcerated; or
- (7) Does not meet each qualification listed in the Code section relating to the relevant scholarship or grant and applicable to the student."

SECTION 3.

Said article is further amended in Code Section 20-3-519.2, relating to eligibility requirements for a HOPE scholarship at a public postsecondary institution, as follows:

"20-3-519.2.

(a) To be eligible for a HOPE scholarship, an entering freshman student seeking an associate or baccalaureate degree at an eligible ~~public~~ postsecondary institution shall, in addition to meeting the residency requirements set forth in subsection (a) of Code Section 20-3-519.1:

~~(1) Meet residency requirements by:~~

~~(A) Meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in state tuition policy of the board of regents and the in state tuition guidelines set by the Technical College System of Georgia; and~~

~~(B)(i) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least~~

~~12 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded; or~~

~~(ii) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 24 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded.~~

~~Notwithstanding the foregoing, a dependent child of military personnel stationed in Georgia shall be deemed to be a legal resident of Georgia and, subject to meeting all other eligibility requirements, shall be eligible to receive the HOPE scholarship as a freshman if the student graduated from a high school located in Georgia or from a home study program meeting the requirements of Code Section 20-2-690 that is located in Georgia;~~

~~(2)~~(1) Meet achievement standards by:

(A) Having graduated from an eligible high school while meeting the curriculum requirements of his or her program of study in 1993 or thereafter and meeting the requirements set out in the applicable subsection and paragraph of Code Section 20-2-157;

(B) In the case of a student who is otherwise qualified but:

(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received the general educational development (GED) diploma awarded by the Department of Technical and Adult Education, now known as the Technical College System of Georgia, after June 30, 1993, provided that such student shall only be eligible for a HOPE scholarship pursuant to subsection ~~(e)~~(c) of this Code section;

(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible ~~public~~ postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; or

(iii) Graduated from a high school which is not an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible ~~public~~ postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; or

(C) In the case of an otherwise qualified student who:

(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 but received the general educational development (GED) diploma awarded by the Department of

Technical and Adult Education, now known as the Technical College System of Georgia, after June 30, 1993;

(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school; or

(iii) Graduated from a high school which is not an eligible high school, earning a score in the eighty-fifth percentile or higher nationally on a standardized college admission test, such as the SAT or ACT; and

~~(3)~~(2) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status.

(b) To be eligible for a HOPE scholarship, a sophomore, junior, senior, or first professional student seeking an associate, ~~or baccalaureate, or first professional~~ degree at an eligible ~~public~~ postsecondary institution shall, in addition to meeting the residency requirements set forth in subsection (a) of Code Section 20-3-519.1:

~~(1)~~ Meet residency requirements by:

~~(A) Meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia; and~~

~~(B)(i) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 12 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded; or~~

~~(ii) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 24 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded;~~

~~(2)~~(1) Meet achievement standards by meeting the following criteria:

(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution:

(i) At the end of the quarter or semester in which the student has attempted ~~45, 90, or 135~~ quarter hours or ~~30, 60, or 90~~ semester hours if such student is a full-time student; or

(ii) At the end of three consecutive quarters or semesters if such student is a part-time student and has maintained part-time student status for three consecutive quarters or semesters; and

(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and

- ~~(3)(2) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate or first professional student in a matriculated status.~~
- ~~(e) To be eligible for a HOPE scholarship, a junior student seeking a baccalaureate or first professional degree at a public postsecondary institution shall:~~
- ~~(1) Meet residency requirements by:~~
- ~~(A) Meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia; and~~
- ~~(B)(i) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 12 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded; or~~
- ~~(ii) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 24 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded;~~
- ~~(2) Meet achievement standards by meeting the following criteria:~~
- ~~(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 90 quarter hours or 60 semester hours; and~~
- ~~(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and~~
- ~~(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree.~~
- ~~(d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or a first professional degree at a public postsecondary institution shall:~~
- ~~(1) Meet residency requirements by:~~
- ~~(A) Meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia; and~~
- ~~(B)(i) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the~~

~~requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 12 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded; or~~

~~(ii) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 24 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded;~~

~~(2) Meet achievement standards by meeting the following criteria:~~

~~(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 135 quarter hours or 90 semester hours; and~~

~~(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and~~

~~(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree.~~

~~(e)(c)(1)(A) A full-time student who fails to maintain a cumulative grade point average of at least 3.0 at the end of the quarter or semester in which the student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may attend the next 45 quarter or 30 semester hours without a HOPE scholarship.~~

~~(B) An otherwise eligible full-time student who attains or regains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the full-time student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may qualify or requalify for a HOPE scholarship; provided, however, that a student who receives a HOPE scholarship and loses eligibility pursuant to this subsection is only eligible to regain or requalify for the HOPE scholarship one time.~~

~~(B) An otherwise eligible part-time student who regains or attains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the part-time student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may attain or requalify for a HOPE scholarship.~~

~~(2) In addition to other requirements, and regardless of quarter hours or semester hours of coursework attempted, a student who fails to possess a cumulative grade point average of at least 3.0 at the end of each spring quarter or semester or at the end of three consecutive quarters or semesters for a part-time student pursuant to paragraph ~~(2)~~(1) of subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such time as the student regains or attains a cumulative grade point average of at least 3.0 at one of the 45, 90, or 135 quarter hour grade point average~~

checkpoints or at one of the 30, 60, or 90 semester hour grade point average checkpoints, at which time the student will regain or attain eligibility if other terms and conditions in this Code section are also satisfied; provided, however, that a student who receives a HOPE scholarship and loses eligibility pursuant to this subsection is only eligible to regain or requalify for the HOPE scholarship one time.

~~(f) For students eligible for a HOPE scholarship under this Code section, no minimum number of hours of enrollment is required.~~

~~(g)(1)(d) Except as set out in paragraph (2) of this subsection, a A student may receive the HOPE scholarship until the first of these events:~~

~~(A)(1) The student has earned a baccalaureate or first professional degree; ~~or~~~~

~~(B)(2) The student has attempted at any postsecondary institution a total of 190 quarter hours or 127 semester hours; or~~

~~(3) Beginning with those students receiving HOPE for the first time on or after July 1, 2011, seven years from a student's graduation from high school or the equivalent thereof as determined by the Georgia Student Finance Commission in its rules and regulations; provided, however, that for a student that serves in the military during such seven-year period, any such military service served as active duty shall not count against the seven-year period. A student that is ineligible to receive a HOPE scholarship pursuant to this paragraph but who received the HOPE scholarship during the 2010-2011 academic year shall continue to be eligible for the HOPE scholarship until June 30, 2015, as long as such student meets all other eligibility requirements, including, but not limited to, paragraphs (1) and (2) of this subsection.~~

~~(2) A student enrolled in an undergraduate or first professional degree program designed to be more than 190 quarter hours or 127 semester hours in length is eligible to receive the HOPE scholarship for the lesser of:~~

~~(A) A total of 225 attempted quarter hours or 150 attempted semester hours; or~~

~~(B) The number of hours required for graduation if the student has a cumulative grade point average of at least 3.0 after the term in which the student attempted 190 quarter hours or 127 semester hours.~~

~~(3) Notwithstanding anything herein to the contrary, attempted hours shall include all postsecondary level course hours taken prior to high school graduation if such student does not qualify for the HOPE scholarship as an entering freshman based solely on his or her grade point average. As used in this paragraph, the term 'postsecondary level course hours' means hours accepted by the student's eligible postsecondary institution for credit when the student enters as a freshman.~~

~~(h)(e)(1) Subject to the amounts appropriated by the General Assembly and provisions relating to the Lottery for Education Account in Code Section 50-27-13, a HOPE scholarship awarded under this Code section shall be equal to the HOPE award amount. include tuition, approved mandatory fees, and a book allowance not to exceed \$100.00 per quarter or \$150.00 per semester, except as otherwise provided for in paragraphs (2) and (3) of this subsection.~~

~~(2) Effective beginning with the fall quarter or semester commencing after July 1, 2004, the amount of mandatory fees paid shall be equal to such amount or amounts~~

~~that were paid on January 1, 2004, except as otherwise provided for in Code Section 50-27-13.~~

~~(3) Paragraph (2) of this subsection shall not apply to an eligible public postsecondary institution established by law on or after January 1, 2004. For any eligible public postsecondary institution established on or after January 1, 2004, the amount of the mandatory fees paid shall be equal to such amount or amounts initially approved for that new eligible public postsecondary institution for its first year of operation by action of the board of regents or the Technical College System of Georgia, as applicable, except as otherwise provided for in Code Section 50-27-13.~~

(f) For each semester of eligibility, Zell Miller Scholars shall be awarded an amount in addition to the HOPE award amount as follows:

(1) If attending an eligible public institution, an amount equal to the difference between the HOPE award amount and the then current academic year standard undergraduate tuition amount at the institution to be paid; and

(2) If attending an eligible private institution, an amount equal to the difference between the HOPE award amount and the HOPE tuition payment.

~~(i) A dependent child of military personnel stationed in Georgia on active duty shall be deemed to meet the residency requirements of paragraph (1) of subsections (a), (b), (c), and (d) of this Code section."~~

SECTION 4.

Said article is further amended in Code Section 20-3-519.5, relating to eligibility requirements for a HOPE grant at a branch of the Technical College System of Georgia, as follows:

"20-3-519.5.

(a) To be eligible for a HOPE grant, a student seeking a diploma or certificate at a branch of the Technical College System of Georgia or a unit of the University System of Georgia shall, in addition to meeting the residency requirements set forth in subsection (a) of Code Section 20-3-519.1:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia Meet achievement standards by earning a cumulative grade point average of at least 3.0 at the end of the quarter or semester in which the student has attended 30 or 60 semester hours or 45 or 90 quarter hours of courses towards a diploma or certificate for which the student received HOPE funds pursuant to this part. The grade point average shall be calculated using such 30 semester or 45 quarter hours taken pursuant to this subsection. An otherwise eligible student who attains or regains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the student has attempted 30 or 60 semester hours or 45 or 90 quarter hours may qualify or requalify for a HOPE grant; provided, however, that a

student who receives a HOPE grant and loses eligibility pursuant to this paragraph is only eligible to regain or requalify for the HOPE grant one time; and

(2) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status in a program of study leading to a certificate or diploma and maintaining satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled.

(b) There is no minimum number of hours of enrollment required for eligibility for a HOPE grant under this Code section.

(c) Subject to the provisions of subsection (e) of this Code section, an eligible student may receive HOPE grants for all course work required by the institution for programs of study leading to a certificate or diploma, including remedial ~~or developmental studies and developmental courses.~~

~~(d)(1) Subject to the amounts appropriated by the General Assembly and provisions relating to the Lottery for Education Account in Code Section 50-27-13, a HOPE grant awarded under this Code section shall equal the HOPE award amount. include tuition, approved mandatory fees, and a book allowance not to exceed \$100.00 per quarter or \$150.00 per semester, except as otherwise provided for in paragraph (2) of this subsection.~~

~~(2) Effective beginning with the fall quarter or semester commencing after July 1, 2004, the amount of mandatory fees paid shall be equal to such amount or amounts that were paid on January 1, 2004, except as otherwise provided for in Code Section 50-27-13.~~

(e) No student that has a baccalaureate degree, its equivalent or higher, from any postsecondary institution shall be eligible to receive a HOPE grant. No student may receive HOPE grants for more than 95 quarter hours or 63 semester hours of attempted coursework, ~~except as provided for in subsection (f) of this Code section.~~ No student may receive more than a cumulative total of 190 quarter hours or 127 semester hours of combined HOPE scholarships and grants, ~~unless in accordance with Code Sections 20-3-519.2 and 20-3-519.3.~~ For purposes of this subsection, attempted hours shall not include hours for courses taken and paid for by a HOPE grant while a student is participating in dual credit enrollment with both an eligible high school and a branch of the Technical College System of Georgia or a unit of the University System of Georgia. The Technical College System of Georgia or the University System of Georgia, as applicable, shall verify that the student is enrolled in an eligible high school and shall notify the Georgia Student Finance Commission of the student's participation in dual credit enrollment.

~~(f) A student enrolled in a diploma program designed to be more than 95 quarter hours or 63 semester hours in length is eligible to receive a HOPE grant for the lesser of:~~

~~(1) A total of 130 attempted quarter hours or 86 attempted semester hours; or~~

~~(2) The number of hours required for graduation.~~

~~(g) A dependent child of military personnel stationed in Georgia on active duty shall be deemed to meet the residency requirements of paragraph (1) of subsection (a) of this Code section."~~

SECTION 5.

Said article is further amended in Code Section 20-3-519.6, relating to HOPE GED vouchers, as follows:

"20-3-519.6.

~~(a) To be eligible for a HOPE GED voucher, a student attending an eligible public postsecondary institution shall meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in state tuition policy of the board of regents and the in state tuition guidelines set by the Technical College System of Georgia.~~

~~(b) To be eligible for a HOPE GED voucher, a student attending an eligible private postsecondary institution shall meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission.~~

~~(c) Subject to the amounts appropriated by the General Assembly and provisions relating to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE GED voucher in the amount of \$500.00 shall be ~~awarded~~ available once to each student receiving a general educational development (GED) diploma awarded by the Department of Technical and Adult Education, now known as the Technical College System of Georgia, after June 30, 1993. Such voucher shall be issued to such student upon enrollment in shall be valid at any eligible postsecondary institution in Georgia for within 24 months from the date of issuance the general educational development (GED) diploma was awarded to the student and may only be used to cover postsecondary costs of attendance at such institution.~~

~~(d) An otherwise eligible student receiving a HOPE GED voucher under this Code section is eligible for a HOPE scholarship as a sophomore, junior, or senior student."~~

SECTION 6.

Said article is further amended in Code Section 20-3-519.10, relating to application of HOPE scholarships and HOPE grants, as follows:

"20-3-519.10.

A HOPE scholarship and a HOPE grant may be applied only to tuition, mandatory fees, and book costs to any portion of a student's tuition. In no case shall a HOPE scholarship or HOPE grant exceed a student's tuition."

SECTION 7.

Said article is further amended in Code Section 20-3-519.11, relating to the Georgia Student Finance Commission, as follows:

"20-3-519.11.

(a) The Georgia Student Finance Commission is authorized to promulgate rules and regulations not inconsistent with the provisions of this part relating to grants and scholarships described in this part. The Georgia Student Finance Commission is authorized to promulgate rules and regulations related to grants, loans, and scholarships no longer in effect as of the effective date of this Act, under this part but for which the Georgia Student Finance Commission or the Georgia Student Finance Authority and the student were previously obligated.

(b) Every eligible postsecondary institution shall be subject to examination by the Georgia Student Finance Commission for the sole purpose of determining whether such postsecondary institution has properly complied with rules and regulations established pursuant to this Code section. Such examination shall be conducted by the Georgia Student Finance Commission no less frequently than once every three years. The Georgia Student Finance Commission is authorized to conduct the examination using sampling and extrapolation techniques. However, nothing in this subsection shall be construed to interfere with the authority of the postsecondary institution to determine its own curriculum, philosophy, purpose, or administration. In the event it is determined that a postsecondary institution knowingly or through error certified an ineligible student to be eligible for a scholarship or grant under this part, the amount of such scholarship or grant paid to the postsecondary institution pursuant to such certification shall be refunded by the postsecondary institution to the Georgia Student Finance Commission. The Georgia Student Finance Commission may suspend a postsecondary institution from receiving HOPE scholarship or HOPE grant award payments if it fails to refund any monies deemed due pursuant to this subsection. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection.

(c) Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such statement or misrepresentation knowing it to be false, for the purpose of enabling an ineligible student to obtain wrongfully a scholarship or grant under this part shall be guilty of a misdemeanor.

~~(b)~~(d) Notwithstanding any provision of this part, the Georgia Student Finance Commission is authorized to promulgate rules and regulations restricting eligibility for the scholarships and grants described in this part or reducing the dollar amount of scholarships and grants described in this part in accordance with the provisions of Code Section 50-27-13. In addition to other remedies available at law and equity, the Georgia Student Finance Commission is authorized to enter into repayment agreements with students that owe refunds to the Georgia Student Finance Commission of any scholarship or grant described in this part. Except as prohibited by federal or other state laws, individuals that owe refunds and fail to enter into repayment agreements with the Georgia Student Finance Commission are, without judicial action, subject to garnishment of their pay, loss of a professional license, offset of lottery winnings, and offset of a state tax refund in accordance with rules and regulations promulgated by the Georgia Student Finance Commission not inconsistent with the provisions of this part. As used in this subsection, the term 'refund' shall mean scholarship and grant amounts

paid to or on behalf of students subsequently, in accordance with rules and regulations promulgated by the Georgia Student Finance Commission, determined to be ineligible to receive such funds.

~~(e)~~(e) The funding for the scholarships and grants described in this part shall be subject to annual appropriations enacted by the General Assembly which shall establish the total amount of funding for such scholarships and grants."

SECTION 8.

Said article is further amended by repealing and reserving Code Sections 20-3-519.3, 20-3-519.7, 20-3-519.8, 20-3-519.9, 20-3-519.12, and 20-3-519.13, relating to eligibility requirements for a HOPE scholarship at a private postsecondary institution, the PROMISE teacher's scholarship, the HOPE teacher's scholarship, ineligibility for a HOPE teacher's scholarship, eligibility for the PROMISE II teacher's scholarship, and the HOPE Scholarship/Pre-K Legislative Oversight Committee, respectively.

SECTION 9.

Said article is further amended in Code Section 20-3-250.5, relating to administration of the "Nonpublic Postsecondary Educational Institutions Act of 1990", by revising paragraph (10) of subsection (b) as follows:

"(10) To establish and promulgate regulations for qualified proprietary institutions whose students receive tuition equalization grants in accordance with the criteria set forth in subparagraph ~~(C)~~ (B) of paragraph (2) of Code Section 20-3-411."

SECTION 9.1.

Said article is further amended in Code Section 20-3-400.2, relating to eligibility, repayment period, maximum amount, interest rate, and requirements, by adding a new subsection to read as follows:

"(e.1) The annual interest rate for any GOT Student Loan shall be converted to 1 percent retroactive to the origination date of the GOT Student Loan for any student that has met the applicable eligibility requirements to receive a HOPE scholarship under Code Section 20-3-519.2 or a HOPE grant under Code Section 20-3-519.5 as follows:

(1) If attending an eligible public institution, an amount equal to the difference between the HOPE award amount and the then current academic year standard undergraduate tuition amount at the institution to be paid; and

(2) If attending an eligible private institution, an amount equal to the difference between the HOPE award amount and the HOPE tuition payment.

The provisions of this subsection shall be subject to funding."

SECTION 10.

Said article is further amended in Code Section 20-3-395.3, relating to repayment schedules for direct loans to students on the basis of need and merit, by adding a new subsection to read as follows:

"(c) Notwithstanding anything herein to the contrary, a student may service cancel a loan described in this subpart in accordance with rules and regulations promulgated by the authority if such student is employed by and agrees to teach in a public school in Georgia as a science, technology, engineering, or math teacher at the elementary, middle, or secondary level. For service repayment, the loan shall be repaid at a rate of one year of service for each academic year of study or its equivalent for which a loan is made to a student pursuant to this subpart."

SECTION 11.

Said article is further amended in Code Section 20-3-411, relating to definitions relative to tuition equalization grants at private colleges and universities, as follows:

"20-3-411.

As used in this subpart, the term:

(1) 'Academic year' means a period of time, typically nine months, in which a full-time student is expected to complete the equivalent of at least two semesters' or three quarters' academic work.

(2) 'Approved school' means:

(A) A nonproprietary institution of higher education located in this state which is not a branch of the university system; which is not a four-year or graduate level institution of higher education that is, or is a part of, a college or university system that is owned and operated by a state other than Georgia; which is accredited by the Southern Association of Colleges and Schools; which is not a graduate level school or college of theology or divinity; and which is not presently receiving state funds under Article 4 of this chapter; provided, however, that an institution which otherwise meets the requirements of this definition and of this subpart except for the lack of accreditation by the Southern Association of Colleges and Schools shall be deemed to be an 'approved school' during the period that the institution holds candidate for accreditation status with the Southern Association of Colleges and Schools; provided, further, that an institution which was previously accredited by the Southern Association of Colleges and Schools within the last seven years and which otherwise meets the requirements of this definition and of this subpart except for the lack of accreditation by the Southern Association of Colleges and Schools shall be deemed to be an 'approved school'; and

~~(B) A nonproprietary institution of higher education located outside the State of Georgia which is a four year or graduate level institution of higher education that is, or is a part of, a college or university system that is owned and operated by a state other than Georgia; which is accredited by the Southern Association of Colleges and Schools; which is not a graduate level school or college of theology or divinity; and which is located within 50 road miles, by the nearest practical route of travel, of the home residence of one or more eligible students. The term 'home residence,' for purposes of this subpart, shall, in the case of a dependent student, mean the principal residence of the parent or legal guardian of a student; and~~

~~(C)~~(B)(i) A qualified proprietary institution of higher education located in this state which is a baccalaureate degree-granting institution of higher education; which is accredited by a regional accrediting agency recognized by the United States Department of Education the Southern Association of Colleges and Schools; which is not a Bible school or college (or, at the graduate level, a school or college of theology or divinity); which admits as regular students only persons who have a high school diploma, a general educational development (GED) diploma, or a degree from an accredited postsecondary institution; whose students are eligible to participate in the federal Pell Grant program; which has been reviewed and approved for operation and for receipt of tuition equalization grant funds by the Georgia Nonpublic Postsecondary Education Commission; which is domiciled and incorporated in the State of Georgia; and which has been in existence in the State of Georgia for at least ten years; and which met all of the requirements of this subparagraph by January 1, 2011; provided, however, that the criteria for approval for receipt of tuition equalization grant funds shall include but not be limited to areas of course study, quality of instruction, student placement rate, research and library sources, faculty, support staff, financial resources, physical plant facilities resources, and support and equipment resources.

(ii) Any proprietary institution that is otherwise qualified pursuant to division (i) of this subparagraph on July 1, 1995, shall be deemed to be eligible for receipt of tuition equalization grant funds subject, however, to any subsequent review of such approval pursuant to any proper regulations which may thereafter be adopted in accordance with paragraph (10) of subsection (b) of Code Section 20-3-250.5 applicable to all qualified proprietary institutions.

(iii) Any proprietary institution of higher education that is otherwise qualified pursuant to division (i) of this subparagraph on January 1, 2011, shall continue to be an approved school pursuant to this paragraph as long as it continues to meet the requirements of division (i) of this subparagraph as such existed on the day prior to the effective date of this division.

(3) 'Eligible student' means a person who:

(A) Is enrolled in or accepted for enrollment as a full-time undergraduate level student in an approved school or as a graduate level student if funds are specifically appropriated in appropriations Acts of the General Assembly for payment of grants to graduate level students;

(B) Is or will be a citizen of Georgia for a period of at least 12 months immediately prior to each date of registration in the approved school;

(C) Is not knowingly promoting or engaging in any activity which is determined by the approved school's governing body to be detrimental to the school; and

(D) Meets the eligibility requirements for the HOPE program as set forth in paragraph (1) of subsection (a) and in subsection (b) of Code Section 20-3-519.1. ~~In the case of an approved school located outside the State of Georgia, is enrolled or accepted for enrollment therein at an academic level beyond the sophomore academic classification and whose home residence is, by the nearest practical route~~

~~of travel, located within 50 road miles of the approved school and more than 50 road miles from the nearest four-year institution of the University System of Georgia.~~

(4) 'Full-time student' means an undergraduate student who enrolls for a minimum of 12 academic hours, or ten academic hours in the case of a graduate student, ~~and students who are inmates in an institution administered by the Department of Corrections."~~

SECTION 12.

Code Section 20-2-73 of the Official Code of Georgia Annotated, relating to removal of local school board members under certain circumstances, is amended by revising subsection (a) as follows:

"(a) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the contrary, if a local school system or school is placed on the level of accreditation immediately preceding loss of accreditation for school board governance related reasons by one or more accrediting agencies included in subparagraph ~~(6.1)(A)~~ (6)(A) of Code Section 20-3-519, the State Board of Education shall conduct a hearing in not less than ten days nor more than 30 days and recommend to the Governor whether to suspend all eligible members of the local board of education with pay. If the State Board of Education makes such recommendation, the Governor may, in his or her discretion, suspend all eligible members of the local board of education with pay and, in consultation with the State Board of Education, appoint temporary replacement members who shall be otherwise qualified to serve as members of such board."

SECTION 13.

Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for determining eligibility of students seeking enrollment in postsecondary courses, is amended by adding new subsections to read as follows:

"(d) Beginning with students graduating from high school on or after May 1, 2015, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least two courses prior to graduating from high school from the following categories:

(1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;

(2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;

(3) Advanced placement courses in core subjects;

(4) International baccalaureate courses in core subjects;

(5) Courses taken at a unit of the University System of Georgia in core subjects where such courses are not remedial and developmental courses, as defined in Code Section 20-3-519; or

(6) Advanced foreign language courses.

Students may take one or more courses in each category; provided, however, that a course may only be counted one time. The Georgia Student Finance Commission shall

be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection.

(e) Beginning with students graduating from high school on or after May 1, 2016, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least three courses prior to graduating from high school from the following categories:

(1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;

(2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;

(3) Advanced placement courses in core subjects;

(4) International baccalaureate in core courses;

(5) Courses taken at a unit of the University System of Georgia in core subjects where such courses are not remedial and developmental courses, as defined in Code Section 20-3-519; or

(6) Advanced foreign language courses.

Students may take one or more courses in each category; provided, however, that a course may only be counted one time. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection.

(f) Beginning with students graduating from high school on or after May 1, 2017, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least four courses prior to graduating from high school from the following categories:

(1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;

(2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;

(3) Advanced placement courses in core subjects;

(4) International baccalaureate in core courses;

(5) Courses taken at a unit of the University System of Georgia in core subjects where such courses are not remedial and developmental courses, as defined in Code Section 20-3-519; or

(6) Advanced foreign language courses.

Students may take one or more courses in each category; provided, however, that a course may only be counted one time. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection."

SECTION 14.

Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Georgia Lottery for Education Act," is amended by revising subsection (a) of Code Section 50-27-12, relating to employees of the Georgia Lottery Corporation, as follows:

"(a) The corporation shall establish and maintain a personnel program for its employees and fix the compensation and terms of compensation of its employees, including, but not limited to, production incentive payments; provided, however, that production incentive payments, bonuses, or any other consideration in addition to an employee's base compensation shall not exceed 25 percent of such employee's base compensation. In total, bonuses shall not exceed 1 percent of the net increase over the prior year's deposit into the Lottery for Education Account. No bonuses may be awarded in years in which there is not a net increase over the prior year's deposit into the Lottery for Education Account."

SECTION 15.

Said article is further amended in Code Section 50-27-13, relating to disposition of lottery proceeds, by revising subsections (b) and (f) as follows:

"(b)(1) On or before the fifteenth day of each quarter, the corporation shall transfer to the general fund of the state treasury, for credit to the Lottery for Education Account for the preceding quarter, the amount of all net proceeds during the preceding quarter. The state treasurer shall separately account for net proceeds by establishing and maintaining a Lottery for Education Account within the state treasury.

(2) Upon their deposit into the state treasury, any moneys representing a deposit of net proceeds shall then become the unencumbered property of the State of Georgia and the corporation shall have no power to agree or undertake otherwise. Such moneys shall be invested by the state treasurer in accordance with state investment practices. All earnings attributable to such investments shall likewise be the unencumbered property of the state and shall accrue to the credit of the Lottery for Education Account.

(3) ~~A scholarship shortfall reserve subaccount shall be maintained within the Lottery for Education Account in an amount equal to at least 50 percent of net proceeds deposited into such account for the preceding fiscal year. An amount equal to 10 percent of the total amount of lottery proceeds disbursed during the preceding fiscal year in the form of scholarships and grants for higher education shall be deposited from lottery proceeds each year until such amount equals 50 percent of such sum. Thereafter, only an amount necessary to maintain the scholarship shortfall reserve subaccount in an amount equal to 50 percent of the amount of lottery proceeds disbursed during the preceding fiscal year shall be deposited into the subaccount. If the net proceeds paid into the Lottery for Education Account in any year are not sufficient to meet the amount appropriated for higher education scholarships education purposes, the shortfall reserve subaccount may be drawn upon to meet the deficiency. In the event the shortfall reserve is drawn upon and falls below 50 percent of net proceeds deposited into such account for the preceding fiscal year, the shortfall reserve shall be replenished to the level required by this paragraph in the next fiscal year and the lottery-funded programs shall be reviewed and adjusted accordingly. In the event it becomes necessary to draw from the reserve subaccount in any fiscal year, the scholarship program shall be reviewed and shall be reduced to accommodate~~

~~available lottery proceeds, exclusive of the scholarship shortfall reserve subaccount, through such methods as reducing the family income cap qualification, reducing or eliminating grants for student fees and books, and reducing the academic years funded.~~

~~(4) A shortfall reserve subaccount shall be maintained within the Lottery for Education Account. The amount of the shortfall reserve subaccount shall be equal to 10 percent of the total amount of lottery proceeds deposited into the Lottery for Education Account for the preceding fiscal year. If the net proceeds deposited into the Lottery for Education Account in any year, exclusive of the amount in the shortfall reserve subaccount, are not sufficient to meet the amount appropriated for education purposes pursuant to subsection (c) of this Code section, the shortfall reserve subaccount may be drawn upon to meet the deficiency. In the event the shortfall reserve subaccount is drawn upon, the subaccount shall be brought back to the appropriate level with the first available funds duly deposited into the Lottery for Education Account.~~

~~(5)(A) For purposes of this subsection, the term:~~

~~(i) 'Highest year end balance' means the highest total amount of unexpended and uncommitted funds in the Lottery for Education Account, as determined by the state auditor, at the end of any fiscal year beginning with Fiscal Year 2004 and continuing through the most recent fiscal year for which the state auditor has verified the amount of such funds, which shall not include amounts contained in the subaccounts provided for in paragraphs (3) and (4) of this subsection.~~

~~(ii) 'Year end balance' means the amount, as determined by the state auditor, of unexpended and uncommitted funds in the Lottery for Education Account at the end of a fiscal year, which shall not include amounts contained in the subaccounts provided for in paragraphs (3) and (4) of this subsection.~~

~~(B)(i) In the event that the year end balance of a fiscal year is less than 92 percent of the highest year end balance, as defined in this paragraph, then all scholarships and grants for book allowances under Part 7 of Article 7 of Chapter 3 of Title 20 shall not exceed \$150.00 per year beginning in the next fiscal year and thereafter. This provision shall not apply to students who are eligible to participate in the federal Pell Grant program.~~

~~(ii) In the event that the year end balance of any subsequent fiscal year is less than 84 percent of the highest year end balance, as defined in this paragraph, then all scholarships and grants for book allowances under Part 7 of Article 7 of Chapter 3 of Title 20 shall be eliminated beginning in the subsequent fiscal year and thereafter. This provision shall not apply to students who are eligible to participate in the federal Pell Grant program.~~

~~(iii) In the event that the year end balance of any further subsequent fiscal year is less than 75 percent of the highest year end balance, as defined in this paragraph, then all scholarships and grants for mandatory fees under Part 7 of Article 7 of Chapter 3 of Title 20 shall be eliminated beginning in the next fiscal year and thereafter.~~

"(f) In compliance with the requirement of the Constitution that there shall be a separate accounting of lottery proceeds, no deficiency in the Lottery for Education Account shall be replenished by book entries reducing any nonlottery reserve of general funds, including specifically but without limitation the revenue shortfall reserve or the midyear adjustment reserve; ~~nor shall any program or project started specifically from lottery proceeds be continued from the general fund;~~ such programs must be adjusted or discontinued according to available lottery proceeds unless the General Assembly by general law establishes eligibility requirements and appropriates specific funds within the general appropriations Act; nor shall any nonlottery surplus in the general fund be reduced. No surplus in the Lottery for Education Account shall be reduced to correct any nonlottery deficiencies in sums available for general appropriations, and no surplus in the Lottery for Education Account shall be included in any surplus calculated for setting aside any nonlottery reserve or midyear adjustment reserve. In calculating net revenue collections for the revenue shortfall reserve and midyear adjustment reserve, the state accounting officer shall not include the net proceeds."

SECTION 16.

Said article is further amended in Code Section 50-27-17, relating to the state-wide network of retailers, by revising subsection (c) as follows:

"(c) The corporation shall provide for compensation to lottery retailers in the form of commissions in an amount ~~of not less than 5~~ of 6 percent of gross sales and may provide for other forms ~~of compensation for services rendered in the sale or cashing of lottery tickets or shares~~ of incentive compensation beginning on July 1, 2016; provided, however, that other forms of incentive compensation may be provided beginning on July 1, 2014, if the Lottery for Education Account deposits exceed \$1 billion in the previous fiscal year or may be provided prior to July 1, 2016, as authorized by the Governor."

SECTION 17.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. This Act shall be applicable to postsecondary students beginning in the fall of 2011.

SECTION 18.

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

Representative Collins of the 27th moved that the House agree to the Senate substitute to HB 326.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	E Heckstall	N Mayo	E Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon

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

On the motion, the ayes were 136, nays 32.

The motion prevailed.

Representatives Dawkins-Haigler of the 93rd, Kendrick of the 94th, and Stephenson of the 92nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "nay" thereon.

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

March 10, 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 326 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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

Mr. Speaker:

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

HB 340 Do Pass, by Substitute
HR 71 Do Pass, by Substitute

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

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

HB 205. By Representatives Dickson of the 6th, England of the 108th, Maxwell of the 17th, Battles of the 15th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Code Section 10-1-782 of the Official Code of Georgia Annotated, relating to definitions relative to the "Georgia Lemon Law," so as to revise the definition of the term "consumer" for purposes of such law; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

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

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

Y Abdul-Salaam	Y Davis	E Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y 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	Y Smith, K
E Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
E Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	E Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	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	E Epps, C	Y Jacobs	Y Nix	Stephenson
Y Black	Y Epps, J	Y James	Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	E Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y 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
N 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
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	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	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.

Representative Spencer of the 180th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

The Speaker announced the House in recess until 1:15 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

Representative Manning of the 32nd District, Chairman of the Committee on Children and Youth, submitted the following report:

Mr. Speaker:

Your Committee on Children and Youth 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 502 Do Pass

Respectfully submitted,
/s/ Manning of the 32nd
Chairman

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

HR 551. By Representatives Jackson of the 142nd, Epps of the 140th, Williams of the 165th, Mitchell of the 88th, Talton of the 145th and others:

A RESOLUTION commending the contributions of members of the clergy in Georgia, recognizing March 14, 2011, as the tenth annual Clergy Day at the Georgia State Capitol, and inviting members of the clergy to be recognized by the House of Representatives; and for other purposes.

HR 552. By Representatives Parsons of the 42nd and Dollar of the 45th:

A RESOLUTION commending the Lassiter High School swim and dive team and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 553. By Representative Lucas of the 139th:

A RESOLUTION recognizing Mr. Keith Sweat 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 554. By Representative Pak of the 102nd:

A RESOLUTION recognizing March 11, 2011, as World Plumbing Day; and for other purposes.

HR 555. By Representatives Cheokas of the 134th, Wilkinson of the 52nd, Carter of the 175th, Stephens of the 164th, Epps of the 140th and others:

A RESOLUTION commending the Turkish-American community in Georgia and the Istanbul Center and recognizing March 29, 2011, as Turkish-American Day at the state capitol; and for other purposes.

HR 556. By Representatives Morgan of the 39th, Casas of the 103rd, Coleman of the 97th, Ashe of the 56th, Evans of the 40th and others:

A RESOLUTION recognizing Advancement Via Individual Determination (AVID) and declaring Wednesday, March 23, 2011, AVID Day at the state capitol; and for other purposes.

HR 557. By Representatives Yates of the 73rd and Collins of the 27th:

A RESOLUTION recognizing and commending Mr. Samuel "Grady" Smith, Sr., on his service to our country; and for other purposes.

HR 558. By Representatives Epps of the 128th and Smith of the 70th:

A RESOLUTION recognizing and commending Reverend Grady B. Vaughn; and for other purposes.

HR 559. By Representatives Carter of the 175th, Dempsey of the 13th, Shaw of the 176th, Holmes of the 125th, Williamson of the 111th and others:

A RESOLUTION recognizing and commending Leadership Georgia; and for other purposes.

HR 560. By Representatives Evans of the 40th, Wilkinson of the 52nd, Jones of the 44th, Beasley-Teague of the 65th, Teasley of the 38th and others:

A RESOLUTION recognizing and commending Lockheed Martin Aeronautics Company on its 60th anniversary in Georgia; and for other purposes.

HR 561. By Representatives Tankersley of the 158th, Parrish of the 156th and Burns of the 157th:

A RESOLUTION recognizing and commending the Exchange Club of Statesboro, Georgia, and the National Exchange Club on 100 years of community service; and for other purposes.

HR 562. By Representative Jones of the 44th:

A RESOLUTION recognizing and commending the Ford Retiree Timex Club on the occasion of their 5th annual Christmas banquet; and for other purposes.

HR 563. By Representatives England of the 108th and Benton of the 31st:

A RESOLUTION commending Daniel Dean, Winder Barrow High School's 2011 STAR Student; and for other purposes.

HR 564. By Representatives England of the 108th and Benton of the 31st:

A RESOLUTION commending Emily Wilkins, Winder Barrow High School's 2011 STAR Student; and for other purposes.

HR 565. By Representatives England of the 108th and Benton of the 31st:

A RESOLUTION commending Casey White, Apalachee High School's 2011 STAR Student; and for other purposes.

HR 566. By Representatives England of the 108th and Benton of the 31st:

A RESOLUTION recognizing and commending Thomas Andrew Still; and for other purposes.

HR 567. By Representatives Drenner of the 86th, Benfield of the 85th and Oliver of the 83rd:

A RESOLUTION recognizing and commending Dr. Marion Owen; and for other purposes.

HR 568. By Representative Ehrhart of the 36th:

A RESOLUTION recognizing and commending George "Trey" Howell Grindley III; and for other purposes.

HR 569. By Representatives Benfield of the 85th, Oliver of the 83rd, Drenner of the 86th, Lindsey of the 54th, Geisinger of the 48th and others:

A RESOLUTION declaring Tuesday, March 22, 2011, as "Georgia Rides to the Capitol Day"; and for other purposes.

HR 570. By Representatives Holt of the 112th, Huckaby of the 113th and Smith of the 131st:

A RESOLUTION recognizing and commending Mr. Bob Rice; and for other purposes.

HR 571. By Representatives Morgan of the 39th, Yates of the 73rd, Dickson of the 6th and Williams of the 4th:

A RESOLUTION recognizing and commending Mr. Saul Raisin; and for other purposes.

Representative Holt of the 112th moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

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

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

The motion prevailed.

Under the general order of business, established by the Committee on Rules, the following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

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 Committee substitute was read:

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 certain designated felony offenses shall have such conviction demarcated on his or her driver's license, permit, or identification card 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment, is amended in Code Section 17-10-1, relating to the fixing of sentence, by adding a new subsection to read as follows:

"(h)(1) In sentencing any defendant convicted of a felony listed in this subsection, other than a defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of Title 42, the judge shall inform the defendant that his or her driver's license, permit, or identification card shall be submitted to the Department of Driver Services within 20 days of the date that the court imposed such sentence in order to have a new driver's license, permit, or identification card issued with a demarcation for being a convicted felon and that failure to submit his or her license, permit, or identification card shall result in the suspension, revocation, or cancellation of his or her license, permit, or identification card. In the event that the defendant's driver's license, permit, or

identification card is lost or for any other reason surrender is impossible, a sworn affidavit indicating the status of such license, permit, or identification card shall be submitted to the department.

(2) This subsection shall apply to felony convictions for murder in violation of Code Section 16-5-1, kidnapping in violation of Code Section 16-5-40, rape in violation of Code Section 16-6-1, aggravated sodomy in violation of Code Section 16-6-2, aggravated child molestation in violation of Code Section 16-6-4, aggravated sexual battery in violation of Code Section 16-6-22.2, and armed robbery in violation of Code Section 16-8-41. The court imposing such sentence shall forward, within three business days after such conviction, a copy of its order of the disposition of the case to the Department of Driver Services."

SECTION 2.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, is amended by adding a new Code section to read as follows:

"40-5-39.

(a) Any person who has been convicted of a felony designated in Code Section 17-10-1 shall be issued a replacement driver's license, permit, or identification card for a fee of \$25.00 bearing a demarcation of a number or letter, or both, as determined by the department. Such license, permit, or identification card shall be issued for the remaining period for which the original license, permit, or identification card was issued, and no examination or eyesight test shall be required to obtain such replacement license, permit, or identification card. Renewal licenses, permits, or identification cards for such person shall bear such demarcation.

(b) The demarcation as determined by the department shall remain on the defendant's driver's license, permit, or identification card for the length of the defendant's sentence. If the defendant's sentence expires before the expiration of the license, permit, or identification card, the defendant may apply for a replacement license, permit, or identification card for a fee of \$25.00 which shall not bear such demarcation for the remaining period for which the original license, permit, or identification card was issued, and no examination or eyesight test shall be required to obtain such replacement license, permit, or identification card.

(c) The defendant shall submit his or her driver's license, permit, or identification card to the department as provided by subsection (h) of Code Section 17-10-1 and pursuant to the department's rules and regulations governing such licenses."

SECTION 3.

Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of licenses, is amended by adding a new Code section to read as follows:

"40-5-57.4.

Any person who is convicted of a felony as provided for in Code Section 17-10-1 who fails to surrender his or her driver's license, permit, or identification card or submit a lost license, permit, or identification card affidavit in accordance with Code Sections 17-10-1 and 40-5-38 shall have his or her license, permit, or identification card suspended, revoked, or cancelled for either the balance of his or her sentence or until such surrender of the license, permit, or identification card or submission of such affidavit and a new license, permit, or identification card is issued, whichever is shorter. After the suspension period and after such person pays a restoration fee of \$60.00 or, if processed by mail, \$50.00, the suspension shall terminate, and the department shall return such driver's license, permit, or identification card to such person."

SECTION 4.

This Act shall become effective on July 1, 2011, and shall apply to persons convicted on or after such date.

SECTION 5.

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

The following amendment was read and adopted:

Representative Bearden of the 68th offers the following amendment:

Amend the House Committee on Public Safety and Homeland Security substitute to HB 91 (LC 35 2079S) by replacing "40-5-38" with "40-5-39" on line 68.

By adding immediately before the word "Code" on lines 41 and 65 the following:

subsection (h) of

The Committee substitute, as amended, was adopted.

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

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

Abdul-Salaam	Y Davis	E Heckstall	Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Y Sheldon
Y Amerson	N Dickerson	Y Hill	Y McKillip	Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
N Ashe	Y Dickson	Y Holmes	N Mills	N Smith, E

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

On the passage of the Bill, by substitute, as amended, the ayes were 97, nays 46.

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

Representative Sims of the 119th 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.

Representatives Byrd of the 20th, Lucas of the 139th, and Oliver of the 83rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "nay" thereon.

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

HB 158. By Representatives Mills of the 25th, Maxwell of the 17th and England of the 108th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to change the date of the nonpartisan election; to provide for qualifying dates; to provide for related matters; 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:

Abdul-Salaam	N Davis	E Heckstall	Mayo	Y Setzler
Y Abrams	N Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	N Sheldon
Y Amerson	N Dickerson	Y Hill	Y McKillip	Sims, B
Y Anderson	Y Dickey	N Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	N Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
E Austin	Dollar	Y Horne	Morgan	Y Smith, L
E Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	N Howard	N Mosby	E Smith, T
Y Bearden	Dukes	Y Huckaby	N Murphy	Y Smyre
N 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	E Epps, C	Y Jacobs	Y Nix	N Stephenson
Y Black	Y Epps, J	Y James	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	Fludd	Y Johnson	Y Parent	N Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	N Frazier	Y Jones, S	Parsons	Y Teasley
Y Buckner	Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	N Tinubu
Y Byrd	Y Geisinger	N Kendrick	Y Powell, J	Y Walker
Y Carter	N Golick	Kidd	Pruett	Y Watson
Y Casas	N Gordon	Knight	Y Purcell	Y Welch
Channell	N Greene	Y Lane	Y Ramsey	Weldon
Y Cheokas	Y Hamilton	Y Lindsey	E Randall	Y Wilkerson
Clark, J	E Hanner	Long	Y Reece	Y Wilkinson
Y Clark, V	Harbin	N Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Maddox, B	Y Riley	Williams, A
Y Collins	Y Harden, M	Y Maddox, G	N Roberts	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Williams, R
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	N Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 126, nays 23.

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

Representatives Channell of the 116th, Clark of the 98th, Oliver of the 83rd, and Sims of the 119th 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 Pruett of the 144th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 179. By Representatives Burns of the 157th, Roberts of the 154th, England of the 108th, Bryant of the 160th, Hamilton of the 23rd and others:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to the state highway system, so as to modify the procedures whereby owners of legally erected and maintained signs obtain and renew permits for the installation of signs; to change certain conditions relating to permits to remove vegetation from the viewing zones of outdoor signs; to provide for related matters; to provide for severability; to provide for the Department of Transportation to promulgate forms and policies; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 179 by inserting on page 9, line 293, after the word "ordinance." the following:

Upon conviction of depiction of any material as obscene the person, firm, or entity shall be punishable by a fine of not less than \$5000.00 for the first conviction and \$10,000.00 for any subsequent conviction and shall also be guilty of a misdemeanor of a high and aggravated nature.

An amendment by Representative Smith of the 131st was ruled out of order.

Representative Burns of the 157th moved that the House agree to the Senate amendment to HB 179.

Pursuant to Rule 133, Representative Cheokas of the 134th was excused from voting on HB 179.

On the motion, the roll call was ordered and the vote was as follows:

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

On the motion, the ayes were 94, nays 64.

The motion prevailed.

Representative Oliver of the 83rd stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

Representatives Floyd of the 99th, Marin of the 96th, and Morgan of the 39th stated that they inadvertently voted "nay" on 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 10, ad 2011

Dear Mr. Clerk,

Article III, Section I, Paragraph I, of the Constitution of the State of Georgia, provides that "The legislative power of the state shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives." 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 179 unconstitutionally delegates that legislative power to the executive branch. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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

HB 47. By Representatives Ramsey of the 72nd, Meadows of the 5th, Maxwell of the 17th, Sheldon of the 105th, Peake of the 137th and others:

A BILL to be entitled an Act to amend Chapter 29A of Title 33 of the Official Code of Georgia Annotated, relating to individual health insurance coverage, so as to authorize insurers to offer individual accident and sickness insurance policies in Georgia that have been approved for issuance in other states; to provide for legislative findings; to provide for a definition; to provide for minimum standards for such policies; to provide for certain notices; to authorize the Commissioner of Insurance to adopt rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 33.3, debate on HB 47 was limited to two hours, with the time allocated at the discretion of the Speaker.

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:

Abdul-Salaam	Y Davis	E Heckstall	N Mayo	E Setzler
N Abrams	N Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
Y Amerson	N Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	N Holcomb	Y Meadows	Y Sims, C
N Ashe	Y Dickson	Y Holmes	Y Mills	N Smith, E

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

On the passage of the Bill, the ayes were 111, nays 47.

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

Due to a mechanical malfunction, the vote of Representative Houston of the 170th was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representatives Hamilton of the 23rd and Setzler of the 35th were excused on the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Roberts of the 154th moved that the following Bill of the House be withdrawn from the General Calendar and recommitted to the Committee on Transportation:

HB 131. By Representatives Epps of the 140th, Roberts of the 154th, Lucas of the 139th and Baker of the 78th:

A BILL to be entitled an Act to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to exempt state agencies from certain civil penalties regarding control of water pollution; to exempt certain state agencies from stream buffer requirements; to exempt certain agencies from land-disturbing activities buffer requirements; to repeal the requirements regarding the preparation of an erosion and sediment control plan; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative Neal of the 1st moved that the following Resolution of the Senate be withdrawn from the Committee on Appropriations and recommitted to the Committee on State Institutions & Property:

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

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

The motion prevailed.

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

Mr. Speaker:

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

HB 465 Do Pass, by Substitute
HB 488 Do Pass

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

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 9:30 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 9:30 o'clock, tomorrow morning.