

Representative Hall, Atlanta, Georgia

Thursday, March 31, 2011

Thirty-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:

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

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

Representatives Austin of the 10th, Coomer of the 14th, Evans of the 40th, Gardner of the 57th, Houston of the 170th, Jacobs of the 80th, Jordan of the 77th, Long of the 61st, Lucas of the 139th, Ramsey of the 72nd, Randall of the 138th, Reece of the 11th, Roberts of the 154th, Smyre of the 132nd, Taylor of the 55th, and Walker of the 107th.

They wished to be recorded as present.

Prayer was offered by Minister Blake Dodd, Cedartown, 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 630. By Representatives Drenner of the 86th, Jacobs of the 80th, Abrams of the 84th, Kidd of the 141st, Bell of the 58th and others:

A BILL to be entitled an Act to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to prohibit discrimination based on sexual orientation and gender identity in certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 632. By Representatives Murphy of the 120th, Howard of the 121st, Frazier of the 123rd and Smith of the 122nd:

A BILL to be entitled an Act to amend an Act providing for the consolidation of Richmond County and the City of Augusta, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to provide for partisan elections for the mayor and members of the Augusta-Richmond County Commission; to provide for preclearance under the federal Voting Rights Act of 1965; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HR 758. By Representative Marin of the 96th:

A RESOLUTION urging health care professionals to complete training in cultural competency at least every two years; and for other purposes.

Referred to the Committee on Health & Human Services.

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

HB 621	HB 622
HB 623	HB 624
HB 625	HB 626
HB 627	HB 628
HB 629	HB 631
HR 738	HR 739
HR 757	SB 148

Representative Sims of the 169th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation 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 549	Do Pass	HB 560	Do Pass
HB 563	Do Pass	HB 579	Do Pass
HB 608	Do Pass	HB 611	Do Pass
HB 612	Do Pass	HB 613	Do Pass
HB 614	Do Pass	HB 615	Do Pass
HB 616	Do Pass	HB 617	Do Pass
HB 618	Do Pass	HB 619	Do Pass

Respectfully submitted,
/s/ Sims of the 169th
Chairman

Representative Hatfield of the 177th District, Vice-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 Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 19 Do Pass, by Substitute

Respectfully submitted,
/s/ Hatfield of the 177th
Vice-Chairman

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

HOUSE RULES CALENDAR
THURSDAY, MARCH 31, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 37th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

SB 240 Motor Vehicles; create a new class; personal transportation vehicles; definition; exception; rights/duties of drivers; rules of the road (Substitute) (MotV-Sims-119th) Mullis-53rd

Modified Structured Rule

- HR 424 Tennessee River basin withdrawal; feasibility study; urge (Substitute) (NR&E-Neal-1st)
- SB 54 State Highways; add a definition of "on-premise" or "on-property" signs (Substitute) (Trans-Rogers-26th) Mullis-53-rd (AM# 34 0507) (AM# 34 0517)
- SB 58 Spencer Pass Hero Memorial Act; indemnification for the death/disability of state highway employee; provisions (Substitute) (Ins-Shaw-176th) Gooch-51st
- SB 94 Firearms; carrying/possession; change certain definitions (Substitute) (JudyNC-Weldon-3rd) Heath-31st
- SB 121 Natural Resources, Dept. of; provide for refunding of fees under certain circumstances (Substitute) (GAff-Powell-171st) Miller-49th
- SB 157 Waste Management; provide local solid waste management/reporting shall be optional (NR&E-Powell-29th) Jeffares-17th (AM# 25 1260)

Structured Rule

None

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

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

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

- HB 549. By Representatives Ashe of the 56th, Bruce of the 64th, Jones of the 44th, Gardner of the 57th, Taylor of the 55th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in unincorporated Fulton County and within each municipality therein, approved April 3, 1987 (Ga. L. 1987, p. 5460), as amended, so as to provide for an additional power of each district and its board; 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.

HB 560. By Representatives Williams of the 4th, Dickson of the 6th and Weldon of the 3rd:

A BILL to be entitled an Act to create and establish the Dalton-Whitfield County Charter and Consolidation Commission; to provide for a short title; to provide for definitions; to provide for the appointment of the members of said commission; to provide for the organizational meeting of the charter and consolidation commission and for the election of officers; to provide for the powers and duties of said commission; 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.

HB 563. By Representatives Taylor of the 55th, Ashe of the 56th, Lindsey of the 54th, Abrams of the 84th, Kaiser of the 59th and others:

A BILL to be entitled an Act to approve and levy a certain 1 percent additional excise tax by and for the City of Atlanta as authorized by general law; to provide for conditions; to provide a conditional effective date; to provide for conditional automatic repeal; 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.

HB 579. By Representatives Marin of the 96th and Rice of the 51st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Norcross, Georgia, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3729), so as to change the corporate limits of the City of Norcross; to provide for a referendum; to provide for preclearance under the federal Voting Rights Act of 1965; to provide for effective dates and automatic repeal; 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.

HB 608. By Representatives Manning of the 32nd, Ehrhart of the 36th, Parsons of the 42nd, Jones of the 44th, Evans of the 40th and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved April 27, 2001 (Ga. L. 2001, p. 4490), so as to authorize the court to charge a technology fee for each civil case filed, each criminal fine imposed, and each traffic case fined; to specify the uses to which said technology fees may be put; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 611. By Representative Mitchell of the 88th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Stone Mountain, approved May 11, 2009 (Ga. L. 2009, p. 4108), so as to provide for election by posts for members of the city council; 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.

HB 612. By Representative Austin of the 10th:

A BILL to be entitled an Act to create the City of Cornelia Water and Sewerage Authority; to fix the venue or jurisdiction of actions relating to any provisions of this Act and to provide that such bonds or obligations be validated as authorized by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law"; to provide for liberal construction; to provide for severability; 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.

HB 613. By Representative Spencer of the 180th:

A BILL to be entitled an Act to authorize the City of Kingsland to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; 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.

HB 614. By Representative Crawford of the 16th:

A BILL to be entitled an Act to provide for a homestead exemption from Polk County ad valorem taxes for county purposes in an amount that will increase in certain years when the current year assessed value of a homestead exceeds the preceding year's assessed value of such homestead by a certain amount under certain conditions; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; 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.

HB 615. By Representative Crawford of the 16th:

A BILL to be entitled an Act to provide a homestead exemption from Polk County ad valorem taxes for county purposes in the amount of \$30,000.00 of the assessed value of the homestead for certain residents of the county who are 70 years of age or older with net annual household income of \$10,000.00 or less; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; 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.

HB 616. By Representative Crawford of the 16th:

A BILL to be entitled an Act to provide a homestead exemption from Polk County school district ad valorem taxes for educational purposes in the amount of \$30,000.00 of the assessed value of the homestead for certain residents of that school district who are 70 years of age or older with net annual household income of \$10,000.00 or less; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; 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.

HB 617. By Representative Crawford of the 16th:

A BILL to be entitled an Act to provide for a homestead exemption from Polk County school district ad valorem taxes for educational purposes in an amount that will increase in certain years when the current year assessed value of a homestead exceeds the preceding year's assessed value of such homestead by a certain amount under certain conditions; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; 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.

HB 618. By Representatives Jerguson of the 22nd, Byrd of the 20th, Hill of the 21st and Hamilton of the 23rd:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Holly Springs in the County of Cherokee," approved March 18, 1980 (Ga. L. 1980, p. 3281), as amended, particularly by an Act approved March 30, 1987 (Ga. L. 1987, p. 4964), so as to change the corporate limits of said city; 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.

HB 619. By Representatives Williams of the 4th, Dickson of the 6th and Weldon of the 3rd:

A BILL to be entitled an Act to authorize the City of Dalton to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; 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.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

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

E Abdul-Salaam	Davis	Heckstall	Y Mayo	Y Setzler
Y Abrams	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	Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Mosby	Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	Y Hudson	E 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	Epps, C	Y Jacobs	Y Nix	E Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Jerguson	E Pak	Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Taylor, R
Bruce	Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Bryant	Y Frazier	E 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	Walker
Y Carter	Golick	Y Kidd	Y Pruet	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Reece	Y Wilkinson
Y Clark, V	Harbin	Lucas	Y Rice	Y Willard
Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	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	Williamson
Y Cooper	Y Hatfield	E Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Scott, S	Ralston, Speaker

On the passage of the Bills, the ayes were 143, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

Representatives Dawkins-Haigler of the 93rd and Holmes of the 125th 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.

I wish to be recorded as a no vote on HB 563 since we vote on these all together.

/s/ Paulette Braddock
19th District

I voted for the local calendar but want to be recorded as voting "No" on HB 563.

/s/ James Mills

Representative Franklin of the 43rd would like to be recorded as voting "nay" on HBs 549, 560, 563, 608, 612, 613, and 619.

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 bill of the Senate:

SB 266. By Senators Stoner of the 6th, Thompson of the 33rd, Tippins of the 37th, Hill of the 32nd and Rogers of the 21st:

A BILL to be entitled an Act to amend an Act known as the "South Cobb Development Authority Act," approved April 12, 1982 (Ga. L. 1982, p. 3772), as amended, so as to define a term; to change the name of the authority to the South Cobb Redevelopment Authority; to provide for membership of the authority; to provide for the geographical area of operations of the authority; to provide for purposes and objectives of the authority; to cite constitutional authority for said Act; to provide for tax exemptions; to repeal conflicting laws; and for other purposes.

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

HB 189. By Representatives Wilkinson of the 52nd, Maxwell of the 17th, Shaw of the 176th, Hembree of the 67th, Mitchell of the 88th 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 regarding insurance, so as to provide that no contract or agreement between a dental insurer or network and a dentist shall require the dentist to accept an amount for dental care services that are not covered dental services under a dental benefit plan; to provide that no dental insurer shall publish or otherwise communicate that discounts are available for noncovered dental services; to

provide that a violation is punishable as an unfair trade practice; to provide for a short title; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 261. By Representatives Atwood of the 179th, Wilkinson of the 52nd, Lindsey of the 54th, Jerguson of the 22nd, Brockway of the 101st and others:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of public records is not required and disclosure of exempting legal authority, so as to provide an exemption for certain public records from disclosure; to repeal conflicting laws; and for other purposes.

HB 266. By Representative Yates of the 73rd:

A BILL to be entitled an Act to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, concerning carrying weapons, so as to authorize constables to be able to carry weapons under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 543. By Representatives Harrell of the 106th, Rice of the 51st, Clark of the 98th, Floyd of the 99th, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act creating the Recorder's Court of Gwinnett County approved March 27, 1972 (Ga. L. 1972, p. 3125), as amended, specifically by an Act approved September 18, 1991 (Ga. L. 1991, p. 432), and an Act approved May 5, 2005 (Ga. L. 2005, p. 3729), so as to revise certain provisions relating to the solicitor-general of Gwinnett County; to provide that the solicitor-general of Gwinnett County shall serve as the prosecuting attorney of the Recorder's Court of Gwinnett County; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 551. By Representatives Benton of the 31st and McCall of the 30th:

A BILL to be entitled an Act to create a board of elections and registration for Jackson County and to provide for its powers and duties; to provide for definitions; to provide for submission under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 557. By Representatives Holmes of the 125th and Dickey of the 136th:

A BILL to be entitled an Act to amend an Act to create a board of commissioners of roads and revenues for the county of Monroe, approved August 19, 1907 (Ga. L. 1907, p. 318), as amended, so as to reconstitute such board; to provide for its composition, manner of election, and filling of vacancies; to provide for its officers and powers and duties; to provide for its personnel and compensation; to provide for disbursements, audits, and certain operations; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 566. By Representatives Jackson of the 142nd, Frazier of the 123rd, Williams of the 89th and Bruce of the 64th:

A BILL to be entitled an Act to create a board of elections and registration for Jefferson County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to repeal conflicting laws; and for other purposes.

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

HB 66. By Representatives Maxwell of the 17th, Meadows of the 5th, Rogers of the 26th, Murphy of the 120th, Hembree of the 67th and others:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, so as to provide for certificate of insurance forms to be approved by the commissioner; to provide for definitions; to provide certain provisions of such certificate; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 555. By Representatives Clark of the 104th and Brockway of the 101st:

A BILL to be entitled an Act to amend an Act to create a new charter for the City of Lawrenceville, approved March 28, 1986 (Ga. L. 1986, p. 4961), as amended, so as to amend the duties of the mayor; to provide for the

establishment of a position of city manager; to provide for the duties and responsibilities of the city manager; to provide for related matters; 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 199. By Representatives Neal of the 1st, Williams of the 4th, Bearden of the 68th and Parrish of the 156th:

A BILL to be entitled an Act to amend Code Section 16-13-25 of the Official Code of Georgia Annotated, relating to Schedule I controlled substances, so as to provide for additional controlled substances; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 266. By Senators Stoner of the 6th, Thompson of the 33rd, Tippins of the 37th, Hill of the 32nd and Rogers of the 21st:

A BILL to be entitled an Act to amend an Act known as the "South Cobb Development Authority Act," approved April 12, 1982 (Ga. L. 1982, p. 3772), as amended, so as to define a term; to change the name of the authority to the South Cobb Redevelopment Authority; to provide for membership of the authority; to provide for the geographical area of operations of the authority; to provide for purposes and objectives of the authority; to cite constitutional authority for said Act; to provide for tax exemptions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

Representative Hatfield of the 177th moved that the House reconsider its action in giving the requisite constitutional majority to the following Bill of the Senate:

SB 122. By Senators Tolleson of the 20th, Williams of the 19th, Hooks of the 14th, Bulloch of the 11th, Golden of the 8th and others:

A BILL to be entitled an Act to amend Chapter 91 of Title 36 of the Official Code of Georgia Annotated, relating to local government public works bidding, so as to provide for local government contracts related to planning, financing, constructing, acquiring, operating, or maintaining certain water

reservoirs, facilities, and systems; to amend Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the Water Supply Division of the Georgia Environmental Finance Authority, so as to provide for participation by the division in certain local water reservoir, facilities, and systems projects; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 133, Representatives Wilkinson of the 52nd, Setzler of the 35th, and Welch of the 110th were excused from voting on SB 122.

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

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

On the motion, the ayes were 68, nays 72.

The motion was lost.

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 "nay" thereon.

Representative Smith of the 70th asked unanimous consent that SB 122 be immediately transmitted to the Senate.

It was so ordered.

Pursuant to HR 499, the House commended WrestleMania XXVII, recognized March 30 through April 4, 2011, as WrestleMania Week in Georgia, and invited representatives of the Atlanta Sports Council, the Georgia World Congress Center Authority, and WWE to be recognized by the House of Representatives.

Pursuant to HR 620, the House celebrated 50 years at the Georgia Sheriffs' Boys' Ranch, commended the Georgia Sheriffs' Youth Homes, and invited representatives of the Georgia Sheriffs' Association to be recognized by the House of Representatives.

Pursuant to HR 754, the House recognized and commended the Clayton State University women's basketball team on winning the NCAA Division II National Championship.

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

Mr. Speaker:

The Senate insists on its substitute to the following bill of the House:

HB 78. By Representatives Ralston of the 7th, Jones of the 46th, O'Neal of the 146th, England of the 108th, Collins of the 27th and others:

A BILL to make and provide appropriations for the State Fiscal year beginning July 1, 2011 and ending June 30, 2012.

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

HB 78. By Representatives Ralston of the 7th, Jones of the 46th, O'Neal of the 146th, England of the 108th, Collins of the 27th and others:

A BILL to make and provide appropriations for the State Fiscal year beginning July 1, 2011 and ending June 30, 2012.

Representative England of the 108th moved that the House insist on its position in disagreeing to the Senate substitute to HB 78 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives England of the 108th, Jones of the 46th and O`Neal of the 146th.

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

Representatives Morgan of the 39th and Clark of the 98th.

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

HR 643	Do Pass	SB 114	Do Pass, by Substitute
SB 143	Do Pass, by Substitute	SB 150	Do Pass, by Substitute

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

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

SB 26. By Senators Shafer of the 48th, Sims of the 12th, Seabaugh of the 28th, Albers of the 56th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to prohibit any additional limitations on carrying firearms during states of emergency; to provide civil remedies for violations; to provide for related matters; to provide an effective date; 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 Senate were taken up for consideration and read the third time:

SB 54. By Senators Mullis of the 53rd, Staton of the 18th, Gooch of the 51st, Miller of the 49th, Jackson of the 24th 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 advertising on the state highway system, so as to add a definition of "on-premise" or "on-property" signs; to provide for related matters; to provide for an effective date; to repeal conflicting provisions; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, so as to provide for changes to the requirements for permits for extra weight and dimensions for loads on vehicles; to allow multitrip permits; to add a definition of "on-premise" or "on-property" signs for advertising purposes; 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.

Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, is amended by revising subsection (g) of Code Section 32-6-26, relating to maximum weights for vehicles and loads, as follows:

"(g)(1) The weight limitations provided for in this Code section, except the limitation in subsections (f) and (h) of this Code section, may be exceeded on any public road within this state which is not an interstate highway, or when making a pickup or delivery on any public road of a county road system, without a permit only when the load on any single axle does not exceed 23,000 pounds, the load on any tandem axle

does not exceed 46,000 pounds, and the maximum total gross weight of the vehicle and load does not exceed 80,000 pounds when:

- (A) Hauling forest products from the forest where cut to the first point of marketing or processing;
- (B) Hauling live poultry or cotton from a farm to a processing plant;
- (C) Hauling feed from a feed mill to a farm;
- (D) Hauling granite, either block or sawed, or any other naturally occurring raw ore or mineral for further processing, from the quarry or stockpile area to a processing plant located in the same or an adjoining county and construction aggregates hauled to any point, unless otherwise prohibited;
- (E) Hauling solid waste or recovered materials from points of generation to a solid waste handling facility or other processing facility; or
- (F) Hauling concrete that is in a freshly mixed and unhardened state for delivery to a customer;
- (G) Hauling poultry waste from the point of origin to a farm;
- (H) Hauling tree bark from the point of origin to the point of sale; or
- (I) Hauling hot mixed asphalt and construction debris.

No lift axle may be used in computing the maximum total gross weight authorized for any vehicle or load under this paragraph.

(2) A vehicle which is hauling the products listed in subparagraph (A) ~~or (B)~~ through (I) of paragraph (1) of this subsection or which is hauling any other agricultural or farm product from a farm to the first point of marketing or processing shall be permitted a 5 percent variance from the weight limitations in paragraph (1) of this subsection ~~within a 100 mile radius of the farm or point of origin~~. Any person who violates the load limitations provided for in this paragraph by exceeding the 5 percent variance per single axle, tandem axle, or maximum total gross weight shall be fined on the basis of the weight limitations of paragraph (1) of this subsection, including the variance allowed by this paragraph.

~~(3) A vehicle which is hauling the products listed in subparagraph (C), (D), or (F) of paragraph (1) of this subsection shall be permitted a 5 percent variance from the weight limitations in paragraph (1) of this subsection within a 100 mile radius of the farm or point of origin. Any person who violates the load limitations provided for in this paragraph by exceeding the 5 percent variance per single axle, tandem axle, or maximum total gross weight shall be fined on the basis of the weight limitations of paragraph (1) of this subsection and not on the basis of the variance allowed by this paragraph.~~

~~(4) Any vehicle carrying a load as authorized in this subsection at night shall be equipped with lights clearly visible for a distance of not less than 300 feet from the front and rear of the vehicle."~~

SECTION 2.

Said chapter is further amended by revising subsection (e) of Code Section 32-6-27, relating to the enforcement of load limitations, as follows:

"(e) Any owner or operator of a vehicle which is operated on the public roads of this state in violation of the weight limitations provided in this article shall be required, in addition to paying the moneys provided in subsection (a) of this Code section, to unload all gross weight in excess of 6,000 pounds over the legal weight limit ~~before being allowed to move the vehicle~~ at the closest reasonable location."

SECTION 3.

Said chapter is further amended by revising paragraph (4) of subsection (a) and adding a new paragraph to subsection (b) of Code Section 32-6-28, relating to permits for extra weight and dimensions for loads on vehicles, as follows:

"(4) The application for any such permit shall ~~specifically~~ describe the type of permit applied for, as said types of permits are described in subsection (c) of this Code section. In addition, the application for a single-trip permit shall describe the points of departure and destination."

"(4) **Multitrip.** Pursuant to this Code section, the commissioner may issue a multitrip permit to any vehicle or load allowed by federal law. A multitrip permit authorizes the permitted load to return to its original destination on the same permit, if done so within ten days, with the same vehicle configuration, and following the same route, unless otherwise specified by the department."

SECTION 4.

Said chapter is further amended in said Code section by adding a new paragraph to subsection (c), to read as follows:

"(5) **Multitrip.** Charges for the issuance of multitrip permits shall be \$100.00 for any load not greater than 16 feet wide, not greater than 16 feet high, and not weighing more than 150,000 pounds or any load greater than 100 feet long which does not exceed the maximum width, height, and weight limits specified by this paragraph. Only company name and United States DOT number shall be used for the multitrip permit."

SECTION 5.

Said chapter is further amended by adding a new paragraph to Code Section 32-6-71, relating to definitions, as follows:

"(13.1) 'On-premise sign' or 'on-property sign' means an advertising device which solely advertises the sale or lease of the real property upon which it is placed or an advertising device identifying the activities located on or products or services available on the premises or property.

(A) Examples of signs that can be used for the purpose of identifying the activity located on the premises or property or its products or services include:

- (i) Any sign which consists solely of the name of the establishment; and
- (ii) Any sign which identifies the establishment's principal or accessory products or services offered on the premises or property. For example, an accessory product would be a brand of tires offered for sale at a service station.

(B) Examples of signs that shall be considered outdoor advertising and not on-premise or on-property signs include:

(i) Any sign which brings in rental income to the owner of the premises or property or the sign owner; and

(ii) Any sign in which the product or service advertised is only incidental to the principal activity of the establishment."

SECTION 6.

Said chapter is further amended by revising paragraph (3) of Code Section 32-6-72, relating to outdoor advertising signs that can be erected within 660 feet of a highway, as follows:

"(3) ~~Signs advertising activities~~ On-premise and on-property signs conducted or maintained within 100 feet of the nearest part of the activity as the dimensions of said activity are determined by department regulations, which ~~regulations~~ need not take into consideration the property lines of said activity;"

SECTION 7.

Said chapter is further amended by revising paragraph (3) of Code Section 32-6-73, relating to outdoor advertising signs that can be erected beyond 660 feet of a highway, as follows:

"(3) ~~Signs advertising activities~~ On-premise and on-property signs conducted or maintained within 100 feet from the nearest part of the activity as the dimensions of said activity are determined by department regulations, which ~~regulations~~ need not take into consideration the property lines of said activity; and"

SECTION 8.

This Act shall become effective on July 1, 2011.

SECTION 9.

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

The following amendments were read and adopted:

Representatives Rice of the 51st, Ehrhart of the 36th, and Sheldon of the 105th offer the following amendment:

Amend the House Committee on Transportation substitute to SB 54 (LC 34 3060S) by deleting line 90 and substituting in lieu thereof the following:

premises or property or an advertising device owned by a local government, school, or authority for the primary purpose of advertising public information, including sponsorships.

Representative Roberts of the 154th offers the following amendment:

Amend the House Committee on Transportation substitute to SB 54 (LC 34 3060S) by deleting lines 39 and 40 and substituting in lieu thereof the following:

percent variance from the weight limitations in paragraph (1) of this subsection within a ~~100~~ 200 mile radius of the farm or point of origin. Any person who violates the load

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:

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	N McBrayer	Y Shaw
Y Allison	Y Dempsey	N 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	N Dobbs	N Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	N Horne	Y Morgan	Y Smith, L
Y Baker	N Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	N Spencer
N Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
N Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	E Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
N Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	N Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Bryant	Y Frazier	E 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	Knight	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	N 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	E Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 157, nays 14.

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

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

March 31, 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 SB 54 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

SB 58. By Senators Gooch of the 51st, Mullis of the 53rd, Miller of the 49th, Jackson of the 24th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of indemnification for death or disability, procedure for making of payments, and appeal, so as to change provisions relating to indemnification for the death or disability of a state highway employee; to provide a short title; to provide for the intent and authority of the General Assembly; to provide for applicability; 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 45-9-85 of the Official Code of Georgia Annotated, relating to payment of indemnification for death or disability, procedure for making of payments, and appeal, so as to change provisions relating to indemnification for the death or

disability of a state highway employee; to provide short titles; to revise provisions relating to indemnification payments in the case of death or organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, or prison guard; to provide for duties of the Georgia State Indemnification Commission; to provide for the intent and authority of the General Assembly; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Jarrett Little Act" or as the "Spencer Pass Hero Memorial Act."

SECTION 2.

Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of indemnification for death or disability, procedure for making of payments, and appeal, is amended by revising subsection (a) as follows:

"(a) Indemnification shall be paid under this article as follows:

(1) In the case of a partial permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard, the eligible disabled person may elect payment of \$35,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;

~~(2) In the case of a partial permanent disability suffered in the line of duty by a state highway employee, the eligible person may elect to receive a payment of \$12,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

~~(3)~~(2) In the case of a total permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard, the injured person may elect to receive a payment of \$75,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; or

~~(4) In the case of a total permanent disability suffered in the line of duty by a state highway employee, the eligible person may elect to receive a payment of \$25,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

~~(5)~~(3) In the case of death ~~or organic brain damage~~ suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency

~~management specialist, state highway employee, or prison guard, payment shall be made to the surviving unremarried spouse or the dependents of the spouse or deceased person as shown in his or her most recent tax return or to the legal guardian of the organically brain damaged person. The surviving unremarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum payment of \$100,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; or:~~

(i) The deceased's spouse;

(ii) In the event there is no surviving spouse, to the deceased's dependent children; and

(iii) In the event there is no surviving spouse or dependent children of the deceased, equally to such other surviving dependents of the deceased, including his or her dependent parents and siblings.

(B) In the case of organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, or prison guard, payment shall be made to the legal guardian of the organically brain damaged person.

A person entitled to payment under this paragraph may elect to receive payment in a sum of \$100,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum. For purposes of this paragraph, the term 'dependent' shall have such meaning as shall be established by the rules and regulations of the department subject to the approval of the commission.

~~(6) In the case of death or organic brain damage suffered in the line of duty by a state highway employee, payment shall be made to the surviving unremarried spouse or the dependents of the spouse or deceased person as shown in his or her most recent tax return or to the legal guardian of the organically brain damaged person. The surviving unremarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum payment of \$40,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum."~~

SECTION 3.

(a) It is the intent of the General Assembly that the revised indemnification amounts for state highway employees shall be applicable to all incidents involving state highway employees occurring on or after January 1, 2011.

(b) The retroactive application of these changes with regard to state highway employees is based on the authority of Ga. Laws 2000, p. 2007, Section 1, adding Article III, Section VI, Paragraph VI(g) of the Georgia Constitution.

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:

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y 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
Y Austin	Y Dollar	Y Horne	Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
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	Nix	E Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Hanner	Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	E Martin	E 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 166, nays 1.

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

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

March 31, ad 2011

Dear Mr. Clerk,

Article I, Section I, Paragraph X, of the Constitution of the State of Georgia, provides among other things that "No...retroactive law...shall be passed." 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 SB 58 unconstitutionally applies retroactively. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

The Speaker announced the House in recess until 1:30 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker Pro Tem called the House to order.

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

SB 57 Do Pass, by Substitute
SB 138 Do Pass, by Substitute

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

The following Resolutions of the House were read and adopted:

HR 759. By Representatives Clark of the 98th and Yates of the 73rd:

A RESOLUTION honoring the life and memory of United State Army Ranger Sergeant Jonathan K. "Doc" Peney on the anniversary of his passing; and for other purposes.

HR 762. By Representatives Carter of the 175th, Benfield of the 85th, Oliver of the 83rd, Dobbs of the 53rd, Manning of the 32nd and others:

A RESOLUTION commending the Multi-Agency Victim Services Partnership and recognizing April 1, 2011, as Victim Services Day at the state capitol; and for other purposes.

HR 763. By Representatives Marin of the 96th and Pak of the 102nd:

A RESOLUTION commending Mr. Chang Bin Yim and recognizing March 31, 2011, as Chang Bin Yim Day at the capitol; and for other purposes.

HR 764. By Representatives Dobbs of the 53rd, Wilkinson of the 52nd, Lindsey of the 54th and Heckstall of the 62nd:

A RESOLUTION recognizing and commending Patrick Emerson; and for other purposes.

HR 765. By Representatives Dobbs of the 53rd, Wilkinson of the 52nd, Lindsey of the 54th and Heckstall of the 62nd:

A RESOLUTION recognizing and commending Hunter Rich; and for other purposes.

HR 766. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Joseph Eugene Rondone; and for other purposes.

HR 767. By Representative Brooks of the 63rd:

A RESOLUTION honoring the life and memory of Ms. Mary Lou Roberts; and for other purposes.

HR 768. By Representatives Dollar of the 45th and Parsons of the 42nd:

A RESOLUTION recognizing and commending Rocky Mount Elementary School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 769. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Pope High School; and for other purposes.

HR 770. By Representatives Dollar of the 45th and Parsons of the 42nd:

A RESOLUTION congratulating the Pope High School girls volleyball team on winning the 2010 GHSA Class AAAA State Championship; and for other purposes.

HR 771. By Representatives Dollar of the 45th and Parsons of the 42nd:

A RESOLUTION recognizing and commending Lassiter High School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 772. By Representatives Dollar of the 45th and Parsons of the 42nd:

A RESOLUTION recognizing and commending Mountain View Elementary School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 773. By Representatives Dollar of the 45th and Cooper of the 41st:

A RESOLUTION commending the Walton High School girls tennis team; and for other purposes.

HR 774. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Mt. Bethel Elementary School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 775. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Murdock Elementary School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 776. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Dickerson Middle School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 777. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending East Side Elementary School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 778. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Shallowford Falls Elementary School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 779. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Tritt Elementary School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 780. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Dodgen Middle School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 781. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Hightower Trail Middle School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 782. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Timber Ridge Elementary School for outstanding contributions to education in the State of Georgia and excellence in student academic achievement; and for other purposes.

HR 783. By Representatives Beasley-Teague of the 65th, Jones of the 44th, Taylor of the 55th and Brooks of the 63rd:

A RESOLUTION honoring the life and memory of Mrs. Yvonne Stokes Banks; and for other purposes.

HR 784. By Representative Heckstall of the 62nd:

A RESOLUTION recognizing and commending Mr. William C. King; and for other purposes.

HR 785. By Representatives Clark of the 98th, Pak of the 102nd, Coleman of the 97th, Casas of the 103rd and Clark of the 104th:

A RESOLUTION congratulating the Buford High School football team on winning the 2010 GHSA Class AA State Championship; and for other purposes.

HR 786. By Representatives Clark of the 98th, Pak of the 102nd, Coleman of the 97th, Casas of the 103rd and Clark of the 104th:

A RESOLUTION congratulating the 2010 Buford High School girls basketball team on winning their third straight GHSA Class AA State Championship; and for other purposes.

HR 787. By Representatives Ashe of the 56th, Abrams of the 84th, Benfield of the 85th, Henson of the 87th, Morgan of the 39th and others:

A RESOLUTION recognizing and commending the Georgia Justice Project on the occasion of its 25th anniversary; and for other purposes.

HR 788. By Representatives Holt of the 112th, Welch of the 110th and Dickerson of the 95th:

A RESOLUTION recognizing and commending the Eastside High School Academic Team; and for other purposes.

HR 789. By Representative Ralston of the 7th:

A RESOLUTION commending the House Interns for the 2011 Regular Session; and for other purposes.

HR 790. By Representatives Harbin of the 118th, Reece of the 11th, Maddox of the 172nd, Sims of the 119th, Purcell of the 159th and others:

A RESOLUTION recognizing and commending the Georgia National Guard Youth Challenge Program, Fort Stewart and Fort Gordon campuses; and for other purposes.

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

SB 121. By Senators Miller of the 49th, Tolleson of the 20th, Jeffares of the 17th, Ginn of the 47th and Gooch of the 51st:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 14, Code Section 27-1-13, and Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to, respectively, corporation commissioner, disposition of funds received by the Department of Natural Resources, appropriations, and grants and donations for natural resources conservation

camps, and numbering of watercraft vessels, so as to provide for refunding of fees under certain circumstances; 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 Code Section 12-2-24, Article 2 of Chapter 5 of Title 14, Code Section 27-1-13, and Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to, respectively, powers and duties of the Board of Natural Resources, corporation commissioner, disposition of funds received by the Department of Natural Resources, appropriations, and grants and donations for natural resources conservation camps, and numbering of watercraft vessels, so as to provide for refunding of fees under certain circumstances; to amend Code Section 12-2-23 of the Official Code of Georgia Annotated, relating to officers, meetings, quorum, compensation of members of the Board of Natural Resources, and reimbursement of members for expenses, so as to provide for travel expense reimbursement for members of the Board of Natural Resources; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 12-2-23 of the Official Code of Georgia Annotated, relating to officers, meetings, quorum, compensation of members of the Board of Natural Resources, and reimbursement of members for expenses, is amended by revising subsection (d) as follows:

"(d) The members, including the ~~chairman~~ chairperson, shall each receive the per diem prescribed in Code Section 45-7-21 for each day of actual attendance at ~~official~~ meetings of the board, or any committee thereof, and; shall be reimbursed for travel expenses, lodging, meals, and transportation at the legal mileage rate when traveling in the service of the board by personal vehicle, and in addition to mileage shall be reimbursed for actual expenses incurred by reason of tolls and parking fees; and shall be reimbursed for actual costs of travel by public carrier same rates established in the travel regulations for state employees. The members, including the ~~chairman~~ chairperson, while on committee assignment approved in advance by the chairperson, shall receive ~~\$25.00 per diem; actual cost of expenses, including meals, lodging, and transportation; and 10¢ per mile for transportation by private means to the place of service and home by the nearest practicable route~~ the same per diem and reimbursement of travel expenses as those authorized for attendance at meetings. Notwithstanding any other provision of this Code section, the total per diem compensation paid in any year

to any member of the board shall not exceed ~~\$1,200.00~~ \$3,000.00. Such per diem and actual expense shall be paid from funds of the department."

SECTION 2.

Code Section 12-2-24 of the Official Code of Georgia Annotated, relating to powers and duties of the Board of Natural Resources, is amended by revising subsection (a) as follows:

"(a)(1) The Board of Natural Resources may make such rules and regulations as it may deem advisable to govern the work of the department and the duties of its employees under this title.

(2) Without limiting paragraph (1) of this subsection, the board may establish, by rule or regulation, a procedure to refund fees collected in error or overpayment or to which the department or state is not otherwise entitled."

SECTION 3.

Article 2 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated, relating to corporation commissioner, is amended by revising Code Section 14-5-21, relating to fees and reports, as follows:

"14-5-21.

All fees collected by the Secretary of State shall be paid into the state treasury for the use of the state, and the Secretary of State shall include in his or her annual reports a full statement of all fees collected or received under Chapters 2 through 5 of this title and the disposition thereof. The Secretary of State shall be authorized to establish, by rule or regulation, a procedure by which his or her office shall refund fees collected in error or overpayment or to which the state is otherwise not entitled."

SECTION 4.

Code Section 27-1-13 of the Official Code of Georgia Annotated, relating to disposition of funds received by the Department of Natural Resources, appropriations, and grants and donations for natural resources conservation camps, is amended by revising subsection (a) as follows:

"(a) All funds resulting from the operation of the department and from the administration of the laws and regulations pertaining to wildlife, excluding fines, but including all license fees and other income (except that income provided for in subsection (b) of this Code section), shall be paid into the general funds of the state treasury; and each year at least such amount shall be appropriated to the department. The board shall be authorized to establish, by rule or regulation, a procedure to refund fees collected in error or overpayment or to which the department or state is otherwise not entitled."

SECTION 5.

Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of watercraft vessels, is amended by adding a new subsection to read as follows:

"(o) The board shall be authorized to establish, by rule or regulation, a procedure to refund fees collected pursuant to this chapter which were collected in error or overpayment or to which the department or state is otherwise not entitled."

SECTION 6.

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:

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

On the passage of the Bill, by substitute, the ayes were 146, nays 7.

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

Representatives Reece of the 11th and Roberts of the 154th 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 Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

March 31, 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 SB 121 unconstitutionally delegates that legislative power to the executive branch. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HR 424. By Representatives Neal of the 1st, McCall of the 30th, Burns of the 157th, Rogers of the 26th, Dickson of the 6th and others:

A RESOLUTION urging the performance of a feasibility study of the withdrawal, storage, and distribution of waters from a certain portion of the Tennessee River basin; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Urging the performance of a feasibility study of the withdrawal, storage, and distribution of waters from a certain portion of the basin of the Tennessee River; and for other purposes.

WHEREAS, the need to develop alternative sources of water supply and storage for much of Georgia is an issue of considerable urgency, particularly in light of a decision by the United States District Court entered in 2009 which found that communities in Georgia now dependent on the waters of Lake Lanier for water supply may no longer depend on that supply after 2012, absent a settlement among the States of Georgia, Alabama, and Florida; and

WHEREAS, Lookout Creek in Dade County, Chattanooga Creek in Walker County, and West Chickamauga and South Chickamauga Creeks in Catoosa County have, by some estimates based on the last ten years of available data from the United States Geological Survey and other sources, combined average flows of at least 725 million gallons per day, all of which flow northward into the Tennessee River; and

WHEREAS, there also exist abandoned rock quarries in north Georgia that can and do fill with very large volumes of water, including one in Walker County that is reported to have a water storage capacity of at least 3 billion gallons (9,207 acre-feet) of water; and

WHEREAS, the right of way of a railroad, owned by the State of Georgia, passes through the property on which the Walker County quarry described above is located and runs southward to the vicinity of Rome; and

WHEREAS, it may be possible to withdraw water from such north-flowing tributaries which might otherwise go unused in this state, pump the water into such an abandoned quarry for storage, and distribute water from such storage by means of a pipeline to be laid on the railroad right of way and thence to areas of this state in need of additional water supplies.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the members of this body urge the Department of Natural Resources, the Water Supply Division of the Georgia Environmental Finance Authority, and private enterprises to study the feasibility of surface water withdrawal, storage, and distribution as described in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the commissioner of natural resources and the director of the Water Supply Division of the Georgia Environmental Finance Authority.

Pursuant to Rule 133, Representative Setzler of the 35th was excused from voting on HR 424.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

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

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	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
Y 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	Mosby	Y 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
E Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Epps, C	Y Jacobs	Y Nix	E Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Byrd	Y Geisinger	Y Kendrick	Y Powell, J	E Walker
Y Carter	Y Golick	Y Kidd	Y Pruet	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	E Long	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	Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	E Martin	E Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 162, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

Representatives Reece of the 11th and Williams of the 4th 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 Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 240. By Senators Mullis of the 53rd, Stoner of the 6th and Jackson of the 24th:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to create a new class of motor vehicles to be known as personal transportation vehicles; to provide for a definition; to provide an exception; to provide for rights and duties of drivers of personal transportation vehicles; to provide for rules of the road; to provide for local ordinances regulating personal transportation vehicles; to provide for operation of such vehicles on the public highways; 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 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to create a new class of motor vehicles to be known as personal transportation vehicles; to provide for a definition; to provide for safety equipment on personal transportation vehicles; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by adding a new paragraph to Code Section 40-1-1, relating to definitions regarding motor vehicles and traffic, as follows:

"(43.1) 'Personal transportation vehicle' means any motor vehicle:

(A) With a minimum of four wheels;

(B) Capable of a maximum level ground speed of less than 20 miles per hour;

(C) With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and

(D) Capable of transporting not more than eight persons.

The term does not include mobility aids, including power wheelchairs and scooters, that can be used indoors and outdoors for the express purpose of enabling mobility for a person with a disability."

SECTION 2.

Said title is further amended by adding a new part to Article 13 of Chapter 6, relating to special provisions for certain vehicles, to read as follows:

"Part 6

40-6-363.

(a) This part shall have no application to any county or municipality that has enacted prior to January 1, 2012, an ordinance authorizing the operation of motorized carts pursuant to Code Section 40-6-331.

(b) In addition to the requirements contained in paragraph (43.1) of Code Section 40-1-1, all personal transportation vehicles shall have the following equipment:

(1) A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake;

(2) A reverse warning device functional at all times when the directional control is in the reverse position;

(3) A main power switch. When the switch is in the 'off' position, or the key or other device that activates the switch is removed, the motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the 'off' position;

(4) Head lamps;

(5) Reflex reflectors;

(6) Tail lamps;

(7) A horn;

(8) A rearview mirror;

(9) Safety warning labels; and

(10) Hip restraints and hand holds."

SECTION 3.

This Act shall become effective on January 1, 2012.

SECTION 4.

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

The following amendment was read and adopted:

Representative Sims of the 169th offers the following amendment:

Amend the House Committee on Motor Vehicles substitute to SB 240 (LC 34 3063S) by deleting line 18 and substituting in lieu thereof the following:

person with a disability. The term also does not include any all-terrain vehicle."

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:

E Abdul-Salaam	Y Davis	Y 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
Y Austin	Y Dollar	N Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Mosby	Y 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
E Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	E 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	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	Kendrick	Y Powell, J	E Walker
Y Carter	Y Golick	Y Kidd	Y Pruet	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	E Long	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	N Hatfield	E Martin	E Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 159, nays 4.

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

Representative Reece of the 11th 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 Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 94. By Senators Heath of the 31st, Seabaugh of the 28th, Mullis of the 53rd and Loudermilk of the 52nd:

A BILL to be entitled an Act to amend Code Section 16-11-125.1 of the Official Code of Georgia Annotated, relating to definitions relative to the carrying and possession of firearms, so as to change certain definitions; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To provide for a short title; to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to change provisions relating to interference with lawful custody; to change provisions relating to contributing to the delinquency, unruliness, or deprivation of a minor; to provide for definitions; to provide for exclusions from criminal liability under certain circumstances; to amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children and youth, so as to provide for registration of certain organizations that provide services to runaway and homeless youth; to provide for procedure; to provided for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Runaway Youth Safety Act."

SECTION 2.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsections (a) and (b) of Code Section 16-5-45, relating to interference with custody, as follows:

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

(1) 'Child' means any individual who is under the age of 17 years or any individual who is under the age of 18 years who is alleged to be a deprived child or an unruly child as such is terms are defined in Code Section 15-11-2, ~~relating to juvenile proceedings~~.

(2) 'Committed person' means any child or other person whose custody is entrusted to another individual by authority of law.

(3) 'Lawful custody' means that custody inherent in the natural parents, that custody awarded by proper authority as provided in Code Section 15-11-45, or that custody awarded to a parent, guardian, or other person by a court of competent jurisdiction.

(4) 'Service provider' means an entity that is registered with the Department of Human Services pursuant to Article 7 of Chapter 5 of Title 49 or a child welfare agency as defined in Code Section 49-5-12 or an agent or employee acting on behalf of such entity or child welfare agency.

(b)(1) A person commits the offense of interference with custody when without lawful authority to do so, the person:

(A) Knowingly or recklessly takes or entices any child or committed person away from the individual who has lawful custody of such child or committed person;

(B) Knowingly harbors any child or committed person who has absconded; provided, however, that this subparagraph shall not apply to a service provider that notifies the child's parent, guardian, or legal custodian of the child's location and general state of well being as soon as possible but not later than 72 hours after the child's acceptance of services; provided, further, that such notification shall not be required if:

(i) The service provider has reasonable cause to believe that the minor has been abused or neglected and makes a child abuse report pursuant to Code Section 19-7-5;

(ii) The child will not disclose the name of the child's parent, guardian, or legal custodian, and the Division of Family and Children Services within the Department of Human Services is notified within 72 hours of the child's acceptance of services; or

(iii) The child's parent, guardian, or legal custodian cannot be reached, and the Division of Family and Children Services within the Department of Human Services is notified within 72 hours of the child's acceptance of services; or

(C) Intentionally and willfully retains possession within this state of the child or committed person upon the expiration of a lawful period of visitation with the child or committed person.

(2) A person convicted of the offense of interference with custody shall be punished as follows:

(A) Upon conviction of the first offense, the defendant shall be guilty of a misdemeanor and shall be fined not less than \$200.00 nor more than \$500.00 or shall be imprisoned for not less than one month nor more than five months, or both fined and imprisoned;

(B) Upon conviction of the second offense, the defendant shall be guilty of a misdemeanor and shall be fined not less than \$400.00 nor more than \$1,000.00 or shall be imprisoned for not less than three months nor more than 12 months, or both fined and imprisoned; and

(C) Upon the conviction of the third or subsequent offense, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years."

SECTION 3.

Said title is further amended by revising subsections (a) and (b) of Code Section 16-12-1, relating to contributing to the delinquency, unruliness, or deprivation of a minor, as follows:

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

(1) 'Delinquent act' means a delinquent act as defined in Code Section 15-11-2.

(2) 'Felony' means any act which constitutes a felony under the laws of this state, the laws of any other state of the United States, or the laws of the United States.

(3) 'Minor' means any individual who is under the age of 17 years or any individual under the age of 18 years who is alleged to be a deprived child or an unruly child as such is terms are defined in Code Section 15-11-2, ~~relating to juvenile proceedings.~~

(4) 'Serious injury' means an injury involving a broken bone, the loss of a member of the body, the loss of use of a member of the body, the substantial disfigurement of the body or of a member of the body, an injury which is life threatening, or any sexual abuse of a child under 16 years of age by means of an act described in subparagraph (a)(4)(A), (a)(4)(G), or (a)(4)(I) of Code Section 16-12-100.

(5) 'Service provider' means an entity that is registered with the Department of Human Services pursuant to Article 7 of Chapter 5 of Title 49 or a child welfare agency as defined in Code Section 49-5-12 or agent or employee acting on behalf of such entity or child welfare agency.

(b) A person commits the offense of contributing to the delinquency, unruliness, or deprivation of a minor when such person:

(1) Knowingly and willfully encourages, causes, abets, connives, or aids a minor in committing a delinquent act ~~as such is defined in Code Section 15-11-2, relating to juvenile proceedings;~~

(2) Knowingly and willfully encourages, causes, abets, connives, or aids a minor in committing an act which would cause such minor to be found to be an unruly child as such is defined in Code Section 15-11-2, ~~relating to juvenile proceedings;~~ provided, however, that this paragraph shall not apply to a service provider that notifies the minor's parent, guardian, or legal custodian of the minor's location and general state of well being as soon as possible but not later than 72 hours after the minor's acceptance of services; provided, further, that such notification shall not be required if:

(A) The service provider has reasonable cause to believe that the minor has been abused or neglected and makes a child abuse report pursuant to Code Section 19-7-5;

(B) The minor will not disclose the name of the minor's parent, guardian, or legal custodian, and the Division of Family and Children Services within the Department of Human Services is notified within 72 hours of the minor's acceptance of services;

or

(C) The minor's parent, guardian, or legal custodian cannot be reached, and the Division of Family and Children Services within the Department of Human Services is notified within 72 hours of the minor's acceptance of services;

(3) Willfully commits an act or acts or willfully fails to act when such act or omission would cause a minor to be found to be a deprived child as such is defined in Code Section 15-11-2, ~~relating to juvenile proceedings;~~

(4) Knowingly and willfully hires, solicits, engages, contracts with, conspires with, encourages, abets, or directs any minor to commit any felony which encompasses force or violence as an element of the offense or delinquent act which would constitute a felony which encompasses force or violence as an element of the offense if committed by an adult;

(5) Knowingly and willfully provides to a minor any weapon as defined in paragraph (2) of subsection (a) of Code Section 16-11-127.1 or any weapon as defined in Code Section 16-11-121 to commit any felony which encompasses force or violence as an element of the offense or delinquent act which would constitute a felony which encompasses force or violence as an element of the offense if committed by an adult; or

(6) Knowingly and willfully hires, solicits, engages, contracts with, conspires with, encourages, abets, or directs any minor to commit any smash and grab burglary which would constitute a felony if committed by an adult."

SECTION 4.

Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protections for children and youth, is amended by revising Article 7, which is reserved, as follows:

"ARTICLE 7

49-5-160.

As used in this article, the term:

(1) 'Licensed' means an individual who has been licensed pursuant to Chapter 10A, 26, 34, or 39 of Title 43.

(2) 'Organization' means a nonprofit charitable organization which is exempt from taxation under the provisions of Section 501(c)(3) of the United States Internal Revenue Code, which:

(A) Serves children who have run away or children who are homeless;

(B) Has qualified staff on duty at all hours the organization is open for service; and

(C) Employs at least one individual who is licensed pursuant to Chapter 10A, 26, 34, or 39 of Title 43.

(3) 'Qualified staff' means having:

(A) All staff who directly interact with children receive training on emergency evacuation procedures, service protocols, and the mandatory child abuse reporting requirements set forth in Code Section 19-7-5; and

(B) All staff have had a criminal record check conducted in accordance with Article 5 of this chapter.

49-5-161.

(a) On and after July 1, 2011, all organizations shall register under this Code section by submitting a form to the department, upon forms furnished by the department. The form shall require the name, address, and telephone number of the organization and emergency contact information.

(b) A registrant shall be required to pay an annual registration fee of \$25.00.

(c) Upon receipt of an application for registration, payment of the registration fees, and presentation by the applicant of evidence that the organization meets the qualifications prescribed by Code Section 49-4-162, the department shall issue such organization a registration certificate valid for one year.

49-5-162.

(a) The department shall require organizations to have reasonable:

(1) Written policies and procedures for admission, intake, and record keeping;

(2) Written policies regarding treatment and referrals for mental, physical, and emotional health;

(3) Written policies for reports of actual or alleged injuries at an organization's premises; and

(4) Proof of having qualified staff.

(b) The department shall require that organizations:

(1) Photograph all minors considered for admission by the organization;

(2) Have proof of liability insurance coverage sufficient to protect the clients of the organization's facility; and

(3) Provide a copy of its registration to the sheriff of the county in which the organization operates a facility, and the sheriff shall distribute such registration to all appropriate law enforcement agencies within the county.

49-5-163.

(a) A registered organization shall prominently display its registration at some location near the entrance of the premises of such organization that is open to view by the public.

(b) The department shall be given the right to periodically inspect the facilities of registered organizations. The department shall have right of entrance, privilege of inspection, and right of access to all children under the care and control of the organization.

(c) If any flagrant abuses, derelictions, or deficiencies are made known to the department or its duly authorized agents during their inspection of any organization or if, at any time, such are reported to the department, the department shall immediately investigate such matters and take such action as conditions may require.

49-5-164.

Nothing in this article shall be construed to exempt a registered organization from the requirements of Code Section 49-5-12 for minors who are present with a service provider longer than 72 hours after the minor has accepted services."

SECTION 5.

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

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

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

E Abdul-Salaam	Davis	Y Heckstall	Y Mayo	Y 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	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
Y 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	N Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
N Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	E Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
E 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
N Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	N Tinubu
N Byrd	Y Geisinger	Y Kendrick	Y Powell, J	E 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	Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Randall	Y Wilkerson
Y Clark, J	Y Hanner	E 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	E Martin	E 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 160, nays 6.

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

Representative Meadows of the 5th 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.

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 157. By Senators Jeffares of the 17th, Rogers of the 21st, Williams of the 19th, Gooch of the 51st, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, so as to provide that local solid waste management and reporting shall be optional; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Smith of the 70th offers the following amendment:

Amend SB 157 by inserting at the beginning of line 4 the following:

to provide for certain reports by landfill owners and operators; to repeal certain cost reporting requirements;

By deleting the quotation marks at the end of line 104 and inserting between lines 104 and 105 the following:

(h) The provisions of subsection (d) of this Code section notwithstanding, each public or private owner or operator of a municipal solid waste landfill shall report annually to the Department of Community Affairs on the status of solid waste management for each municipal solid waste landfill it owns or operates in this state. The annual report for each such landfill shall include but not be limited to:

- (1) The amount of solid waste collected, processed, and disposed of at such landfill;
- (2) The remaining permitted capacity of the landfill;
- (3) Recycling and composting activities in existence at such landfill; and
- (4) Any other pertinent information as may be required by the Department of Community Affairs."

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

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

E Abdul-Salaam	Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	E 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
Y 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	Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
N Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	E Spencer
Y Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
E Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	N Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	E 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	E Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	E 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	E Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 161, nays 4.

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

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, MARCH 31, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 37th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

SR 114 Property; conveyance of real property located in Gwinnett County (SI&P-Clark-104th) Balfour-9th

Modified Structured Rule

HB 552 Jackson County; chief magistrate judge nonpartisan elections; provide (Substitute)(IGC-Benton-31st)
HB 586 Rockdale County; chief magistrate; provide election (IGC-Stephenson-92nd)
HB 599 Cook County; probate court judge; nonpartisan elections (IGC-Houston-170th)
HB 610 Emanuel County; probate court judge; nonpartisan elections (IGC-Parrish-156th)

Structured Rule

None

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

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

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

HB 552. By Representatives Benton of the 31st and McCall of the 30th:

A BILL to be entitled an Act to provide that future elections for the office of chief magistrate judge of the magistrate court of Jackson County shall be nonpartisan elections; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; 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 provide that future elections for the office of chief magistrate judge of the magistrate court of Jackson County and the probate judge of the probate court of Jackson County shall be nonpartisan elections; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

All elections for the office of chief magistrate judge of the magistrate court of Jackson County and for probate judge of the probate court of Jackson County conducted after January 1, 2012, shall be nonpartisan elections as provided for in Code Section 21-2-139 of the O.C.G.A. Such nonpartisan elections shall be held in conjunction with the November general election immediately preceding expiration of the term of office and conducted as provided in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.

Nothing in this Act shall affect the term of office of the chief magistrate judge of the magistrate court of Jackson County or the probate judge of the probate court of Jackson County in office on January 1, 2012. The sitting chief magistrate judge and probate judge shall serve out the terms of office for which they were elected and shall be eligible to succeed themselves as provided in this Act.

SECTION 3.

The governing authority of Jackson County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

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:

E Abdul-Salaam	Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	E 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	N Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y 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	Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
N Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	E Spencer
Y Bell	Ehrhart	N Hugley	Y Neal, Y	Y Stephens, M
E 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	Y James	Y Oliver	Talton
N Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Brooks	Y Fludd	Y Johnson	Y Parent	N Taylor, R
Y Bruce	N Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	N Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	E 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	E Long	Reece	Y Wilkinson
Y Clark, V	Y Harbin	Lucas	Y Rice	E 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
N Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	E Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	N Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 149, nays 11.

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

Representative Lucas of the 139th 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.

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 610. By Representatives Parrish of the 156th, Morris of the 155th and Jackson of the 142nd:

A BILL to be entitled an Act to provide that future elections for the office of judge of the probate court of Emanuel County shall be nonpartisan elections; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; 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:

E Abdul-Salaam	Davis	Y Heckstall	Y Mayo	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	N Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y 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	Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	N Smyre
N Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	E Spencer
Y Bell	Ehrhart	N Hugley	Y Neal, Y	Y Stephens, M
E 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	Y James	Y Oliver	Talton
N Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Brooks	Fludd	Y Johnson	Y Parent	N Taylor, R
Y Bruce	N Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	N Tinubu

Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	E Walker
Y Carter	Y Golick	Y Kidd	Y Pruet	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
Clark, J	Y Hanner	E Long	Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	E Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	N 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
N Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	E Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	N Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 145, nays 13.

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

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

HB 599. By Representative Houston of the 170th:

A BILL to be entitled an Act to provide that future elections for the office of judge of the probate court of Cook County shall be nonpartisan elections; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

E Abdul-Salaam	Davis	Y Heckstall	Y Mayo	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	N Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Mosby	Y Smith, T
Y Bearden	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	N Stephens, M

E 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	Y James	Y Oliver	Y Talton
N Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Brooks	Fludd	Y Johnson	Y Parent	Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	N Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	E 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	E Long	Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	E 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
N Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	N Hatfield	E Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	N Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 148, nays 13.

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

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 586. By Representatives Stephenson of the 92nd, Dawkins-Haigler of the 93rd, Dickerson of the 95th and Kendrick of the 94th:

A BILL to be entitled an Act to amend an Act creating a Magistrate's Court of Rockdale County, approved March 13, 1978 (Ga. L. 1978, p. 3907), as amended, so as to provide for the election of the chief magistrate of the Magistrate Court of Rockdale County; to provide for the filling of vacancies; to provide for the nonpartisan election of the chief magistrate; to provide for submission of the Act for preclearance; 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:

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

On the passage of the Bill, the ayes were 144, nays 16.

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

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

SR 114. By Senator Balfour of the 9th:

A RESOLUTION authorizing the conveyance of certain state owned real property located in Gwinnett County, Georgia; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

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

E Abdul-Salaam	Davis	Y Heckstall	Y Mayo	Y 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
Y 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	Mosby	Y 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
E Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Frazier	E 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	E Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	E Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	E 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	E Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the Resolution, the ayes were 165, nays 1.

The Resolution, having received the requisite constitutional majority, was adopted.

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

Mr. Speaker:

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

HB 214. By Representatives Channell of the 116th, Parrish of the 156th, England of the 108th, Sheldon of the 105th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to establish the Department of Public Health; to reassign functions of the Division of Public Health of the Department of Community Health to the Department of Public Health; to provide for transition to the new agency; to create a Board of Public Health and a commissioner of public health; to amend various titles for purposes of conformity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

SB 36. By Senators Carter of the 1st, Unterman of the 45th, Goggans of the 7th, Ligon, Jr. of the 3rd, Bethel of the 54th and others:

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 provide for the establishment of a program to monitor the prescribing and dispensing of Schedule II, III, IV, and V controlled substances; to provide for definitions; to require dispensers to submit certain information regarding the dispensing of such controlled substances; to provide for the confidentiality of submitted information except under certain circumstances; to provide for the establishment of an Electronic Database Review Advisory Committee; to provide for its membership, duties, and organization; to provide for the establishment of rules and regulations; to provide for limited liability; to provide for penalties; 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 and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 16 and Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to controlled substances and pharmacists and pharmacies, respectively, so as to implement various measures relating to the regulation and security of prescribing and dispensing controlled substances; to provide for the establishment of a program to monitor the prescribing and dispensing of Schedule II, III, IV, and V controlled substances; to provide for definitions; to require dispensers to submit certain information regarding the dispensing of such controlled substances; to provide for the confidentiality of submitted information except under certain circumstances; to provide for the establishment of an Electronic Database Review Advisory Committee; to provide for its membership, duties, and organization; to provide for the establishment of rules and regulations; to provide for limited liability; to provide for penalties; to require that all hard copy prescriptions be on security paper; to redefine the term "security paper" and provide for approval of such paper prior to sale by the State Board of Pharmacy; to provide for exceptions; to provide for rules and regulations; to require identification from persons picking up certain prescriptions; to limit the number of units of Schedule II through Schedule IV drugs which may be obtained through a single prescription; 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.

Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended by revising Code Section 16-13-21, relating to definitions relative to regulation of controlled substances, as follows:

"16-13-21.

As used in this article, the term:

(0.5) 'Addiction' means a primary, chronic, neurobiologic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. It is characterized by behaviors that include the following: impaired control drug use, craving, compulsive use, and continued use despite harm. Physical dependence and tolerance are normal physiological consequences of extended opioid therapy for pain and are not the same as addiction.

(1) 'Administer' means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or by any other means, to the body of a patient or research subject by:

(A) A practitioner or, in his or her presence, by his or her authorized agent; or

(B) The patient or research subject at the direction and in the presence of the practitioner.

(1.1) 'Agency' means the Georgia Drugs and Narcotics Agency established pursuant to Code Section 26-4-29.

(2) 'Agent' of a manufacturer, distributor, or dispenser means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(2.1) 'Board' means the State Board of Pharmacy or its designee, so long as such designee is another state entity.

(3) 'Bureau' means the ~~Drug Enforcement Administration, United States Department of Justice, or its successor agency~~ Georgia Bureau of Investigation.

(4) 'Controlled substance' means a drug, substance, or immediate precursor in Schedules I through V of Code Sections 16-13-25 through 16-13-29 and Schedules I through V of 21 C.F.R. Part 1308.

(5) 'Conveyance' means any object, including aircraft, vehicle, or vessel, but not including a person, which may be used to carry or transport a substance or object.

(6) 'Counterfeit substance' means:

(A) A controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the controlled substance;

(B) A controlled substance or noncontrolled substance, which is held out to be a controlled substance or marijuana, whether in a container or not which does not bear a label which accurately or truthfully identifies the substance contained therein; or

(C) Any substance, whether in a container or not, which bears a label falsely identifying the contents as a controlled substance.

(6.1) 'Dangerous drug' means any drug, other than a controlled substance, which cannot be dispensed except upon the issuance of a prescription drug order by a practitioner authorized under this chapter.

(6.2) 'DEA' means the United States Drug Enforcement Administration.

(7) 'Deliver' or 'delivery' means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(8) 'Dependent,' 'dependency,' 'physical dependency,' 'psychological dependency,' or 'psychic dependency' means and includes the state of ~~dependence by an individual toward or upon a substance, arising from the use of that substance, being characterized by behavioral and other responses which include the loss of self control with respect to that substance, or a strong compulsion to use that substance on a continuous basis in order to experience some psychic effect resulting from the use of that substance by that individual, or to avoid any discomfort occurring when the individual does not use that substance~~ adaptation that is manifested by drug class specific signs and symptoms that can be produced by abrupt cessation, rapid dose

reduction, decreasing blood level of the drug, and administration of an antagonist. Physical dependence, by itself, does not equate with addiction.

(9) 'Dispense' means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery, or the delivery of a controlled substance by a practitioner, acting in the normal course of his or her professional practice and in accordance with this article, or to a relative or representative of the person for whom the controlled substance is prescribed.

(10) 'Dispenser' means ~~a practitioner who dispenses~~ a person that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user but shall not include:

(A) A pharmacy licensed as a hospital pharmacy by the Georgia Board of Pharmacy pursuant to Code Section 26-4-110;

(B) An institutional pharmacy that serves only a health care facility, including, but not limited to, a nursing home, an intermediate care home, a personal care home, or a hospice program, which provides patient care and which pharmacy dispenses such substances to be administered and used by a patient on the premises of the facility;

(C) A practitioner or other authorized person who administers such a substance; or

(D) A pharmacy operated by, on behalf of, or under contract with the Department of Corrections for the sole and exclusive purpose of providing services in a secure environment to prisoners within a penal institution, penitentiary, prison, detention center, or other secure correctional institution. This shall include correctional institutions operated by private entities in this state which house inmates under the Department of Corrections.

(11) 'Distribute' means to deliver a controlled substance, other than by administering or dispensing it.

(12) 'Distributor' means a person who distributes.

(12.05) 'FDA' means the United States Food and Drug Administration.

(12.1) 'Imitation controlled substance' means:

(A) A product specifically designed or manufactured to resemble the physical appearance of a controlled substance, such that a reasonable person of ordinary knowledge would not be able to distinguish the imitation from the controlled substance by outward appearances; or

(B) A product, not a controlled substance, which, by representations made and by dosage unit appearance, including color, shape, size, or markings, would lead a reasonable person to believe that, if ingested, the product would have a stimulant or depressant effect similar to or the same as that of one or more of the controlled substances included in Schedules I through V of Code Sections 16-13-25 through 16-13-29.

(13) 'Immediate precursor' means a substance which the State Board of Pharmacy has found to be and by rule identifies as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or

likely to be used, in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(14) 'Isomers' means stereoisomers (optical isomers), geometrical isomers, and structural isomers (chain and positional isomers;) but shall not include functional isomers).

(15) 'Manufacture' means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance:

(A) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(B) By a practitioner or by his or her authorized agent under his or her supervision for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include samples as described in subparagraph (P) of paragraph (3) of Code Section 16-13-25 and shall not include the completely defoliated mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination.

(17) 'Narcotic drug' means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(B) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical ~~with~~ to any of the substances referred to in subparagraph (A) of this paragraph, but not including the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw; or

(D) Coca leaves and any salt, compound, derivative, stereoisomers of cocaine, or preparation of coca leaves, and any salt, compound, stereoisomers of cocaine, derivative, or preparation thereof which is chemically equivalent or identical ~~with~~ to any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(18) 'Opiate' means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless

specifically designated as controlled under Code Section 16-13-22, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(19) 'Opium poppy' means the plant of the species *Papaver somniferum* L., except its seeds.

(19.1) 'Patient' means the person who is the intended consumer of a drug for whom a prescription is issued or for whom a drug is dispensed.

(20) 'Person' means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or any other legal entity.

(21) 'Poppy straw' means all parts, except the seeds, of the opium poppy after mowing.

(22) 'Potential for abuse' means and includes a substantial potential for a substance to be used by an individual to the extent of creating hazards to the health of the user or the safety of the public, or the substantial potential of a substance to cause an individual using that substance to become dependent upon that substance.

(23) 'Practitioner' means:

(A) A physician, dentist, pharmacist, podiatrist, ~~veterinarian~~, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state;

(B) A pharmacy, hospital, or other institution licensed, registered, or otherwise authorized by law to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state;

(C) An advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25. For purposes of this chapter and Code Section 43-34-25, an advanced practice registered nurse is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities; or

(D) A physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section 43-34-103, a physician assistant is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities.

(23.1) 'Prescriber' means a physician, dentist, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state to prescribe a controlled substance in the course of professional practice or research in this state.

(24) 'Production' includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(25) 'Registered' or 'register' means registration as required by this article.

(26) 'Registrant' means a person who is registered under this article.

(26.1) 'Schedule II, III, IV, or V controlled substance' means a controlled substance that is classified as a Schedule II, III, IV, or V controlled substance under Code

Section 16-13-26, 16-13-27, 16-13-28, or 16-13-29, respectively, or under the Federal Controlled Substances Act, 21 U.S.C. Section 812.

(27) 'State,' when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, or any area subject to the legal authority of the United States.

(27.1) 'Tolerance' means a physiologic state resulting from regular use of a drug in which an increased dosage is needed to produce a specific effect or a reduced effect is observed with a constant dose over time. Tolerance may or may not be evident during opioid treatment and does not equate with addiction.

(28) 'Ultimate user' means a person who lawfully possesses a controlled substance for his or her own use, for the use of a member of his or her household, or for administering to an animal owned by him or her or by a member of his or her household or an agent or representative of the person.

(29) 'Noncontrolled substance' means any drug or other substance other than a controlled substance as defined by paragraph (4) of this Code section.

(30) 'Wholesaler' means any person, firm, corporation, association, dealer, or broker selling or offering for sale, in or into this state, any Schedule II, III, IV, or V controlled substance that is classified as a Schedule II, III, IV, or V controlled substance under Code Section 16-13-26, 16-13-27, 16-13-28, or 16-13-29, respectively, or under the Federal Controlled Substances Act, 21 U.S.C. Section 812.'

SECTION 2.

Said chapter is further amended by designating Article 2 as Part 1 of Article 2 and by adding a new part to Article 2 to read as follows:

"Part 2

16-13-57.

(a) Subject to funds as may be appropriated by the General Assembly or otherwise available for such purpose, the agency shall, in consultation with members of the Georgia Composite Medical Board, establish and maintain a program to electronically record into an electronic data base prescription information resulting from the dispensing of Schedule II, III, IV, or V controlled substances and to electronically review such prescription information that has been entered into such data base. The purpose of such program shall be to assist in the reduction of the abuse of controlled substances, to improve, enhance, and encourage a better quality of health care by promoting the proper use of medications to treat pain and terminal illness, and to reduce duplicative prescribing and overprescribing of controlled substance practices.

(b) Such program shall be administered by the agency at the direction and oversight of the board.

16-13-58.

(a) The agency shall be authorized to apply for available grants and may accept any gifts, grants, donations, and other funds, including funds from the disposition of forfeited property, to assist in developing and maintaining the program established pursuant to Code Section 16-13-57; provided, however, that neither the board, agency, nor any other state entity shall accept a grant that requires as a condition of the grant any sharing of information that is inconsistent with this part.

(b) The agency shall be authorized to grant funds to dispensers for the purpose of covering costs for dedicated equipment and software for dispensers to use in complying with the reporting requirements of Code Section 16-13-59. Such grants to dispensers shall be funded by gifts, grants, donations, or other funds, including funds from the disposition of forfeited property, received by the agency for the operation of the program established pursuant to Code Section 16-13-57. The agency shall be authorized to establish standards and specifications for any equipment and software purchased pursuant to a grant received by a dispenser pursuant to this Code section. Nothing in this part shall be construed to require a dispenser to incur costs to purchase equipment or software to comply with this part.

(c) Nothing in this part shall be construed to require any appropriation of state funds.

16-13-59.

(a) For purposes of the program established pursuant to Code Section 16-13-57, each dispenser shall submit to the agency by electronic means information regarding each prescription dispensed for a Schedule II, III, IV, or V controlled substance. The information submitted for each prescription shall include at a minimum, but shall not be limited to:

- (1) DEA permit number or approved dispenser facility controlled substance identification number;
- (2) Date the prescription was dispensed;
- (3) Prescription serial number;
- (4) If the prescription is new or a refill;
- (5) National Drug Code (NDC) for drug dispensed;
- (6) Quantity and strength dispensed;
- (7) Number of days supply of the drug;
- (8) Patient's name;
- (9) Patient's address;
- (10) Patient's date of birth;
- (11) Patient gender;
- (12) Method of payment;
- (13) Approved prescriber identification number or prescriber's DEA permit number;
- (14) Date the prescription was issued by the prescriber; and
- (15) Other data elements consistent with standards established by the American Society for Automation in Pharmacy, if designated by regulations of the agency.

(b) Each dispenser shall submit the prescription information required in subsection (a) of this Code section in accordance with transmission methods and frequency requirements established by the agency on at least a weekly basis and shall report, at a minimum, such prescription information no later than ten days after the prescription is dispensed. If a dispenser is temporarily unable to comply with this subsection due to an equipment failure or other circumstances, such dispenser shall notify the board and agency.

(c) The agency may issue a waiver to a dispenser that is unable to submit prescription information by electronic means acceptable to the agency. Such waiver may permit the dispenser to submit prescription information to the agency by paper form or other means, provided all information required in subsection (a) of this Code section is submitted in this alternative format and in accordance with the frequency requirements established pursuant to subsection (b) of this Code section. Requests for waivers shall be submitted in writing to the agency.

(d) The agency shall not revise the information required to be submitted by dispensers pursuant to subsection (a) of this Code section more frequently than annually. Any such change to the required information shall neither be effective nor applicable to dispensers until six months after the adoption of such changes.

(e) The agency shall not access or allow others to access any identifying prescription information from the electronic data base after one year from the date such information was originally received by the agency. The agency may retain aggregated prescription information for a period of one year from the date the information is received but shall promulgate regulations and procedures that will ensure that any identifying information the agency receives from any dispenser or reporting entity that is one year old or older is deleted or destroyed on an ongoing basis in a timely and secure manner.

(f) A dispenser may apply to the agency for an exemption to be excluded from compliance with this Code section if compliance would impose an undue hardship on such dispenser. The agency shall provide guidelines and criteria for what constitutes an undue hardship.

(g) On and after July 1, 2012, on a monthly basis, wholesalers shall provide the agency with the type and quantity of any Schedule II, III, IV, or V controlled substance that is shipped to a dispenser in this state. Such information shall be provided by the tenth day of each month with respect to the previous month's information and shall be in the electronic format required by the board for such information.

16-13-60.

(a) Except as otherwise provided in subsections (c) and (d) of this Code section, prescription information submitted pursuant to Code Section 16-13-59 shall be confidential and shall not be subject to open records requirements, as contained in Article 4 of Chapter 18 of Title 50.

(b) The agency, in conjunction with the board, shall establish and maintain strict procedures to ensure that the privacy and confidentiality of patients, prescribers, and patient and prescriber information collected, recorded, transmitted, and maintained

pursuant to this part are protected. Such information shall not be disclosed to any person or entity except as specifically provided in this part and only in a manner which in no way conflicts with the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, P.L. 104-191.

(c) The agency shall be authorized to provide requested prescription information collected pursuant to this part only as follows:

(1) To persons authorized to prescribe or dispense controlled substances for the sole purpose of providing medical or pharmaceutical care to a specific patient;

(2) Upon the request of a patient, prescriber, or dispenser about whom the prescription information requested concerns or upon the request on his or her behalf of his or her attorney;

(3) To local, state, or federal law enforcement or prosecutorial officials pursuant to the issuance of a search warrant pursuant to Article 2 of Chapter 5 of Title 17; and

(4) To the agency or the Georgia Composite Medical Board upon the issuance of an administrative subpoena issued by a Georgia state administrative law judge.

(d) The board may provide data to government entities for statistical, research, educational, or grant application purposes after removing information that could be used to identify prescribers or individual patients or persons who received prescriptions from dispensers.

(e) Any person or entity who receives electronic data base prescription information or related reports relating to this part from the agency shall not provide such information or reports to any other person or entity except by order of a court of competent jurisdiction pursuant to this part.

(f) Any permissible user identified in this part who directly accesses electronic data base prescription information shall implement and maintain a comprehensive information security program that contains administrative, technical, and physical safeguards that are substantially equivalent to the security measures of the agency. The permissible user shall identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, or other compromise of the information and shall assess the sufficiency of any safeguards in place to control the risks.

16-13-61.

(a) There is established an Electronic Database Review Advisory Committee for the purposes of consulting with and advising the agency on matters related to the establishment, maintenance, and operation of how prescriptions are electronically reviewed pursuant to this part. This shall include, but shall not be limited to, data collection, regulation of access to data, evaluation of data to identify benefits and outcomes of the reviews, communication to prescribers and dispensers as to the intent of the reviews and how to use the data base, and security of data collected.

(b) The advisory committee shall consist of nine members as follows:

(1) A representative from the agency;

(2) A representative from the Georgia Composite Medical Board;

- (3) A representative from the Georgia Board of Dentistry;
 - (4) A consumer representative with expertise in personal privacy matters, appointed by the president of the State Bar of Georgia;
 - (5) A representative from a specialty profession that deals in addictive medicine, appointed by the Georgia Composite Medical Board;
 - (6) A pain management specialist, appointed by the Georgia Composite Medical Board;
 - (7) An oncologist, appointed by the Georgia Composite Medical Board;
 - (8) A representative from a hospice or hospice organization, appointed by the Georgia Composite Medical Board; and
 - (9) A representative from the State Board of Optometry.
- (c) Each member of the advisory committee shall serve a three-year term or until the appointment and qualification of such member's successor.
- (d) The advisory committee shall elect a chairperson and vice chairperson from among its membership to serve a term of one year. The vice chairperson shall serve as the chairperson at times when the chairperson is absent.
- (e) The advisory committee shall meet at the call of the chairperson or upon request by at least three of the members and shall meet at least one time per year. Five members of the committee shall constitute a quorum.
- (f) The members shall receive no compensation or reimbursement of expenses from the state for their services as members of the advisory committee.

16-13-62.

The agency shall establish rules and regulations to implement the requirements of this part. Nothing in this part shall be construed to authorize the agency to establish policies, rules, or regulations which limit, revise, or expand or purport to limit, revise, or expand any prescription or dispensing authority of any prescriber or dispenser subject to this part. Nothing in this part shall be construed to impede, impair, or limit a prescriber from prescribing pain medication in accordance with the pain management guidelines developed and adopted by the Georgia Composite Medical Board.

16-13-63.

Nothing in this part shall require a dispenser or prescriber to obtain information about a patient from the program established pursuant to this part. A dispenser or prescriber shall not have a duty and shall not be held civilly liable for damages to any person in any civil or administrative action or criminally responsible for injury, death, or loss to person or property on the basis that the dispenser or prescriber did or did not seek or obtain information from the electronic data base established pursuant to Code Section 16-13-57.

16-13-64.

(a) A dispenser who knowingly and intentionally fails to submit prescription information to the agency as required by this part or knowingly and intentionally

submits incorrect prescription information shall be guilty of a felony and, upon conviction thereof, shall be punished for each such offense by imprisonment for not less than one year nor more than five years, a fine not to exceed \$50,000.00, or both, and such actions shall be reported to the licensing board responsible for issuing such dispenser's dispensing license for action to be taken against such dispenser's license.

(b) An individual authorized to access electronic data base prescription information pursuant to this part who negligently uses, releases, or discloses such information in a manner or for a purpose in violation of this part shall be guilty of a misdemeanor. Any person who is convicted of negligently using, releasing, or disclosing such information in violation of this part shall, upon the second or subsequent conviction, be guilty of a felony and shall be punished by imprisonment for not less than one nor more than three years, a fine not to exceed \$5,000.00, or both.

(c)(1) An individual authorized to access electronic data base prescription information pursuant to this part who knowingly obtains or discloses such information in a manner or for a purpose in violation of this part shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than five years, a fine not to exceed \$50,000.00, or both.

(2) Any person who knowingly obtains, attempts to obtain, or discloses electronic data base prescription information pursuant to this part under false pretenses shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than five years, a fine not to exceed \$100,000.00, or both.

(3) Any person who obtains or discloses electronic data base prescription information not specifically authorized herein with the intent to sell, transfer, or use such information for commercial advantage, personal gain, or malicious harm shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than two years nor more than ten years, a fine not to exceed \$250,000.00, or both.

(d) Any person who is injured by reason of any violation of this part shall have a cause of action for the actual damages sustained and, where appropriate, punitive damages. Such person may also recover attorney's fees in the trial and appellate courts and the costs of investigation and litigation reasonably incurred.

(e) The penalties provided by this Code section are intended to be cumulative of other penalties which may be applicable and are not intended to repeal such other penalties.

16-13-65.

(a) This part shall not apply to any veterinarian.

(b) This part shall not apply to any drug, substance, or immediate precursor classified as an exempt over the counter (OTC) Schedule V controlled substance pursuant to this chapter or pursuant to board rules established in accordance with Code Section 16-13-29.2."

SECTION 3.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended in Code Section 26-4-5, relating to definitions applicable to said chapter, by revising paragraph (38.5) as follows:

"(38.5) 'Security paper' means a prescription pad or paper that has been approved by the board for use and contains the following characteristics:

(A) One or more industry recognized features designed to prevent unauthorized copying of a completed or blank prescription form;

(B) One or more industry recognized features designed to prevent the erasure or modification of information written on the prescription form by the practitioner; and

(C) One or more industry recognized features designed to prevent the use of counterfeit prescription forms.

Where security paper is in the form of a prescription pad, each pad shall bear an identifying lot number, and each piece of paper in the pad shall be numbered sequentially beginning with the number one. ~~paper utilizing security features on which the electronic visual image prescription drug order of a practitioner is printed and presented to a patient so as to ensure that the prescription drug order is not subject to any form of copying, reproduction, or alteration, or any combination of copying, reproduction, or alteration, and may include a watermark produced by the electronic digital process when a prescription is printed to clearly show if a prescription has been reproduced or copied in an unauthorized manner.~~"

SECTION 4.

Said chapter is further amended in Code Section 26-4-80, relating to dispensing of prescription drugs, by revising subsection (l) as follows:

"(l) A Schedule II controlled substance prescription drug order in written form signed in indelible ink by the practitioner may be accepted by a pharmacist and the Schedule II controlled substance may be dispensed by such pharmacist. Other forms of Schedule II controlled substance prescription drug orders may be accepted by a pharmacist and the Schedule II controlled substance may be dispensed by such pharmacist in accordance with regulations promulgated by the board and in accordance with DEA regulations found in 21 C.F.R. 1306. A pharmacist shall require a person picking up a Schedule II controlled substance prescription to present a government issued photo identification document or such other form of identification document as may be authorized by rules adopted by the board. If the person picking up the prescription is someone other than the person to whom the prescription was issued, the identification document shall be copied or converted to a digital image by the pharmacy, and the copy or digital image shall be maintained with the pharmacy's other records relating to the prescription."

SECTION 5.

Said chapter is further amended by adding new Code Sections 26-4-80.1 and 26-4-80.2 to read as follows:

"26-4-80.1.

(a) Effective October 1, 2011, every hard copy prescription drug order written in this state by a practitioner must be written on security paper.

(b) A pharmacist shall not fill a hard copy prescription drug order from a practitioner unless it is written on security paper, except that a pharmacist may provide emergency supplies in accordance with the board and other insurance contract requirements.

(c) If a hard copy of an electronic data prescription drug order is given directly to the patient, the manually signed hard copy prescription drug order must be on approved security paper that meets the requirements of paragraph (38.5) of Code Section 26-4-5.

(d) Practitioners shall employ reasonable safeguards to assure against theft or unauthorized use of security paper and shall promptly report to appropriate authorities any theft or unauthorized use.

(e) All vendors shall have their security paper approved by the board prior to marketing or sale in this state.

(f) The board shall create a seal of approval that confirms that security paper contains all three industry recognized characteristics required by paragraph (38.5) of Code Section 26-4-5. The seal shall be affixed to all security paper used in this state.

(g) The board may adopt rules necessary for the administration of this Code section.

(h) The security paper requirements in this Code section shall not apply to:

(1) Prescriptions that are transmitted to the pharmacy by telephone, facsimile, or electronic means; or

(2) Prescriptions written for inpatients of a hospital, outpatients of a hospital, residents of a nursing home, inpatients or residents of a mental health facility, or individuals incarcerated in a local, state, or federal correctional facility when the health care practitioner authorized to write prescriptions writes the order into the patient's medical or clinical record, the order is given directly to the pharmacy, and the patient never has the opportunity to handle the written order.

26-4-80.2.

Effective July 1, 2011, a pharmacist shall not fill a prescription drug order for more than 60 units of any drug in Schedules II through IV listed in Code Sections 16-13-26 through 16-13-28 and Schedules II through IV of 21 C.F.R. Part 1308."

SECTION 6.

This Act shall become effective on July 1, 2011.

SECTION 7.

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:

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

On the passage of the Bill, by substitute, the ayes were 117, nays 45.

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

Representatives Dawkins-Haigler of the 93rd and Maddox of the 172nd 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 Frazier of the 123rd stated that she inadvertently voted "aye" on the preceding roll call. She wished to be recorded as voting "nay" thereon.

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

March 31, 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 SB 36 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

Representative Williams of the 4th moved that the following Bill of the Senate be withdrawn from the General Calendar and recommitted to the Committee on Regulated Industries:

SB 143. By Senators Henson of the 41st and Shafer of the 48th:

A BILL to be entitled an Act to amend Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to massage therapy practice, so as to provide that an applicant for a license by endorsement shall provide certain information; to repeal certain obsolete provisions; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

HB 214. By Representatives Channell of the 116th, Parrish of the 156th, England of the 108th, Sheldon of the 105th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to establish the Department of Public Health; to reassign functions of the Division of Public Health of the Department of Community Health to the Department of Public Health; to

provide for transition to the new agency; to create a Board of Public Health and a commissioner of public health; to amend various titles for purposes of conformity; to provide for related matters; to provide 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 Title 31 of the Official Code of Georgia Annotated, relating to health, so as to create the Hemophilia Advisory Board; to provide for a short title; to provide for legislative findings; to provide for duties, reporting, membership, and the selection of officers; to establish the Department of Public Health; to reassign functions of the Division of Public Health of the Department of Community Health to the Department of Public Health; to provide for transition to the new agency; to create a Board of Public Health and a commissioner of public health; to amend various titles for purposes of conformity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

Hemophilia Advisory Board Act.

SECTION 1-1.

Parts I and II of this Act shall be known and may be cited as the "Hemophilia Advisory Board Act."

SECTION 1-2.

The General Assembly finds that hemophilia and other bleeding disorders are devastating health conditions that can cause serious financial, social, and emotional hardships for patients and their families. Hemophilia and other bleeding disorders are incurable, so appropriate lifetime care and treatment are necessities for maintaining optimum health. Advancements in drug therapies are allowing individuals greater latitude in managing their conditions, fostering independence, and minimizing chronic complications. As a result, individuals are living longer and are healthier and more productive. However, the rarity of these disorders coupled with the delicate processes of producing clotting factor concentrates makes treating these disorders extremely costly. It is the intent of the General Assembly to establish an advisory board to provide expert advice to the state on health and insurance policies, plans, and programs that impact individuals with hemophilia and other bleeding disorders.

PART II

Creation of the Hemophilia Advisory Board.

SECTION 2-1.

Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, is amended by adding a new Code section to read as follows:

"31-1-12.

(a) The commissioner of public health in conjunction with the commissioner of community health shall establish an independent advisory board known as the Hemophilia Advisory Board.

(b)(1) The following persons shall serve as nonvoting members of the Hemophilia Advisory Board:

(A) The commissioner of public health or a designee; and

(B) The commissioner of community health or a designee.

(2) The following voting members shall be appointed by the commissioner of public health, in consultation with the commissioner of community health, and shall serve a three-year term:

(A) One member who is a board certified physician licensed, practicing, and currently treating individuals with hemophilia and other bleeding disorders and who specializes in the treatment of these individuals;

(B) One member who is a nurse licensed, practicing, and currently treating individuals with hemophilia and other bleeding disorders;

(C) One member who is a social worker licensed, practicing, and currently treating individuals with hemophilia and other bleeding disorders;

(D) One member who is a representative of a federally funded hemophilia treatment center in this state;

(E) One member who is a representative of a nonprofit organization that has, as its primary purpose, the provision of services to the population of this state with hemophilia and other bleeding disorders;

(F) One member who is a person who has hemophilia;

(G) One member who is a caregiver of a person who has hemophilia; and

(H) One member who is a person who has a bleeding disorder other than hemophilia or who is a caregiver of a person who has a bleeding disorder other than hemophilia.

(3) The Hemophilia Advisory Board may also have up to five additional nonvoting members as determined appropriate by the commissioner and the commissioner of community health. These nonvoting members may be persons with, or caregivers of a person with, hemophilia or other bleeding disorder or persons experienced in the diagnosis, treatment, care, and support of individuals with hemophilia or other bleeding disorders.

(c)(1) Board members shall elect from among the voting board members a presiding officer. The presiding officer retains all voting rights.

- (2) A majority of the members shall constitute a quorum at any meeting held by the Hemophilia Advisory Board.
- (3) If there is a vacancy on the Hemophilia Advisory Board, such position shall be filled in the same manner as the original appointment.
- (4) Members of the Hemophilia Advisory Board shall receive no compensation for service on the Hemophilia Advisory Board.
- (d) The Hemophilia Advisory Board shall meet at least quarterly and at the call of the commissioner, the commissioner of community health, or the presiding officer and follow all policies and procedures of Chapter 14 of Title 50, relating to open and public meetings.
- (e) The department shall provide reasonably necessary administrative support for Hemophilia Advisory Board activities.
- (f) The Hemophilia Advisory Board shall review and make recommendations to the commissioner and the commissioner of community health with regard to issues that affect the health and wellness of persons living with hemophilia and other bleeding disorders, including, but not limited to, the following:
- (1) Proposed legislative or administrative changes to policies and programs that are integral to the health and wellness of individuals with hemophilia and other bleeding disorders;
 - (2) Standards of care and treatment for persons living with hemophilia and other bleeding disorders, taking into consideration the federal and state standards of care guidelines developed by state and national organizations, including, but not limited to, the Medical and Scientific Advisory Council of the National Hemophilia Foundation;
 - (3) The development of community based initiatives to increase awareness of care and treatment for persons living with hemophilia and other bleeding disorders; and
 - (4) The coordination of public and private support networking systems.
- (g) The Hemophilia Advisory Board shall, no later than six months after the effective date of this Code section, and annually thereafter, submit to the Governor and the General Assembly a report of its findings and recommendations. Annually thereafter, the commissioner of public health, in consultation with the commissioner of community health, shall report to the Governor and the General Assembly on the status of implementing the recommendations as proposed by the Hemophilia Advisory Board. The reports shall be made public and shall be subject to public review and comment."

PART III

Creation of the Department of Public Health.

SECTION 3-1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding a new chapter to read as follows:

"CHAPTER 2A31-2A-1.

(a) There is created the Board of Public Health which shall establish the general policy to be followed by the Department of Public Health. The powers, functions, and duties of the Board of Community Health as they existed on June 30, 2011, with regard to the Division of Public Health and the Office of Health Improvement, unless otherwise provided in this Act, are transferred to the Board of Public Health effective July 1, 2011. The board shall consist of nine members appointed by the Governor and confirmed by the Senate.

(b) The Governor shall designate the initial terms of the members of the board as follows: three members shall be appointed for one year; three members shall be appointed for two years; and three members shall be appointed for three years. Thereafter, all succeeding appointments shall be for three-year terms from the expiration of the previous term.

(c) Vacancies in office shall be filled by appointment by the Governor in the same manner as the appointment to the position on the board which becomes vacant. An appointment to fill a vacancy other than by expiration of a term of office shall be for the balance of the unexpired term.

(d) Members of the board may be removed from office under the same conditions for removal from office of members of professional licensing boards provided in Code Section 43-1-17.

(e) There shall be a chairperson of the board elected by and from the membership of the board who shall be the presiding officer of the board.

(f) The members of the board shall receive the same daily expense allowance and reimbursement of expenses as provided in Code Section 45-7-21 for members of other state boards.

31-2A-2.

(a) There is created a Department of Public Health. The powers, functions, and duties of the Division of Public Health and the Office of Health Improvement of the Department of Community Health as they existed on June 30, 2011, unless otherwise provided in this Act, are transferred to the Department of Public Health effective July 1, 2011.

(b) There is created the position of commissioner of public health. The commissioner shall be the chief administrative officer of the department and be both appointed and removed by the Governor. Subject to the general policy established by the board, the commissioner shall supervise, direct, account for, organize, plan, administer, and execute the functions vested in the department.

(c) There shall be created in the department such divisions as may be found necessary for its effective operation. The commissioner shall have the power to allocate and reallocate functions among the divisions within the department.

31-2A-3.

(a) The Department of Public Health shall succeed to all rules, regulations, policies, procedures, and administrative orders of the Department of Community Health that are in effect on June 30, 2011, or scheduled to go into effect on or after July 1, 2011, and which relate to the functions transferred to the Department of Public Health pursuant to Code Section 31-2A-2 and shall further succeed to any rights, privileges, entitlements, obligations, and duties of the Department of Community Health that are in effect on June 30, 2011, which relate to the functions transferred to the Department of Public Health pursuant to Code Section 31-2A-2. Such rules, regulations, policies, procedures, and administrative orders shall remain in effect until amended, repealed, superseded, or nullified by the Department of Public Health by proper authority or as otherwise provided by law.

(b) The rights, privileges, entitlements, and duties of parties to contracts, leases, agreements, and other transactions as identified by the Office of Planning and Budget entered into before July 1, 2011, by the Department of Community Health which relate to the functions transferred to the Department of Public Health pursuant to Code Section 31-2A-2 shall continue to exist; and none of these rights, privileges, entitlements, and duties are impaired or diminished by reason of the transfer of the functions to the Department of Public Health. In all such instances, the Department of Public Health shall be substituted for the Department of Community Health, and the Department of Public Health shall succeed to the rights and duties under such contracts, leases, agreements, and other transactions.

(c) All persons employed by the Department of Community Health in capacities which relate to the functions transferred to the Department of Public Health pursuant to Code Section 31-2A-2 on June 30, 2011, shall, on July 1, 2011, become employees of the Department of Public Health in similar capacities, as determined by the commissioner of public health. Such employees shall be subject to the employment practices and policies of the Department of Public Health on and after July 1, 2011, but the compensation and benefits of such transferred employees shall not be reduced as a result of such transfer. Employees who are subject to the rules of the State Personnel Board and thereby under the State Personnel Administration and who are transferred to the department shall retain all existing rights under the State Personnel Administration. Accrued annual and sick leave possessed by the transferred employees on June 30, 2011, shall be retained by such employees as employees of the Department of Public Health.

(d) On July 1, 2011, the Department of Public Health shall receive custody of the state owned real property in the custody of the Department of Community Health on June 30, 2011, and which pertains to the functions transferred to the Department of Public Health pursuant to Code Section 31-2A-2.

31-2A-4.

The Department of Public Health shall safeguard and promote the health of the people of this state and is empowered to employ all legal means appropriate to that end.

Illustrating, without limiting, the foregoing grant of authority, the department is empowered to:

- (1) Provide epidemiological investigations and laboratory facilities and services in the detection and control of disease, disorders, and disabilities and to provide research, conduct investigations, and disseminate information concerning reduction in the incidence and proper control of disease, disorders, and disabilities;
- (2) Forestall and correct physical, chemical, and biological conditions that, if left to run their course, could be injurious to health;
- (3) Regulate and require the use of sanitary facilities at construction sites and places of public assembly and to regulate persons, firms, and corporations engaged in the rental and service of portable chemical toilets;
- (4) Isolate and treat persons afflicted with a communicable disease who are either unable or unwilling to observe the department's rules and regulations for the suppression of such disease and to establish, to that end, complete or modified quarantine, surveillance, or isolation of persons and animals exposed to a disease communicable to man;
- (5) Procure and distribute drugs and biologicals and purchase services from clinics, laboratories, hospitals, and other health facilities and, when authorized by law, to acquire and operate such facilities;
- (6) Cooperate with agencies and departments of the federal government and of the state by supplying consultant services in medical and hospital programs and in the health aspects of civil defense, emergency preparedness, and emergency response;
- (7) Prevent, detect, and relieve physical defects and deformities;
- (8) Promote the prevention, early detection, and control of problems affecting the dental and oral health of the citizens of Georgia;
- (9) Contract with county boards of health to assist in the performance of services incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies of more than local peril, to employ whatever means may be at its disposal to overcome such emergencies;
- (10) Contract and execute releases for assistance in the performance of its functions and the exercise of its powers and to supply services which are within its purview to perform;
- (11) Enter into or upon public or private property at reasonable times for the purpose of inspecting same to determine the presence of disease and conditions deleterious to health or to determine compliance with health laws and rules, regulations, and standards thereunder;
- (12) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' a schedule of fees for laboratory services provided, schedules to be determined in a manner so as to help defray the costs incurred by the department, but in no event to exceed such costs, both direct and indirect, in providing such laboratory services, provided no person shall be denied services on the basis of his or her inability to pay. All fees paid thereunder shall be paid into the general funds of the State of Georgia. The individual who requests the services authorized in

this paragraph, or the individual for whom the laboratory services authorized in this paragraph are performed, shall be responsible for payment of the service fees. As used in this paragraph, the term 'individual' means a natural person or his or her responsible health benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935; and

(13) Exchange data with the Department of Community Health for purposes of health improvement and fraud prevention for programs operated by the Department of Community Health pursuant to mutually agreed upon data sharing agreements and in accordance with federal confidentiality laws relating to health care.

31-2A-5.

(a) There is created in the department the Office of Women's Health. Attached to the office shall be an 11 member advisory council. The members of the advisory council shall be appointed by the Governor and shall be representative of major public and private agencies and organizations in the state and shall be experienced in or have demonstrated particular interest in women's health issues. Each member shall be appointed for two years and until his or her successor is appointed. The members shall be eligible to succeed themselves. The council shall elect its chairperson from among the councilmembers for a term of two years. The Governor may name an honorary chairperson of the council.

(b) The Office of Women's Health shall serve in an advisory capacity to the Governor, the General Assembly, the board, the department, and all other state agencies in matters relating to women's health. In particular, the office shall:

(1) Raise awareness of women's nonreproductive health issues;

(2) Inform and engage in prevention and education activities relating to women's nonreproductive health issues;

(3) Serve as a clearing-house for women's health information for purposes of planning and coordination;

(4) Issue reports of the office's activities and findings; and

(5) Develop and distribute a state comprehensive plan to address women's health issues.

(c) The council shall meet upon the call of its chairperson, the board, or the commissioner.

31-2A-6.

(a) The department is authorized to adopt and promulgate rules and regulations to effect prevention, abatement, and correction of situations and conditions which, if not promptly checked, would militate against the health of the people of this state. Such rules and regulations shall be adapted to the purposes intended, within the purview of the powers and duties imposed upon the department by this chapter, and supersede conflicting rules, regulations, and orders adopted pursuant to the authority of Chapter 3 of this title.

(b) The department upon application or petition may grant variances and waivers to specific rules and regulations which establish standards for facilities or entities regulated by the department as follows:

(1) The department may authorize departure from the literal requirements of a rule or regulation by granting a variance upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application would cause undue hardship. The applicant or petitioner additionally must show that adequate standards affording protection of health, safety, and care exist and will be met in lieu of the exact requirements of the rule or regulation in question;

(2) The department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection of health, safety, and care;

(3) The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery;

(4) Waivers or variances which affect an entire class of facilities may only be approved by the Board of Public Health and shall be for a time certain, as determined by the board. A notice of the proposed variance or waiver affecting an entire class of facilities shall be made in accordance with the requirements for notice of rule making in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; or

(5) Variances or waivers which affect only one facility in a class may be approved or denied by the department and shall be for a time certain, as determined by the department. The department shall maintain a record of such action and shall make this information available to the board and all other persons who request it.

(c) The department may exempt classes of facilities from regulation when, in the department's judgment, regulation would not permit the purpose intended or the class of facilities is subject to similar requirements under other rules and regulations. Such exemptions shall be provided in rules and regulations promulgated by the board.

31-2A-7.

(a) As used in this Code section, the term 'conviction data' means a record of a finding or verdict of guilty or a plea of guilty or a plea of nolo contendere with regard to any crime, regardless of whether an appeal of the conviction has been sought.

(b) The department may receive from any law enforcement agency conviction data that is relevant to a person whom the department, its contractors, or a district or county health agency is considering as a final selectee for employment in a position the duties of which involve direct care, treatment, custodial responsibilities, or any combination thereof for its clients. The department may also receive conviction data which is relevant to a person whom the department, its contractors, or a district or county health

agency is considering as a final selectee for employment in a position if, in the judgment of the department, a final employment decision regarding the selectee can only be made by a review of conviction data in relation to the particular duties of the position and the security and safety of clients, the general public, or other employees.

(c) The department shall establish a uniform method of obtaining conviction data under subsection (b) of this Code section which shall be applicable to the department and its contractors. Such uniform method shall require the submission to the Georgia Crime Information Center of fingerprints and the records search fee in accordance with Code Section 35-3-35. Upon receipt thereof, the Georgia Crime Information Center shall promptly transmit fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall promptly conduct a search of its own records and records to which it has access. After receiving the fingerprints and fee, the Georgia Crime Information Center shall notify the department in writing of any derogatory finding, including, but not limited to, any conviction data regarding the fingerprint records check or if there is no such finding.

(d) All conviction data received shall be for the exclusive purpose of making employment decisions or decisions concerning individuals in the care of the department and shall be privileged and shall not be released or otherwise disclosed to any other person or agency. Immediately following the employment decisions or upon receipt of the conviction data, all such conviction data collected by the department or its agent shall be maintained by the department or agent pursuant to laws regarding and the rules or regulations of the Federal Bureau of Investigation and the Georgia Crime Information Center, as is applicable. Penalties for the unauthorized release or disclosure of any conviction data shall be as prescribed pursuant to laws regarding and rules or regulations of the Federal Bureau of Investigation and the Georgia Crime Information Center, as is applicable. Nothing in this Code section shall be construed to allow criminal history information, including arrest and conviction date, to be released or disclosed to any individual, including members of county boards of health, who is not directly involved in the hiring process.

(e) The department may promulgate written rules and regulations to implement the provisions of this Code section.

(f) The department may receive from any law enforcement agency criminal history information, including arrest and conviction data, and any and all other information which it may be provided pursuant to state or federal law which is relevant to any person in the care of the department. The department shall establish a uniform method of obtaining criminal history information under this subsection. Such method shall require the submission to the Georgia Crime Information Center of fingerprints together with any required records search fee in accordance with Code Section 35-3-35. Upon receipt thereof, the Georgia Crime Information Center shall promptly transmit the fingerprints submitted by the department to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall promptly conduct a search of its own records and records to which it has access. Such method shall also permit the submission of the names alone of such persons to the proper law enforcement

agency for a name based check of such person's criminal history information as maintained by the Georgia Crime Information Center and the Federal Bureau of Investigation. In such circumstances, the department shall submit fingerprints of those persons together with any required records search fee to the Federal Bureau of Investigation within 15 calendar days of the date of the name based check on that person. The fingerprints shall be forwarded to the Federal Bureau of Investigation through the Georgia Crime Information Center in accordance with Code Section 35-3-35. Following the submission of such fingerprints, the department may receive the criminal history information, including arrest and conviction data, relevant to such person.

(g) The department shall be authorized to conduct a name or descriptor based check of any person's criminal history information, including arrest and conviction data, and other information from the Georgia Crime Information Center regarding any adult person who provides care or is in contact with persons under the care of the department without the consent of such person and without fingerprint comparison to the fullest extent permissible by federal and state law."

SECTION 3-2.

Code Sections 31-2-7, 31-2-8, 31-2-10, 31-2-12, 31-2-13, 31-2-17, 31-2-17.1, and 31-2-18 of the Official Code of Georgia Annotated, relating to the Department of Community Health as the agency of the state for receipt and administration of federal and other funds, studies and surveys of programs, venue of actions against the department or board, standards for sewage management systems, rules and regulations governing operation of land disposal sites for septic tank waste from one business, a diabetes coordinator, the Georgia Diabetes Control Grant Program, and the director of the Division of Public Health, respectively, are redesignated and amended as follows:

~~"31-2-7. 31-2A-8.~~

The department is designated and empowered as the agency of this state to apply for, receive, and administer grants and donations for health purposes from the federal government and from any of its departments, agencies, and instrumentalities; from appropriations of the state; and from any other sources in conformity with law; ~~including but not limited to Code Section 49-4-152.~~ The department shall have the authority to prescribe the purposes for which such funds may be used in order to:

- (1) Provide, extend, and improve maternal and child health services;
- (2) Locate children already disabled or suffering from conditions leading to a disability and provide for such children medical, surgical, corrective, and other services and to provide for facilities for diagnosis, hospitalization, and aftercare;
- (3) Advance the prevention and control of cancer and of venereal, tubercular, and other diseases;
- (4) Forestall and correct conditions that, if left to run their course, could be injurious to health;

- (5) Conduct programs which lie within the scope and the power of the department relating to industrial hygiene, control of ionizing radiation, occupational health, water quality, water pollution control, and planning and development of water resources;
- (6) Administer grants-in-aid to assist in the construction of publicly owned and operated general and special medical facilities;
- (7) Conduct programs:
 - (A) Relating to chronic illness;
 - (B) Relating to the dental and oral health of the people of this state which are appropriate to the purpose of the department; and
 - (C) Relating to the physical health of the people of this state which are appropriate to the purpose of the department; and
- (8) Develop the health aspects of emergency preparedness and emergency response.

When a plan is required to be approved by any department, agency, or instrumentality of the federal government as condition precedent to the making of grants for health purposes, the department, as agent of this state, is directed to formulate, submit, and secure approval of that plan and thereafter, upon its approval and the receipt of funds payable thereunder, to carry the plan into effect in accordance with its terms, applying thereto the funds so received as well as other applicable amounts from whatever source.

~~31-2-8.~~ 31-2A-9.

The department, from time to time, shall make or cause to be made studies and surveys to determine the quality, scope, and reach of its programs.

~~31-2-10.~~ 31-2A-10.

Actions at law and in equity against the department, the board, or any of its members predicated upon omissions or acts done in their official capacity or under color thereof shall be brought in the appropriate county; provided, however, that nothing in this Code section shall be construed as waiving the immunity of the state to be sued without its consent.

~~31-2-12.~~ 31-2A-11.

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

- (1) 'Chamber system' means a system of chambers with each chamber being a molded polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid top and louvered sidewall for infiltration of effluent into adjoining bottom and sidewall soil areas. Chambers may be of different sizes and configurations to obtain desired surface areas.
- (2) 'Conventional system' means a system traditionally used composed of perforated pipe surrounded by gravel or stone masking for the infiltration of effluent into adjoining bottom and side soil areas.
- (3) 'On-site sewage management system' means a sewage management system other than a public or community sewage treatment system serving one or more buildings, mobile homes, recreational vehicles, residences, or other facilities designed or used

for human occupancy or congregation. Such term shall include, without limitation, conventional and chamber septic tank systems, privies, and experimental and alternative on-site sewage management systems which are designed to be physically incapable of a surface discharge of effluent that may be approved by the department.

(4) 'Prior approved system' means only a chamber system or conventional system or component of such system which is designed to be physically incapable of a surface discharge of effluent and which was properly approved pursuant to subparagraph (a)(2)(B) of this Code section, as such Code section became law on April 19, 1994, for use according to manufacturers' recommendations, prior to April 14, 1997.

(5) 'Unsatisfactory service' means documented substandard performance as compared to other approved systems or components.

(b) The department shall have the authority as it deems necessary and proper to adopt state-wide regulations for on-site sewage management systems, including but not limited to experimental and alternative systems. The department is authorized to require that any such on-site sewage management system be examined and approved prior to allowing the use of such system in the state; provided, however, that any prior approved system shall continue to be approved for installation in every county of the state pursuant to the manufacturer's recommendations, including sizing of no less than 50 percent of trench length of a conventional system designed for equal flows in similar soil conditions. Upon written request of one-half or more of the health districts in the state, the department is authorized to require the reexamination of any such system or component thereof, provided that documentation is submitted indicating unsatisfactory service of such system or component thereof. Before any such examination or reexamination, the department may require the person, persons, or organization manufacturing or marketing the system to reimburse the department or its agent for the reasonable expenses of such examination.

(c)(1) This subsection shall not be construed to prohibit the governing authority of any county or municipality in the state from adopting and enforcing codes at the local level; provided, however, that no county, municipality, or state agency may require any certified septic tank installer or certified septic tank pumper who has executed and deposited a bond as authorized in paragraph (2) of this subsection to give or furnish or execute any code compliance bond or similar bond for the purpose of ensuring that all construction, installation, or modifications are made or completed in compliance with the county or municipal ordinances or building and construction codes.

(2) In order to protect the public from damages arising from any work by a certified septic tank installer or certified septic tank pumper, ~~which work~~ that fails to comply with any state construction codes or with the ordinances or building and construction codes adopted by any county or municipal corporation, any such certified septic tank installer or certified septic tank pumper may execute and deposit with the judge of the probate court in the county of his or her principal place of business a bond in the sum of \$10,000.00. Such bond shall be a cash bond of \$10,000.00 or executed by a surety authorized and qualified to write surety bonds in the State of Georgia and shall be

approved by the local county or municipal health department. Such bond shall be conditioned upon all work done or supervised by such certificate holder complying with the provisions of any state construction codes or any ordinances or building and construction codes of any county or municipal corporation wherein the work is performed. Action on such bond may be brought against the principal and surety thereon in the name of and for the benefit of any person who suffers damages as a consequence of said certificate holder's work not conforming to the requirements of any ordinances or building and construction codes; provided, however, that the aggregate liability of the surety to all persons so damaged shall in no event exceed the sum of such bond.

(3) In any case where a bond is required under this subsection, the certified septic tank installer or certified septic tank pumper shall file a copy of the bond with the county or municipal health department in the political subdivision wherein the work is being performed.

(4) The provisions of this subsection shall not apply to or affect any bonding requirements involving contracts for public works as provided in Chapter 10 of Title 13.

(d) This Code section does not restrict the work of a plumber licensed by the State Construction Industry Licensing Board to access any on-site sewage management system for the purpose of servicing or repairing any plumbing system or connection to the on-site sewage management system.

~~31-2-13.~~ 31-2A-12.

Until July 1, 2012, the department shall provide by rule or regulation for the regulation of any land disposal site that receives septic tank waste from only one septic tank pumping and hauling business and which as of June 30, 2007, operated under a valid permit for such activity as issued by the department (previously known as the Department of Human Resources for these purposes) under this Code section. No new permit shall be issued by the department under this Code section for such type of site on or after July 1, 2007, but instead any new permit issued for such type of site on or after such date shall be issued by the Department of Natural Resources under Code Section 12-8-41. This Code section shall stand repealed on July 1, 2012.

~~31-2-17.~~ 31-2A-13.

The commissioner is authorized to appoint a diabetes coordinator within the ~~Division of Public Health~~ department to coordinate with other state departments and agencies to ensure that all programs that impact the prevention and treatment of diabetes are coordinated, that duplication of efforts is minimized, and that the impact of such programs is maximized in an attempt to reduce the health consequences and complications of diabetes in Georgia. The ~~Division of Public Health~~ department shall serve as the central repository for this state's departments and agencies for data related to the prevention and treatment of diabetes.

~~31-2-17.1.~~ 31-2A-14.

(a) There is established within the ~~department's Division~~ Department of Public Health the Georgia Diabetes Control Grant Program. The purpose of the grant program shall be to develop, implement, and promote a state-wide effort to combat the proliferation of Type 2 diabetes and pre-diabetes.

(b) The program shall be under the direction of a seven-member advisory committee, appointed by the Governor. The Governor, in making such appointments, shall ensure to the greatest extent possible that the membership of the advisory committee is representative of this state's geographic and demographic composition, with appropriate attention to the representation of women, minorities, and rural Georgia. The appointments made by the Governor shall include one member who is:

- (1) A physician licensed in this state;
- (2) A registered nurse licensed in this state;
- (3) A dietitian licensed in this state;
- (4) A diabetes educator;
- (5) A representative of the business community;
- (6) A pharmacist licensed in this state; and
- (7) A consumer who has diabetes.

The commissioner of ~~the Department of Community Health~~, or his or her designee, shall serve as an ex officio, nonvoting member of the advisory committee. Appointed advisory committee members shall be named for five-year terms staggered so that one term will expire each year, except for the fourth and fifth year, when two terms will expire. Their successors shall be named for five-year terms.

(c) The Georgia Diabetes Control Grant Program shall be authorized to administer two grant programs targeted at new, expanded, or innovative approaches to address diabetes as follows:

- (1) A program to provide grants to middle schools and high schools to promote the understanding and prevention of diabetes may be established by the program. Such grants shall be provided through the appropriate local board of education. Grant requests shall contain specific information regarding requirements as to how the grant should be spent and how such spending promotes the understanding and prevention of diabetes. Grant recipients shall be required to provide the advisory committee with quarterly reports of the results of the grant program; and
- (2) A program to provide grants to health care providers for support of evidence based diabetes programs for education, screening, disease management, and self-management targeting populations at greatest risk for pre-diabetes, diabetes, and the complications of diabetes; and grants may also be awarded to address evidence based activities that focus on policy, systems, and environmental changes that support prevention, early detection, and treatment of diabetes. Eligible entities shall include community and faith based clinics and other organizations, federally qualified health centers, regional and county health departments, hospitals, and other public entities, and other health related service providers which are qualified as exempt from taxation under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986.

Such entities shall have been in existence for at least three years, demonstrate financial stability, utilize evidence based practices, and show measurable results in their programs.

(d) The advisory committee shall work with the department to establish grant criteria and make award decisions, with the goal of creating a state-wide set of resources to assist residents of Georgia in their efforts to prevent or treat diabetes. Grants shall not be used for funding existing programs.

(e) The grant program shall be under the direction of the diabetes coordinator appointed pursuant to Code Section ~~31-2-17~~ 31-2A-13. The department shall provide sufficient staff, administrative support, and such other resources as may be necessary for the diabetes coordinator to carry out the duties required by this Code section.

(f) This Code section shall be subject to appropriation from the General Assembly.

~~31-2-18.~~ 31-2A-15.

(a) ~~The Division of Public Health shall have a director who shall be appointed by the Governor and serve at the pleasure of the Governor. The director shall report to the Office of the Governor and to the commissioner.~~ In addition to other authority and duties granted in this title, the ~~director~~ commissioner shall:

(1) Provide a written report of expenditures made for public health purposes in the prior fiscal year to the Governor, the Speaker of the House of Representatives, and the Lieutenant Governor no later than December 1 of each year beginning December 1, 2010; and

(2) Serve as the chief liaison to county boards of health through their directors on matters related to the operations and programmatic responsibilities of such county boards of health; provided, however, the ~~director~~ commissioner may designate a person from within the ~~division~~ department to serve as such chief liaison.

(b) The ~~director~~ commissioner shall be authorized to convene one or more panels of experts to address various public health issues and may consult with experts on epidemiological and emergency preparedness issues.

SECTION 3-3.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "Code Section 31-2-12" wherever it occurs with "Code Section 31-2A-11":

(1) Code Section 31-3-5, relating to functions of county boards of health;

(2) Code Section 31-3-5.1, relating to conformity prerequisite to building permit; and

(3) Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or repeal of rules.

SECTION 3-4.

The following Code section of the Official Code of Georgia Annotated is amended by replacing "Code Section 31-2-13" wherever it occurs with "Code Section 31-2A-12":

(1) Code Section 12-8-41, relating to permits issued by the Department of Natural Resources for land disposal sites.

SECTION 3-5.

Code Section 31-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to health generally, is revised as follows:

"31-1-1.

Except as specifically provided otherwise, as used in this title, the term:

- (1) 'Board' means the Board of ~~Community~~ Public Health.
- (2) 'Commissioner' means the commissioner of ~~community~~ public health.
- (3) 'Department' means the Department of ~~Community~~ Public Health."

SECTION 3-6.

Code Section 31-1-10 of the Official Code of Georgia Annotated, relating to the state health officer, is amended as follows:

"31-1-10.

- (a) The position of ~~State Health Officer~~ state health officer is created. ~~The commissioner of community health or the director of the Division of Public Health of the Department of Community Health shall be the State Health Officer, as designated by the Governor. The Governor may appoint the commissioner of public health to serve simultaneously as the state health officer or may appoint another individual to serve as state health officer. Such officer shall serve at the pleasure of the Governor.~~
- (b) The ~~State Health Officer~~ state health officer shall perform such health emergency preparedness and response duties as assigned by the Governor."

PART IV

Changes to the Department of Community Health.

SECTION 4-1.

Said title is further amended by revising Code Section 31-2-1, relating to legislative intent and the grant of authority to the Department of Community Health, as follows:

"31-2-1.

Given the growing concern and complexities of health issues in this state, it is the intent of the General Assembly to create a Department of Community Health dedicated to health issues. ~~The Department of Community Health shall safeguard and promote the health of the people of this state and is empowered to employ all legal means appropriate to that end.~~ Illustrating, without limiting, the foregoing grant of authority, the department is empowered to:

- (1) Serve as the lead planning agency for all health issues in the state to remedy the current situation wherein the responsibility for health care policy, purchasing, planning, and regulation is spread among many different agencies;
- (2) Permit the state to maximize its purchasing power and to administer its operations in a manner so as to receive the maximum amount of federal financial participation available in expenditures of the department;

- (3) Minimize duplication and maximize administrative efficiency in the state's health care systems by removing overlapping functions and streamlining uncoordinated programs;
- (4) Allow the state to develop a better health care infrastructure that is more responsive to the consumers it serves while improving access to and coverage for health care;
- (5) Focus more attention and departmental procedures on the issue of wellness, including diet, exercise, and personal responsibility;
- ~~(6) Provide epidemiological investigations and laboratory facilities and services in the detection and control of disease, disorders, and disabilities and to provide research, conduct investigations, and disseminate information concerning reduction in the incidence and proper control of disease, disorders, and disabilities;~~
- ~~(7) Forestall and correct physical, chemical, and biological conditions that, if left to run their course, could be injurious to health;~~
- ~~(8) Regulate and require the use of sanitary facilities at construction sites and places of public assembly and to regulate persons, firms, and corporations engaged in the rental and service of portable chemical toilets;~~
- ~~(9) Isolate and treat persons afflicted with a communicable disease who are either unable or unwilling to observe the department's rules and regulations for the suppression of such disease and to establish, to that end, complete or modified quarantine, surveillance, or isolation of persons and animals exposed to a disease communicable to man;~~
- ~~(10) Procure and distribute drugs and biologicals and purchase services from clinics, laboratories, hospitals, and other health facilities and, when authorized by law, to acquire and operate such facilities;~~
- ~~(11) Cooperate with agencies and departments of the federal government and of the state by supplying consultant services in medical and hospital programs and in the health aspects of civil defense, emergency preparedness, and emergency response;~~
- ~~(12) Prevent, detect, and relieve physical defects and deformities;~~
- ~~(13) Promote the prevention, early detection, and control of problems affecting the dental and oral health of the citizens of Georgia;~~
- ~~(14) Contract with county boards of health to assist in the performance of services incumbent upon them under Chapter 3 of this title and, in the event of grave emergencies of more than local peril, to employ whatever means may be at its disposal to overcome such emergencies;~~
- ~~(15) Contract and execute releases for assistance in the performance of its functions and the exercise of its powers and to supply services which are within its purview to perform;~~
- ~~(16)~~(6) Enter into or upon public or private property at reasonable times for the purpose of inspecting same to determine the presence of disease and conditions deleterious to health or to determine compliance with health applicable laws and rules, regulations, and standards thereunder; and

~~(17)(7) Promulgate and enforce rules and regulations for the licensing of medical facilities wherein abortion procedures under subsections (b) and (c) of Code Section 16-12-141 are to be performed; and, further, to disseminate and distribute educational information and medical supplies and treatment in order to prevent unwanted pregnancy; and.~~

~~(18) Establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' a schedule of fees for laboratory services provided, schedules to be determined in a manner so as to help defray the costs incurred by the department, but in no event to exceed such costs, both direct and indirect, in providing such laboratory services, provided no person shall be denied services on the basis of his or her inability to pay. All fees paid thereunder shall be paid into the general funds of the State of Georgia. The individual who requests the services authorized in this paragraph, or the individual for whom the laboratory services authorized in this paragraph are performed, shall be responsible for payment of the service fees. As used in this paragraph, the term 'individual' means a natural person or his or her responsible health benefit policy or Title XVIII, XIX, or XXI of the federal Social Security Act of 1935."~~

SECTION 4-2.

Code Section 31-2-4 of the Official Code of Georgia Annotated, relating to the powers, duties, functions, and responsibilities of the Department of Community Health, is amended as follows:

"31-2-4.

(a)(1)(A) The Department of Community Health is re-created and established to perform the functions and assume the duties and powers exercised on June 30, 2009, by the Department of Community Health, the Division of Public Health of the Department of Human Resources, and the Office of Regulatory Services of the Department of Human Resources, unless specifically transferred to the Department of Human Services, and such department, division, and office shall be reconstituted as the Department of Community Health effective July 1, 2009. The department shall retain powers and responsibility with respect to the expenditure of any funds appropriated to the department including, without being limited to, funds received by the state pursuant to the settlement of the lawsuit filed by the state against certain tobacco companies, *State of Georgia, et al. v. Philip Morris, Inc., et al.*, Civil Action #E-61692, V19/246 (Fulton County Superior Court, December 9, 1998).

(B) On and after July 1, 2011, the functions, duties, and powers of the Department of Community Health relating to the former Division of Public Health of the Department of Human Resources shall be performed and exercised by the Department of Public Health pursuant to Code Section 31-2A-2. No power, function, responsibility, duty, or similar authority held by the Department of Community Health as of June 30, 2009, shall be diminished or lost due to the creation of the Department of Public Health.

(2) The director of the Division of Public Health in office on June 30, 2009, and the director of the Office of Regulatory Services in office on June 30, 2009, shall become directors of the respective division or office which those predecessor agencies or units have become on and after July 1, 2009, and until such time as the commissioner appoints other directors of such divisions or units. The position of director of the Division of Public Health shall be abolished effective July 1, 2011.

~~(b)(1) There is created in the department the Office of Women's Health. Attached to the office shall be an 11 member advisory council. The members of the advisory council shall be appointed by the Governor and shall be representative of major public and private agencies and organizations in the state and shall be experienced in or have demonstrated particular interest in women's health issues. Each member shall be appointed for two years and until his or her successor is appointed. The members shall be eligible to succeed themselves. The council shall elect its chairperson from among the councilmembers for a term of two years. The Governor may name an honorary chairperson of the council.~~

~~(2) The Office of Women's Health shall serve in an advisory capacity to the Governor, the General Assembly, the board, the department, and all other state agencies in matters relating to women's health. In particular, the office shall:~~

~~(A) Raise awareness of women's nonreproductive health issues;~~

~~(B) Inform and engage in prevention and education activities relating to women's nonreproductive health issues;~~

~~(C) Serve as a clearing house for women's health information for purposes of planning and coordination;~~

~~(D) Issue reports of the office's activities and findings; and~~

~~(E) Develop and distribute a state comprehensive plan to address women's health issues.~~

~~(3) The council shall meet upon the call of its chairperson, the board, or the commissioner. Reserved.~~

(c) The Board of Regents of the University System of Georgia is authorized to contract with the department for health benefits for members, employees, and retirees of the board of regents and the dependents of such members, employees, and retirees and for the administration of such health benefits. The department is also authorized to contract with the board of regents for such purposes.

(d) In addition to its other powers, duties, and functions, the department:

(1) Shall be the lead agency in coordinating and purchasing health care benefit plans for state and public employees, dependents, and retirees and may also coordinate with the board of regents for the purchase and administration of such health care benefit plans for its members, employees, dependents, and retirees;

(2) Is authorized to plan and coordinate medical education and physician work force issues;

(3) Shall investigate the lack of availability of health insurance coverage and the issues associated with the uninsured population of this state. In particular, the department is authorized to investigate the feasibility of creating and administering

insurance programs for small businesses and political subdivisions of the state and to propose cost-effective solutions to reducing the numbers of uninsured in this state;

(4) Is authorized to appoint a health care work force policy advisory committee to oversee and coordinate work force planning activities;

(5) Is authorized to solicit and accept donations, contributions, and gifts and receive, hold, and use grants, devises, and bequests of real, personal, and mixed property on behalf of the state to enable the department to carry out its functions and purposes;

(6) Is authorized to award grants, as funds are available, to hospital authorities and hospitals for public health purposes, pursuant to Code Sections 31-7-94 and 31-7-94.1;

(7) Shall make provision for meeting the cost of hospital care of persons eligible for public assistance to the extent that federal matching funds are available for such expenditures for hospital care. To accomplish this purpose, the department is authorized to pay from funds appropriated for such purposes the amount required under this paragraph into a trust fund account which shall be available for disbursement for the cost of hospital care of public assistance recipients. The commissioner, subject to the approval of the Office of Planning and Budget, on the basis of the funds appropriated in any year, shall estimate the scope of hospital care available to public assistance recipients and the approximate per capita cost of such care. Monthly payments into the trust fund for hospital care shall be made on behalf of each public assistance recipient and such payments shall be deemed encumbered for assistance payable. Ledger accounts reflecting payments into and out of the hospital care fund shall be maintained for each of the categories of public assistance established under Code Section 49-4-3. The balance of state funds in such trust fund for the payment of hospital costs in an amount not to exceed the amount of federal funds held in the trust fund by the department available for expenditure under this paragraph shall be deemed encumbered and held in trust for the payment of the costs of hospital care and shall be rebudgeted for this purpose on each quarterly budget required under the laws governing the expenditure of state funds. The state auditor shall audit the funds in the trust fund established under this paragraph in the same manner that any other funds disbursed by the department are audited;

(8) Shall classify and license community living arrangements in accordance with the rules and regulations promulgated by the department for the licensing and enforcement of licensing requirements for persons whose services are financially supported, in whole or in part, by funds authorized through the Department of Behavioral Health and Developmental Disabilities. To be eligible for licensing as a community living arrangement, the residence and services provided must be integrated within the local community. All community living arrangements licensed by the department shall be subject to the provisions of Code Sections ~~31-2-11~~ 31-2-8 and 31-7-2.2. No person, business entity, corporation, or association, whether operated for profit or not for profit, may operate a community living arrangement without first obtaining a license or provisional license from the department. A license issued pursuant to this paragraph is not assignable or transferable. As used in this

paragraph, the term 'community living arrangement' means any residence, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food, one or more personal services, support, care, or treatment exclusively for two or more persons who are not related to the owner or administrator of the residence by blood or marriage;

(9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' a schedule of fees for licensure activities for institutions and other health care related entities required to be licensed, permitted, registered, or commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of this title, Chapter 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter 6 of Title 49. Such schedules shall be determined in a manner so as to help defray the costs incurred by the department, but in no event to exceed such costs, both direct and indirect, in providing such licensure activities. Such fees may be annually adjusted by the department but shall not be increased by more than the annual rate of inflation as measured by the Consumer Price Index, as reported by the Bureau of Labor Statistics of the United States Department of Labor. All fees paid thereunder shall be paid into the general funds of the State of Georgia. It is the intent of the General Assembly that the proceeds from all fees imposed pursuant to this paragraph be used to support and improve the quality of licensing services provided by the department; and

(10)(A) ~~The department may~~ May accept the certification or accreditation of an entity or program by a certification or accreditation body, in accordance with specific standards, as evidence of compliance by the entity or program with the substantially equivalent departmental requirements for issuance or renewal of a permit or provisional permit, provided that such certification or accreditation is established prior to the issuance or renewal of such permits. The department may not require an additional departmental inspection of any entity or program whose certification or accreditation has been accepted by the department, except to the extent that such specific standards are less rigorous or less comprehensive than departmental requirements. Nothing in this Code section shall prohibit either departmental inspections for violations of such standards or requirements or the revocation of or refusal to issue or renew permits, as authorized by applicable law, or for violation of any other applicable law or regulation pursuant thereto.

(B) For purposes of this paragraph, the term:

(i) 'Entity or program' means an agency, center, facility, institution, community living arrangement, drug abuse treatment and education program, or entity subject to regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title; Chapter 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of Title 49.

(ii) 'Permit' means any license, permit, registration, or commission issued by the department pursuant to the provisions of the law cited in division (i) of this subparagraph."

SECTION 4-3.

Code Section 31-2-6 of the Official Code of Georgia Annotated, relating to the creation of the commissioner of community health, is amended by revising subsection (b) as follows:

"(b) There shall be created in the department such divisions as may be found necessary for its effective operation. ~~Except for the Division of Public Health, the~~ The commissioner shall have the power to allocate and reallocate functions among the divisions within the department."

SECTION 4-4.

Code Sections 31-2-9, 31-2-11, 31-2-14, 31-2-15, and 31-2-16 of the Official Code of Georgia Annotated, relating to rules and regulations, actions against certain applicants or licensees, records check requirements for certain facilities, information and comparisons regarding state-wide cost and quality of health care, and biopharmaceuticals, respectively, are redesignated as Code Sections 31-2-7, 31-2-8, 31-2-9, 31-2-10, and 31-2-11, respectively.

SECTION 4-5.

Code Section 31-2-19 of the Official Code of Georgia Annotated, relating to the Advisory Council for Public Health, is repealed.

SECTION 4-6.

The following Code section of the Official Code of Georgia Annotated is amended by replacing "Code Section 31-2-9" wherever it occurs with "Code Section 31-2-7":

- (1) Code Section 10-1-393, relating to unfair or deceptive practices in consumer transactions which are unlawful.

SECTION 4-7.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "Code Section 31-2-11" wherever it occurs with "Code Section 31-2-8":

- (1) Code Section 25-2-40, relating to smoke detectors required in new dwellings and dwelling units;
- (2) Code Section 31-7-2.1, relating to rules and regulations relating to hospitals and other health care facilities;
- (3) Code Section 31-7-302, relating to rules and regulations relating to private home care providers;
- (4) Code Section 31-8-60, relating to retaliation against a resident and interference with the long-term care ombudsman prohibited;
- (5) Code Section 31-8-135, relating to hearings for residents of personal care homes;
- (6) Code Section 31-44-11, relating to the authority of the Department of Community Health to deal with violations relating to renal disease facilities;
- (7) Code Section 49-4-153, relating to administrative hearings and appeals under Medicaid; and

(8) Code Section 49-6-84, relating to the authority of the Department of Community Health relating to adult day centers.

SECTION 4-8.

Code Section 31-8-2 of the Official Code of Georgia Annotated, relating to definitions relative to hospital care for the indigent generally, is amended by adding a new paragraph to read as follows:

"(0.5) 'Department' means the Department of Community Health."

SECTION 4-9.

Code Section 31-8-31 of the Official Code of Georgia Annotated, relating to definitions relative to hospital care for nonresident indigents, is amended by adding a new paragraph to read as follows:

"(2.1) 'Department' means the Department of Community Health."

SECTION 4-10.

Code Section 31-8-41 of the Official Code of Georgia Annotated, relating to definitions relative to hospital care for pregnant women, is amended by adding a new paragraph to read as follows:

"(1.1) 'Department' means the Department of Community Health."

SECTION 4-11.

Code Section 31-8-81 of the Official Code of Georgia Annotated, relating to definitions relative to the "Long-term Care Facility Resident Abuse Reporting Act," is amended by adding a new paragraph to read as follows:

"(1.1) 'Department' means the Department of Community Health."

SECTION 4-12.

Code Section 31-8-102 of the Official Code of Georgia Annotated, relating to definitions relative to the "Bill of Rights for Residents of Long-term Care Facilities," is amended by adding a new paragraph to read as follows:

"(1.1) 'Department' means the Department of Community Health."

SECTION 4-13.

Code Section 31-8-132 of the Official Code of Georgia Annotated, relating to definitions relative to the "Remedies for Residents of Personal Care Homes Act," is amended by adding a new paragraph to read as follows:

"(2.1) 'Department' means the Department of Community Health."

SECTION 4-14.

Code Section 31-8-180 of the Official Code of Georgia Annotated, relating to definitions relative to disclosure of treatment of Alzheimer's disease or Alzheimer's related dementia, is amended by adding a new paragraph to read as follows:

"(3) 'Department' means the Department of Community Health."

SECTION 4-15.

Code Section 31-13-3 of the Official Code of Georgia Annotated, relating to definitions relative to the "Georgia Radiation Control Act," is amended by adding a new paragraph to read as follows:

"(1.2) 'Department' means the Department of Community Health."

SECTION 4-16.

Code Section 31-22-1 of the Official Code of Georgia Annotated, relating to definitions relative to clinical laboratories, is amended by adding new paragraphs to read as follows:

"(2.1) 'Commissioner' means the commissioner of community health.

(2.2) 'Department' means the Department of Community Health."

SECTION 4-17.

Code Section 31-23-1 of the Official Code of Georgia Annotated, relating to definitions relative to eye banks, is amended by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and adding a new subsection to read as follows:

"(1) 'Department' means the Department of Community Health."

SECTION 4-18.

Code Section 31-44-1 of the Official Code of Georgia Annotated, relating to definitions relative to renal disease facilities, is amended by redesignating paragraphs (1) through (6) as paragraphs (3) through (8), respectively, and adding new paragraphs to read as follows:

"(1) 'Board' means the Board of Community Health.

(2) 'Department' means the Department of Community Health."

PART V

Various Code Sections Affected.

SECTION 5-1.

Code Section 12-5-4 of the Official Code of Georgia Annotated, relating to programs for voluntary water conservation and enhancing water supply, is amended by revising subsection (a) as follows:

"(a) As used in this Code section, the term 'agency' or 'agencies' means the Georgia Department of Natural Resources, including its Environmental Protection Division, the Georgia Environmental Finance Authority, the Georgia Department of Community Affairs, the Georgia State Forestry Commission, the Georgia Department of Community Health, ~~including its Division of the Department of~~ Public Health, the Georgia Department of Agriculture, and the Georgia State Soil and Water Conservation Commission individually or collectively as the text requires."

SECTION 5-2.

Code Section 15-21-143 of the Official Code of Georgia Annotated, relating to appointment of members and personnel of the Brain and Spinal Injury Trust Fund Commission, is amended by revising subsection (a) as follows:

"(a) The Brain and Spinal Injury Trust Fund Commission shall consist of ~~15~~ 16 members who shall serve for terms of two years, except that with respect to the first members appointed, five members shall be appointed for a term of three years, five for a term of two years, and five for a term of one year. The following agencies may each appoint one member of the commission:

- (1) The Division of Rehabilitation Services of the Department of Labor;
- (2) The State Board of Education;
- (3) The Department of Public Safety;
- (4) The Department of Community Health;
- (5) The Department of Public Health; and
- ~~(5)~~(6) The Department of Human Services.

The remaining ten members of the commission shall be appointed by the Governor, seven of whom shall be citizens who have sustained brain or spinal cord injury or members of such persons' immediate families, no more than one of whom shall reside in the same geographic area of the state which constitutes a health district established by the Department of ~~Community~~ Public Health. The Governor is authorized but not required to appoint the remaining three members from recommendations submitted by the Private Rehabilitation Suppliers of Georgia, the Georgia Hospital Association, the Brain Injury Association of Georgia, the Medical Association of Georgia, and the Georgia State Medical Association. The Governor shall also establish initial terms of office for all ~~15~~ 16 members of the board within the limitations of this subsection."

SECTION 5-3.

Code Section 17-18-1 of the Official Code of Georgia Annotated, relating to duty of certain officials to offer written statement of information to victims of rape or forcible sodomy, is amended as follows:

"17-18-1.

When any employee of the Department of Human Services, Department of Community Health, Department of Public Health, Department of Behavioral Health and Developmental Disabilities, a law enforcement agency, or a court has reason to believe that he or she in the course of official duties is speaking to an adult who is or has been a victim of a violation of Code Section 16-6-1, relating to rape, or Code Section 16-6-2, relating to aggravated sodomy, such employee shall offer or provide such adult a written statement of information for victims of rape or aggravated sodomy. Such written statement shall, at a minimum, include the information set out in Code Section 17-18-2 and may include additional information regarding resources available to victims of sexual assault. Information for victims of rape or aggravated sodomy may be provided in any language."

SECTION 5-4.

Code Section 19-15-4 of the Official Code of Georgia Annotated, relating to the Georgia Child Fatality Review Panel, is amended by revising paragraph (15) of subsection (c) as follows:

"(15) ~~The director of the Division of Public Health of the Department of Community Health~~ commissioner of public health; and"

SECTION 5-5.

Code Section 24-9-40 of the Official Code of Georgia Annotated, relating to when medical information may be released by a physician, hospital, health care facility, or pharmacist, is amended by revising subsection (a) as follows:

"(a) No physician licensed under Chapter 34 of Title 43 and no hospital or health care facility, including those operated by an agency or bureau of the state or other governmental unit, shall be required to release any medical information concerning a patient except to the Department of ~~Community Public Health~~, its divisions, agents, or successors when required in the administration of public health programs pursuant to Code Section 31-12-2 and where authorized or required by law, statute, or lawful regulation or to the Department of Community Health, its divisions, agents, or successors where authorized or required by law, statute, or lawful regulation; or on written authorization or other waiver by the patient, or by his or her parents or duly appointed guardian ad litem in the case of a minor, or on appropriate court order or subpoena; provided, however, that any physician, hospital, or health care facility releasing information under written authorization or other waiver by the patient, or by his or her parents or guardian ad litem in the case of a minor, or pursuant to law, statute, or lawful regulation, or under court order or subpoena shall not be liable to the patient or any other person; provided, further, that the privilege shall be waived to the extent that the patient places his or her care and treatment or the nature and extent of his or her injuries at issue in any civil or criminal proceeding. This Code section shall not apply to psychiatrists or to hospitals in which the patient is being or has been treated solely for mental illness."

SECTION 5-6.

Code Section 24-9-47 of the Official Code of Georgia Annotated, relating to disclosure of AIDS confidential information, is amended by revising subsections (h), (t), (x), and (aa) as follows:

"(h)(1) An administrator of an institution licensed as a hospital by the Department of Community Health or a physician having a patient who has been determined to be infected with HIV may disclose to the Department of ~~Community Health~~ Public Health:

(A) The name and address of that patient;

(B) That such patient has been determined to be infected with HIV; and

(C) The name and address of any other person whom the disclosing physician or administrator reasonably believes to be a person at risk of being infected with HIV by that patient.

(2) When mandatory and nonanonymous reporting of confirmed positive HIV tests to the Department of ~~Community Health~~ Public Health is determined by that department to be reasonably necessary, that department shall establish by regulation a date on and after which such reporting shall be required. On and after the date so established, each health care provider, health care facility, or any other person or legal entity which orders an HIV test for another person shall report to the Department of ~~Community Health~~ Public Health the name and address of any person thereby determined to be infected with HIV. No such report shall be made regarding any confirmed positive HIV test provided at any anonymous HIV test site operated by or on behalf of the Department of ~~Community Health~~ Public Health.

(3) The Department of ~~Community Health~~ Public Health may disclose that a person has been reported, under paragraph (1) or (2) of this subsection, to have been determined to be infected with HIV to the board of health of the county in which that person resides or is located if reasonably necessary to protect the health and safety of that person or other persons who may have come in contact with the body fluids of the HIV infected person. The Department of ~~Community Health~~ Public Health or county board of health to which information is disclosed pursuant to this paragraph or paragraph (1) or (2) of this subsection:

(A) May contact any person named in such disclosure as having been determined to be an HIV infected person for the purpose of counseling that person and requesting therefrom the name of any other person who may be a person at risk of being infected with HIV by that HIV infected person;

(B) May contact any other person reasonably believed to be a person at risk of being infected with HIV by that HIV infected person for the purposes of disclosing that such infected person has been determined to be infected with HIV and counseling such person to submit to an HIV test; and

(C) Shall contact and provide counseling to the spouse of any HIV infected person whose name is thus disclosed if both persons are reasonably likely to have engaged in sexual intercourse or any other act determined by the department likely to have resulted in the transmission of HIV between such persons within the preceding seven years and if that spouse may be located and contacted without undue difficulty."

"(t)(1) A superior court of this state may order a person or legal entity to disclose AIDS confidential information in its custody or control to:

(A) A prosecutor in connection with a prosecution for the alleged commission of reckless conduct under subsection (c) of Code Section 16-5-60;

(B) Any party in a civil cause of action; or

(C) A public safety agency or the Department of ~~Community Health~~ Public Health if that agency or department has an employee thereof who has, in the course of that employment, come in contact with the body fluids of the person identified by the

AIDS confidential information sought in such a manner reasonably likely to cause that employee to become an HIV infected person and provided the disclosure is necessary for the health and safety of that employee,

and for purposes of this subsection the term 'petitioner for disclosure' means any person or legal entity specified in subparagraph (A), (B), or (C) of this paragraph.

(2) An order may be issued against a person or legal entity responsible for recording, reporting, or maintaining AIDS confidential information to compel the disclosure of that information if the petitioner for disclosure demonstrates by clear and convincing evidence a compelling need for the information which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the public health, safety, or welfare needs or any other public or private need for the disclosure against the privacy interest of the person identified by the information and the public interest which may be disserved by disclosures which may deter voluntary HIV tests.

(3) A petition seeking disclosure of AIDS confidential information under this subsection shall substitute a pseudonym for the true name of the person concerning whom the information is sought. The disclosure to the parties of that person's true name shall be communicated confidentially, in documents not filed with the court.

(4) Before granting any order under this subsection, the court shall provide the person concerning whom the information is sought with notice and a reasonable opportunity to participate in the proceedings if that person is not already a party.

(5) Court proceedings as to disclosure of AIDS confidential information under this subsection shall be conducted in camera unless the person concerning whom the information is sought agrees to a hearing in open court.

(6) Upon the issuance of an order that a person or legal entity be required to disclose AIDS confidential information regarding a person named in that order, that person or entity so ordered shall disclose to the ordering court any such information which is in the control or custody of that person or entity and which relates to the person named in the order for the court to make an in camera inspection thereof. If the court determines from that inspection that the person named in the order is an HIV infected person, the court shall disclose to the petitioner for disclosure that determination and shall impose appropriate safeguards against unauthorized disclosure which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

(7) The record of the proceedings under this subsection shall be sealed by the court.

(8) An order may not be issued under this subsection against the Department of ~~Community Health~~ Public Health, any county board of health, or any anonymous HIV test site operated by or on behalf of that department."

"(x) Neither the Department of ~~Community Health~~ Public Health nor any county board of health shall disclose AIDS confidential information contained in its records unless such disclosure is authorized or required by this Code section or any other law, except that such information in those records shall not be a public record and shall not be subject to disclosure through subpoena, court order, or other judicial process."

"(aa) In connection with any civil or criminal action in which AIDS confidential information is disclosed as authorized or required by this Code section, the party to whom that information is thereby disclosed may subpoena any person to authenticate such AIDS confidential information, establish a chain of custody relating thereto, or otherwise testify regarding that information, including but not limited to testifying regarding any notifications to the patient regarding results of an HIV test. The provisions of this subsection shall apply as to records, personnel, or both of the Department of ~~Community Health~~ Public Health or a county board of health notwithstanding Code Section 50-18-72, but only as to test results obtained by a prosecutor under subsection (q) of this Code section and to be used thereby in a prosecution for reckless conduct under subsection (c) of Code Section 16-5-60."

SECTION 5-7.

Code Section 26-4-85 of the Official Code of Georgia Annotated, relating to patient counseling and optimizing drug therapy, is amended by revising paragraph (3) of subsection (d) as follows:

"(3) Patients receiving drugs from the Department of ~~Community Health Division of~~ Public Health; provided, however, that pharmacists who provide drugs to patients in accordance with Code Section 43-34-23 shall include in all dispensing procedures a written process whereby the patient or the caregiver of the patient is provided with the information required under this Code section."

SECTION 5-8.

Code Section 26-4-192 of the Official Code of Georgia Annotated, relating to the state-wide program for distribution of unused prescription drugs for the benefit of medically indigent persons, is amended as follows:

"26-4-192.

(a) The Georgia State Board of Pharmacy, the Department of Public Health, and the Department of Community Health shall jointly develop and implement a state-wide program consistent with public health and safety standards through which unused prescription drugs, other than prescription drugs defined as controlled substances, may be transferred from health care facilities to pharmacies designated or approved by the Department of ~~Community Health~~ Public Health for the purpose of distributing such drugs to residents of this state who are medically indigent persons.

(b) The Georgia State Board of Pharmacy, the Department of Public Health, and the Department of Community Health shall be authorized to develop and implement a pilot program to determine the safest and most beneficial manner of implementing the program prior to the state-wide implementation of the program required in subsection (a) of this Code section.

(c) The Georgia State Board of Pharmacy, in consultation with the Department of Public Health and the Department of Community Health, shall develop and promulgate rules and regulations to establish procedures necessary to implement the program and

pilot program, if applicable, provided for in this Code section. The rules and regulations shall provide, at a minimum:

- (1) For an inclusionary formulary for the prescription drugs to be distributed pursuant to the program;
- (2) For the protection of the privacy of the individual for whom a prescription drug was originally prescribed;
- (3) For the integrity and safe storage and safe transfer of the prescription drugs, which may include, but shall not be limited to, limiting the drugs made available through the program to those that were originally dispensed by unit dose or an individually sealed dose and that remain in intact packaging; provided, however, that the rules and regulations shall authorize the use of any remaining prescription drugs;
- (4) For the tracking of and accountability for the prescription drugs; and
- (5) For other matters necessary for the implementation of the program.

~~(d) The state wide program required by this Code section shall be implemented no later than January 1, 2007, unless a pilot program is implemented pursuant to subsection (b) of this Code section, in which case state wide implementation shall occur no later than July 1, 2008."~~

SECTION 5-9.

Code Section 31-1-3.1 of the Official Code of Georgia Annotated, relating to reporting disabled newborn persons, is amended by revising subsections (e) and (g) as follows:

"(e) ~~The Division of Public Health of the~~ department shall:

- (1) Maintain records of reports, notifications, and referrals made under this article; and
- (2) Maintain and update rosters of public and private departments or agencies which provide services to persons who have disabilities like those of disabled newborn persons and send copies of such rosters and an annual update thereof to each county board of health for those boards of health to make such rosters available to the public."

"(g) Any person or entity with whom the department enters into a contract after June 30, 1987, for services shall, as a condition of that contract, register with the department (formerly the Division of Public Health of the Department of Community Health) the various services that person or entity is capable of or is already providing to disabled newborn persons and persons having disabilities like those of disabled newborn persons for purposes of the roster of services the ~~division~~ department maintains under paragraph (2) of subsection (e) of this Code section."

SECTION 5-10.

Code Section 31-5-9 of the Official Code of Georgia Annotated, relating to injunctions for enjoining violations of the provisions of Title 31, is amended as follows:

"31-5-9.

- (a) The Department of Community Public Health and all county boards of health and the Department of Community Health, as appropriate, are empowered to institute

appropriate proceedings for injunction in the courts of competent jurisdiction in this state for the purpose of enjoining a violation of any provision of this title as now existing or as may be hereafter amended or of any regulation or order duly issued by the department, ~~or~~ any county board of health, or the Department of Community Health provided that this Code section shall not apply to violations of the provisions of Chapter 20 of this title. The department, ~~and~~ the county boards of health, and the Department of Community Health, as appropriate, are also empowered to maintain action for injunction to abate any public nuisance which is injurious to the public health, safety, or comfort. Such actions may be maintained notwithstanding the fact that such violation also constitutes a crime and notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the department, ~~or~~ any county board, or the Department of Community Health, as the case may be, in the county in which a violation of any provision of this title occurs. For purposes of this Code section, the county boards of health are declared to be legal entities capable of maintaining actions in their respective names without naming the individuals constituting such board, or acting on behalf of the department, as the case may be.

(b) Notwithstanding the provisions of Code Section 5-6-13, an appeal or a notice of intent to appeal an adjudication of contempt of court of a party subject to an interlocutory or final judgment in a court action for an injunction instituted under authority of this Code section for a violation of a licensing requirement of this title shall not operate as a supersedeas unless it is so ordered by the court; provided, however, that the court may grant a supersedeas in such a case after making a finding that the health, safety, or welfare of the recipients of the services will not be substantially harmed by the issuance of the stay.

(c) Unless otherwise ordered by the court pursuant to subsection (b) of this Code section, an interlocutory or final judgment in an action granting an injunction under this Code section may be enforced by attachment for contempt."

SECTION 5-11.

Code Section 31-5-20 of the Official Code of Georgia Annotated, relating to the definition of the term "inspection warrant," is amended as follows:

"31-5-20.

As used in this chapter, the term 'inspection warrant' means a warrant authorizing a search or inspection of private property where such a search or inspection is one that is necessary for the enforcement of any of the provisions of laws authorizing licensure, inspection, or regulation by the Department of ~~Community~~ Public Health or a local agency thereof or by the Department of Community Health."

SECTION 5-12.

Code Section 31-5-21 of the Official Code of Georgia Annotated, relating to persons who may obtain inspection warrants, is amended as follows:

"31-5-21.

The commissioner or the commissioner of community health or his or her delegate or the director of any county board of health, in addition to other procedures now or hereafter provided, may obtain an inspection warrant under the conditions specified in this chapter. Such warrant shall authorize the commissioner or the commissioner of community health or the director of any county board of health, or the agents of ~~either~~ any, or the Department of Agriculture, as appropriate, to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, if such search or inspection is one that is elsewhere authorized under the rules and regulations duly promulgated under this title or any provision of law which authorizes licensure, inspection, or regulation by the Department of ~~Community~~ Public Health or a local agency thereof or by the Department of Community Health."

SECTION 5-13.

Code Section 31-8-52 of the Official Code of Georgia Annotated, relating to duties of the state long-term care ombudsman, is amended as follows:

"31-8-52.

Pursuant to the Older Americans Act of 1965 (P.L. 89-73, 79 Stat. 219), as amended, and as a condition of receiving funds under that act for various programs for older citizens of this state, the Department of Human Services has been required to establish and operate a long-term care ombudsman program. In order to receive such funds, the department has already established a position of state ombudsman within the state Office of Special Programs. The state ombudsman shall be under the direct supervision of the commissioner of human services or his or her designee and shall be given the powers and duties hereafter provided by this article. The state ombudsman shall be a person qualified by training and experience in the field of aging or long-term care, or both. The state ombudsman shall promote the well-being and quality of life of residents in long-term care facilities and encourage the development of community ombudsman activities at the local level. The state ombudsman may certify community ombudsmen and such certified ombudsmen shall have the powers and duties set forth in Code Sections 31-8-54 and 31-8-55. The state ombudsman shall require such community ombudsmen to receive appropriate training as determined and approved by the department prior to certification. Such training shall include an internship of at least seven working days in a nursing home and at least three working days in a personal care home. Upon certification, the state ombudsman shall issue an identification card which shall be presented upon request by community ombudsmen whenever needed to carry out the purposes of this article. Two years after first being certified and every two years thereafter, each such community ombudsman, in order to carry out his or her duties under this article, shall be recertified by the state ombudsman as continuing to meet the department's standards as community ombudsman."

SECTION 5-14.

Code Section 31-9A-6 of the Official Code of Georgia Annotated, relating to reporting requirements, is amended as follows:

"31-9A-6.

(a) The Department of ~~Community~~ Public Health shall prepare a reporting form for physicians performing abortions in a health facility licensed as an abortion facility by the Department of Community Health containing a reprint of this chapter and listing:

(1) The number of females to whom the physician provided the information described in paragraph (1) of Code Section 31-9A-3; of that number, the number to whom the information was provided by telephone and the number to whom the information was provided in person; and of each of those numbers, the number to whom the information was provided by a referring physician and the number to whom the information was provided by a physician who is to perform the abortion;

(2) The number of females to whom the physician or a qualified agent of the physician provided the information described in paragraph (2) of Code Section 31-9A-3; of that number, the number to whom the information was provided by telephone and the number to whom the information was provided in person; of each of those numbers, the number to whom the information was provided by a referring physician and the number to whom the information was provided by a physician who is to perform the abortion; and of each of those numbers, the number to whom the information was provided by the physician and the number to whom the information was provided by a qualified agent of the physician;

(3) The number of females who availed themselves of the opportunity to obtain a copy of the printed information described in Code Section 31-9A-4, other than on the website, and the number who did not; and of each of those numbers, the number who, to the best of the reporting physician's information and belief, went on to obtain the abortion; and

(4) The number of females who were provided the opportunity to view the fetal image and hear the fetal heartbeat; of that number, the number who elected to view the sonogram and the number who elected to listen to the fetal heartbeat, if present.

(b) The Department of ~~Community~~ Public Health shall ensure that copies of the reporting forms described in subsection (a) of this Code section are provided:

(1) Not later than September 7, 2005, to all health facilities licensed as an abortion facility by the Department of Community Health;

(2) To each physician licensed or who subsequently becomes licensed to practice in this state, at the same time as official notification to that physician that the physician is so licensed; and

(3) By December 1 of each year, other than the calendar year in which forms are distributed in accordance with paragraph (1) of this subsection, to all health facilities licensed as an abortion facility by the Department of Community Health.

(c) By February 28 of each year following a calendar year in any part of which this chapter was in effect, each physician who provided, or whose qualified agent provided, information to one or more females in accordance with Code Section 31-9A-3 during

the previous calendar year shall submit to the Department of ~~Community~~ Public Health a copy of the form described in subsection (a) of this Code section with the requested data entered accurately and completely.

(d) Nothing in this Code section shall be construed to preclude the voluntary or required submission of other reports or forms regarding abortions.

(e) Reports that are not submitted within a grace period of 30 days following the due date shall be subject to a late fee of \$500.00 for that period and the same fee for each additional 30 day period or portion of a 30 day period the reports are overdue. Any physician required to submit a report in accordance with this Code section who submits an incomplete report or fails to submit a report for more than one year following the due date may, in an action brought by the Department of ~~Community~~ Public Health, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or may be subject to sanctions for civil contempt.

(f) By June 30 of each year, the Department of ~~Community~~ Public Health shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this Code section for each of the items listed in subsection (a) of this Code section. Each report shall also provide the statistics for all previous calendar years adjusted to reflect any additional information from late or corrected reports. The Department of ~~Community~~ Public Health shall ensure that none of the information included in the public reports could reasonably lead to the identification of any individual who provided information in accordance with Code Section 31-9A-3 or 31-9A-4.

(g) The Department of ~~Community~~ Public Health may, by regulation, alter the dates established by subsection (c) or (e) of this Code section or paragraph (3) of subsection (b) of this Code section or may consolidate the forms or reports described in this Code section with other forms or reports for reasons including, but not limited to, achieving administrative convenience or fiscal savings or reducing the burden of reporting requirements, so long as reporting forms are sent to all facilities licensed as an abortion facility by the Department of Community Health at least once every year and the report described in subsection (f) of this Code section is issued at least once every year.

(h) The Department of ~~Community~~ Public Health shall ensure that the names and identities of the physicians filing reports under this chapter shall remain confidential. The names and identities of such physicians shall not be subject to Article 4 of Chapter 18 of Title 50."

SECTION 5-15.

Code Section 31-11-2 of the Official Code of Georgia Annotated, relating to definitions relative to emergency medical services, is amended by revising paragraphs (3), (5), and (6.1) as follows:

"(3) 'Ambulance provider' means an agency or company providing ambulance service which is operating under a valid license from the Emergency Health Section of the ~~Division of Public Health of the~~ Department of ~~Community~~ Public Health."

"(5) 'Cardiac technician' means a person who, having been trained and certified as an emergency medical technician and having completed additional training in advanced cardiac life support techniques in a training course approved by the department, is so certified by the Composite State Board of Medical Examiners, now known as the Georgia Composite Medical Board, prior to January 1, 2002, or the Department of Human Resources (now known as the Department of ~~Community~~ Public Health for these purposes) on and after January 1, 2002."

"(6.1) 'Department' means the Department of ~~Community~~ Public Health."

SECTION 5-16.

Code Section 31-11-9 of the Official Code of Georgia Annotated, relating to enforcement and inspections relative to emergency medical services, is amended as follows:

"31-11-9.

The department and its duly authorized agents are authorized to enforce compliance with this chapter and rules and regulations promulgated under this chapter as provided in Article 1 of Chapter 5 of this title and, in connection therewith during the reasonable business hours of the day, to enter upon and inspect in a reasonable manner the premises of persons providing ambulance service. All inspections under this Code section shall be in compliance with the provisions of Article 2 of Chapter 5 of this title. The department is also authorized to enforce compliance with this chapter, including but not limited to compliance with the EMSC Program and furnishing of emergency services within designated territories, by imposing fines in the same manner as provided in paragraph (6) of subsection (c) of Code Section ~~31-2-11, which~~ 31-2-8; this enforcement action shall be a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

SECTION 5-17.

Code Section 31-11-81 of the Official Code of Georgia Annotated, relating to definitions relative to emergency services, is amended by revising paragraph (2) as follows:

"(2) 'Emergency medical provider' means any provider of emergency medical transportation licensed or permitted by the Department of ~~Community Health~~ Public Health, any hospital licensed or permitted by the Department of Community Health, any hospital based service, or any physician licensed by the Georgia Composite Medical Board who provides emergency services."

SECTION 5-18.

Code Section 31-41-12 of the Official Code of Georgia Annotated, relating to definitions relative to the "Childhood Lead Exposure Control Act", is amended by revising paragraph (3) as follows:

"(3) '~~Division~~ Department' means the ~~Division~~ Department of Public Health."

SECTION 5-19.

Code Section 32-12-4 of the Official Code of Georgia Annotated, relating to the State Advisory Subcommittee for Rural and Human Services Transportation, is amended as follows:

"32-12-4.

The Georgia Coordinating Committee for Rural and Human Services Transportation shall establish the State Advisory Subcommittee for Rural and Human Services Transportation which shall consist of the State School Superintendent and the commissioners of the Department of Transportation, Department of Human Services, Department of Behavioral Health and Developmental Disabilities, Department of Community Health, Department of Public Health, Department of Labor, the Governor's Development Council, and the Department of Community Affairs or their respective designees. The commissioner of transportation or his or her designee shall serve as chairperson of the State Advisory Subcommittee for Rural and Human Services Transportation. The Georgia Coordinating Committee for Rural and Human Services Transportation may also establish such additional advisory subcommittees as it deems appropriate to fulfill its mission which shall consist of a representative of each metropolitan planning organization and representatives from each regional commission in this state and may include other local government representatives; private and public sector transportation providers, both for profit and nonprofit; voluntary transportation programs representatives; public transit system representatives, both rural and urban; and representatives of the clients served by the various programs administered by the agencies represented on the State Advisory Subcommittee for Rural and Human Services Transportation. Members of advisory committees shall be responsible for their own expenses and shall receive no compensation or reimbursement of expenses from the Georgia Coordinating Committee for Rural and Human Services Transportation, the State Advisory Subcommittee for Rural and Human Services Transportation, or the state for their services as members of an advisory committee."

SECTION 5-20.

Code Section 37-1-27 of the Official Code of Georgia Annotated, relating to the Suicide Prevention Program, is amended by revising paragraph (1) of subsection (c) and subsection (d) as follows:

"(1) Establish a link between state agencies and offices, including but not limited to the Division of Aging Services and Division of Family and Children Services of the Department of Human Services, the Department of ~~Community Health~~ Public Health, local government agencies, health care providers, hospitals, nursing homes, and jails to collect data on suicide deaths and attempted suicides;"

"(d) The Suicide Prevention Program shall coordinate with and receive technical assistance from epidemiologists and other staff of the ~~Division of Public Health of the Department of Community Health~~ Department of Public Health to support the research and outreach efforts related to this program."

SECTION 5-21.

Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral Health Coordinating Council, is amended by revising subsection (a) as follows:

"(a) There is created the Behavioral Health Coordinating Council. The council shall consist of the commissioner of behavioral health and developmental disabilities; the commissioner of community health; the commissioner of public health; the commissioner of human services; the commissioner of juvenile justice; the commissioner of corrections; the commissioner of community affairs; the Commissioner of Labor; the State School Superintendent; the chairperson of the State Board of Pardons and Paroles; the ombudsman appointed pursuant to Code Section 37-2-32; an adult consumer of public behavioral health services, appointed by the Governor; a family member of a consumer of public behavioral health services, appointed by the Governor; a parent of a child receiving public behavioral health services, appointed by the Governor; a member of the House of Representatives, appointed by the Speaker of the House of Representatives; and a member of the Senate, appointed by the Lieutenant Governor."

SECTION 5-22.

Code Section 37-2-6 of the Official Code of Georgia Annotated, relating to community mental health, developmental disabilities, and addictive diseases service boards, is amended by revising subsections (a) and (b.1) and subparagraph (b)(4)(A) as follows:

"(a) Community service boards in existence on June 30, 2006, are re-created effective July 1, 2006, to provide mental health, developmental disabilities, and addictive diseases services. Effective July 1, 2009, such community service boards may enroll and contract with the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health to become a provider of mental health, developmental disabilities, and addictive diseases services or health, recovery, housing, or other supportive services. Such boards shall be considered public agencies. Each community service board shall be a public corporation and an instrumentality of the state; provided, however, that the liabilities, debts, and obligations of a community service board shall not constitute liabilities, debts, or obligations of the state or any county or municipal corporation and neither the state nor any county or municipal corporation shall be liable for any liability, debt, or obligation of a community service board. Each community service board re-created pursuant to this Code section is created for nonprofit and public purposes to exercise essential governmental functions. The re-creation of community service boards pursuant to this Code section shall not alter the provisions of Code Section 37-2-6.2 which shall apply to those re-created community service boards and their employees covered by that Code section and those employees' rights are retained."

"(A) A person shall not be eligible to be appointed to or serve on a community service board if such person is:

- (i) A member of the regional planning board which serves the region in which that community service board is located;
- (ii) An employee or board member of a public or private entity which contracts with the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health to provide mental health, developmental disabilities, and addictive diseases services or health services within the region; or
- (iii) An employee of that community service board or employee or board member of any private or public group, organization, or service provider which contracts with or receives funds from that community service board."

"(b.1) A county governing authority may appoint the school superintendent, a member of the county board of health, a member of the board of education, or any other elected or appointed official to serve on the community service board provided that such person meets the qualifications of paragraph (1) of subsection (b) of this Code section and such appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office which begin July 1, 1994, or later, an employee of the Department of Human Resources (now known as the Department of Behavioral Health and Developmental Disabilities for these purposes) or an employee of a county board of health shall not serve on a community service board. For terms of office which begin July 1, 2009, or later, an employee of the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health or a board member of the respective boards of each department shall not serve on a community service board."

SECTION 5-23.

Code Section 37-2-6.1 of the Official Code of Georgia Annotated, relating to the program director, staff, budget, and facilities of community service boards, is amended by revising paragraphs (9) and (15) of subsection (b) as follows:

"(9) Each community service board may establish fees for the provision of disability services or health services according to the terms of contracts entered into with the department, Department of Human Services, Department of Public Health, or Department of Community Health, as appropriate;"

"(15) Each community service board may establish fees, rates, rents, and charges for the use of facilities of the community service board for the provision of disability services or of health services ~~through the Department of Community Health~~, in accordance with the terms of contracts entered into with the department, Department of Human Services, Department of Public Health, or Department of Community Health, as appropriate;"

SECTION 5-24.

Code Section 37-2-11.2 of the Official Code of Georgia Annotated, relating to access by the department, Department of Human Services, Department of Community Health, or

regional office to records of any program receiving public funds, is amended by revising subsections (a) and (b) as follows:

"(a) Notwithstanding any other law to the contrary, to ensure the quality and integrity of patient and client care, any program receiving any public funds from, or subject to licensing, certification, or facility approval by, the department, the Department of Human Services, the Department of Public Health, the Department of Community Health, or a regional office shall be required to provide the department or the appropriate regional office or both, upon request, complete access to, including but not limited to authorization to examine and reproduce, any records required to be maintained in accordance with contracts, standards, or rules and regulations of the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health or pursuant to the provisions of this title.

(b) Records obtained pursuant to subsection (a) of this Code section shall not be considered public records and shall not be released by the department, the Department of Human Services, the Department of Public Health, the Department of Community Health, or any regional office unless otherwise specifically authorized by law."

SECTION 5-25.

Code Section 43-10A-7 of the Official Code of Georgia Annotated, relating to licensing requirements for professional counselors, social workers, and marriage and family therapists, is amended by revising subparagraph (b)(3)(C) as follows:

"(C) Persons who engage in the practice of professional counseling as employees of privately owned correctional facilities, the Department of Corrections, Department of Community Health, Department of Public Health, Department of Behavioral Health and Developmental Disabilities, Department of Human Services, any county board of health, or any community service board or similar entity created by general law to provide services to persons with disabilities, as defined in Chapter 2 of Title 37, but only when engaged in that practice as employees of such privately owned correctional facility, department, board, or entity and persons or entities which contract to provide professional counseling services with such department or county board of health, but such contracting persons and entities shall only be exempt under this subparagraph when engaged in providing professional counseling services pursuant to those contracts and shall only be exempt until January 1, 1996;"

SECTION 5-26.

Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to authority of physician assistants, is amended by revising subparagraph (e.1)(7)(B) and subsection (f) as follows:

"(B) Except in facilities operated by the ~~Division of Public Health of the Department of Community Health~~ Department of Public Health, the supervising physician shall review the prescription drug or device order copy and medical record entry for prescription drug or device orders issued within the past 30 days by the physician assistant. Such review may be achieved with a sampling of no less

than 50 percent of such prescription drug or device order copies and medical record entries."

"(f) A physician employed by the Department of ~~Community Health~~ Public Health or by any institution thereof or by a local health department whose duties are administrative in nature and who does not normally provide health care to patients as such employee shall not be authorized to apply for or utilize the services of any physician assistant employed by the Department of ~~Community Health~~ Public Health or by any institution thereof or by a local health department."

SECTION 5-27.

Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of certain medical acts to advanced practice registered nurses, is amended by revising subsection (g) as follows:

"(g) A delegating physician may not enter into a nurse protocol agreement pursuant to this Code section with more than four advanced practice registered nurses at any one time, except this limitation shall not apply to an advanced practice registered nurse that is practicing:

- (1) In a hospital licensed under Title 31;
- (2) In any college or university as defined in Code Section 20-8-1;
- (3) In the Department of ~~Community Health~~ Public Health;
- (4) In any county board of health;
- (5) In any free health clinic;
- (6) In a birthing center;
- (7) In any entity:
 - (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or indigent Medicaid and medicare patients; or
 - (B) Which has been established under the authority of or is receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
- (8) In any local board of education which has a school nurse program; or
- (9) In a health maintenance organization that has an exclusive contract with a medical group practice and arranges for the provision of substantially all physician services to enrollees in health benefits of the health maintenance organization."

SECTION 5-28.

Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to state purchases without competitive bidding, is amended in subsection (a) as follows:

"(a) If the needed supplies, materials, equipment, or service can reasonably be expected to be acquired for less than \$5,000.00 and is not available on state contracts or through statutorily required sources, the purchase may be effectuated without competitive bidding. The commissioner of administrative services may by rule and regulation authorize the various offices, agencies, departments, boards, bureaus,

commissions, institutions, authorities, or other entities of the state to make purchases in their own behalf and may provide the circumstances and conditions under which such purchases may be effected. In order to assist and advise the commissioner of administrative services in making determinations to allow offices, agencies, departments, boards, bureaus, commissions, institutions, authorities, or other entities of the state to make purchases in their own behalf, there is created a Purchasing Advisory Council consisting of the executive director of the Georgia Technology Authority or his or her designee; the director of the Office of Planning and Budget or his or her designee; the chancellor of the University System of Georgia or his or her designee; the commissioner of technical and adult education or his or her designee; the commissioner of transportation or his or her designee; the Secretary of State or his or her designee; the commissioner of human services or his or her designee; the commissioner of community health or his or her designee; the commissioner of public health or his or her designee; the commissioner of behavioral health and developmental disabilities or his or her designee; and one member to be appointed by the Governor. The commissioner of administrative services shall promulgate the necessary rules and regulations governing meetings of such council and the method and manner in which such council will assist and advise the commissioner of administrative services."

SECTION 5-29.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required under open records laws, is amended by revising paragraph (2) of subsection (c) as follows:

"(2) All state officers and employees shall have a privilege to refuse to disclose the identity or personally identifiable information of any person participating in research on commercial, scientific, technical, medical, scholarly, or artistic issues conducted by the Department of Community Health, the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, or a state institution of higher education whether sponsored by the institution alone or in conjunction with a governmental body or private entity. Personally identifiable information shall mean any information which if disclosed might reasonably reveal the identity of such person including but not limited to the person's name, address, and social security number. The identity of such informant shall not be admissible in evidence in any court of the state unless the court finds that the identity of the informant already has been disclosed otherwise."

PART VI

Name Changes.

SECTION 6-1.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "Division of Public Health of the Department of Community Health" wherever it occurs with "Department of Public Health":

- (1) Code Section 15-11-154, relating to appointment of plan manager for dependent child and development of mental competency plan;
- (2) Code Section 19-13-32, relating to the membership, terms, filling of vacancies, and officers of the State Commission on Family Violence;
- (3) Code Section 31-3-11, relating to appointments of directors and staff for county boards of health;
- (4) Code Section 31-11-50, relating to medical advisers relative to emergency medical services;
- (5) Code Section 31-15-4, relating to the cancer control officer;
- (6) Code Section 31-46-4, relating to the Georgia Commission for Saving the Cure;
- (7) Code Section 33-24-59.7, relating to insurance coverage for the treatment of morbidly obese patients;
- (8) Code Section 43-34-23, relating to delegation of authority to nurse or physician assistant; and
- (9) Code Section 49-5-225, relating to local interagency committees.

SECTION 6-2.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "Division of Public Health" wherever it occurs with "Department of Public Health":

- (1) Code Section 31-41-11, relating to legislative findings relative to the "Childhood Lead Exposure Control Act"; and
- (2) Code Section 31-41-19, relating to rules and regulations to implement the "Childhood Lead Exposure Control Act."

SECTION 6-3.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "Department of Community Health" wherever it occurs with "Department of Public Health":

- (1) Code Section 4-4-69, relating to regulation of manufacture and use of disease vectors in livestock;
- (2) Code Section 4-10-10, relating to the joint regulation of the sale or transportation of exotic or pet birds;
- (3) Code Section 12-2-8, relating to promulgation of minimum standards and procedures for protection of natural resources, environment, and vital areas of the state;
- (4) Code Section 12-3-9, relating to adoption and promulgation by the Board of Natural Resources of rules and regulations regarding parks, historic sites, and recreational areas;
- (5) Code Section 12-5-175, relating to fluoridation of public water systems;
- (6) Code Section 12-8-1, relating to notice of denial of individual sewage disposal permits;

- (7) Code Section 12-8-41, relating to permits issued by the Department of Natural Resources for land disposal sites;
- (8) Code Section 15-11-66.1, relating to disposition of a child committing delinquent act constituting AIDS transmitting crime;
- (9) Code Section 15-21-142, relating to the establishment of the Brain and Spinal Injury Trust Fund Commission;
- (10) Code Section 16-6-13.1, relating to testing for sexually transmitted diseases;
- (10.1) Subsection (d) of Code Section 16-12-141, relating to when abortion is legal;
- (10.2) Code Section 16-12-141.1, relating to disposal of aborted fetuses, except for paragraphs (1) and (3) of subsection (d) and the second reference in subsection (h);
- (11) Code Section 17-10-15, relating to AIDS transmitting crimes;
- (12) Code Section 19-3-35.1, relating to AIDS brochures for applicants for a marriage license;
- (13) Code Section 19-3-40, relating to blood tests for sickle cell disease;
- (14) Code Section 19-3-41, relating to preparation by the Department of Human Resources of a marriage manual on family planning and other material;
- (15) Code Section 19-15-1, relating to definitions relative to child abuse;
- (16) Code Section 20-2-142, relating to prescribed courses in elementary and secondary schools on alcohol, tobacco, and drug use;
- (17) Code Section 20-2-143, relating to sex education and AIDS prevention instruction in elementary and secondary schools;
- (18) Code Section 20-2-144, relating to mandatory instruction in elementary and secondary schools concerning alcohol and drug use;
- (19) Code Section 20-2-260, relating to capital outlay funds generally;
- (20) Code Section 20-2-770, relating to rules and regulations for nutritional screening and eye, ear, and dental examinations of students;
- (21) Code Section 20-2-771, relating to immunization of students in elementary and secondary education;
- (22) Code Section 20-2-772, relating to rules and regulations for screening of students for scoliosis;
- (23) Code Section 20-2-778, relating to required information to parents of students regarding meningococcal meningitis;
- (24) Reserved;
- (25) Code Section 25-3-6, relating to the effect of certain laws relating to local fire departments on the powers and duties of other officials and departments;
- (26) Code Section 26-2-371, relating to permits required for food service establishments;
- (27) Code Section 26-2-372, relating to the issuance of permits for food service establishments;
- (28) Code Section 26-2-373, relating to promulgation of rules, regulations, and standards by the Department of Community Health and county boards of health for food service establishments;

- (29) Code Section 26-2-374, relating to contents and posting of notices relating to assistance to persons choking;
- (30) Code Section 26-2-375, relating to enforcement of laws regarding the regulation of food service establishments;
- (31) Code Section 26-2-376, relating to review of final order or determination by Department of Community Health regarding regulation of a food service establishment;
- (32) Code Section 26-2-377, relating to penalties for violation of laws regarding the regulation of food service establishments;
- (33) Code Section 26-3-18, relating to assistance in enforcement from Department of Agriculture or Department of Community Health with respect to standards, labeling, and adulteration of drugs and cosmetics;
- (34) Code Section 26-4-116, relating to emergency service providers with respect to dangerous drugs and controlled substances;
- (35) Code Section 29-4-18, relating to the appointment of a temporary medical consent guardian;
- (36) Code Section 31-1-3.2, relating to hearing screenings for newborns;
- (37) Code Section 31-3-4, relating to powers of county boards of health;
- (38) Code Section 31-5-1, relating to adoption of rules and regulations by the Department of Community Health and county boards of health;
- (39) Code Section 31-8-192, relating to definitions relative to the "'Health Share' Volunteers in Medicine Act";
- (39.1) Code Section 31-8-193, relating to the establishment of a program to provide health care services to low-income recipients;
- (40) Code Section 31-9A-4, relating to information to be made available by the Department of Community Health under the "Woman's Right to Know Act";
- (41) Code Section 31-10-1, relating to definitions relative to vital records;
- (42) Code Section 31-11-1, relating to findings of the General Assembly and declaration of policy with respect to emergency medical services;
- (43) Code Section 31-11-3, relating to recommendations by local coordinating entity as to administration of the Emergency Medical Systems Communication Program;
- (44) Code Section 31-11-53.1, relating to automated external defibrillator program;
- (45) Code Section 31-11-100, relating to definitions relative to the Georgia Trauma Care Network Commission;
- (46) Code Section 31-11-101, relating to the creation of the Georgia Trauma Care Network Commission;
- (47) Code Section 31-11-102, relating to the duties and responsibilities of the Georgia Trauma Care Network Commission;
- (48) Code Section 31-11-110, relating to legislative findings relative to a system of certified stroke centers;
- (49) Code Section 31-12-1, relating to the power to conduct research and studies relative to the control of hazardous conditions, preventable diseases, and metabolic diseases;

- (50) Code Section 31-12A-9, relating to a continuing education program relative to the "Georgia Smokefree Air Act of 2005";
- (51) Code Section 31-12A-10, relating to enforcement by the Department of Community Health and county boards of health of the "Georgia Smokefree Air Act of 2005";
- (52) Code Section 31-14-2, relating to petition for commitment of a person who has active tuberculosis;
- (53) Code Section 31-14-9, relating to procedure for securing discharge of a person committed for active tuberculosis;
- (54) Code Section 31-15-2, relating to the establishment of a program for the prevention, control, and treatment of cancer;
- (55) Code Section 31-16-2, relating to the establishment of a program for the prevention, control, and treatment of kidney disease;
- (56) Code Section 31-17-2, relating to the report of diagnosis or treatment to health authorities of a case of venereal disease;
- (57) Code Section 31-17-3, relating to examination and treatment by health authorities for venereal disease;
- (58) Code Section 31-17-4.2, relating to HIV pregnancy screening;
- (59) Code Section 31-17A-2, relating to examination of persons infected or suspected of being infected with HIV;
- (60) Code Section 31-17A-3, relating to refusal to consent to an HIV test;
- (61) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust Fund Commission;
- (62) Code Section 31-22-9.1, relating to who may perform HIV tests;
- (63) Code Section 31-24-4, relating to labeling of containers of blood under "The Blood Labeling Act";
- (64) Code Section 31-26-2, relating to the requirement of a certificate to practice midwifery;
- (65) Code Section 31-27-2, relating to the requirement of a permit for a mass gathering;
- (66) Code Section 31-28-2, relating to issuance of permits to operate a tourist court;
- (67) Code Section 31-28-5, relating to standards for health, sanitation, and safety of tourist courts;
- (68) Code Section 31-28-6, relating to inspection of premises of tourist courts;
- (69) Code Section 31-30-9, relating to effectiveness of chapter on reports on veterans exposed to agent orange;
- (70) Code Section 31-34-5, relating to service cancelable loans under the "Physicians for Rural Areas Assistance Act";
- (71) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for emergency providers;
- (72) Code Section 31-40-2, relating to issuance of permits for tattoo studios;
- (73) Code Section 31-40-5, relating to rules and regulations relative to tattoo studios;

- (74) Code Section 31-40-6, relating to enforcement of chapter regulating tattoo studios;
- (75) Code Section 31-40-8, relating to a public education program relative to tattoo studios;
- (76) Code Section 31-43-3, relating to the creation of the Commission on Men's Health;
- (77) Code Section 31-45-8, relating to inspections by the county board of health of public swimming pools;
- (78) Code Section 31-45-9, relating to suspension or revocation of permit for a public swimming pool;
- (79) Code Section 31-45-10, relating to rules and regulations relative to public swimming pools;
- (80) Code Section 31-45-11, relating to enforcement of rules and regulations relative to public swimming pools;
- (81) Code Section 31-47-1, relating to the purpose of the Arthritis Prevention and Control Program;
- (82) Code Section 33-24-59.2, relating to insurance coverage for equipment and self-management training for individuals with diabetes;
- (83) Code Section 33-44-3, relating to the creation of the Georgia High Risk Health Insurance Plan;
- (84) Code Section 34-9-1, relating to definitions relative to workers' compensation;
- (85) Code Section 35-1-8, relating to acquisition, collection, classification, and preservation of information assisting in identifying deceased persons and locating missing persons;
- (86) Code Section 37-2-2, relating to definitions relative to the administration of mental health, developmental disabilities, addictive diseases, and other disability services;
- (87) Code Section 37-2-3, relating to designation of boundaries for mental health, developmental disabilities, and addictive diseases regions;
- (88) Code Section 37-2-5, relating to regional planning boards establishing policy and direction for disability services;
- (89) Code Section 37-2-6.2, relating to employees whose jobs include duties or functions which became duties or functions of a community service board on July 1, 1994;
- (90) Code Section 37-2-6.4, relating to reconstituting or converting of organizational structure of community service boards;
- (91) Code Section 37-10-2, relating to the Interstate Compact on Mental Health;
- (92) Code Section 38-3-22, relating to the Governor's emergency management powers and duties;
- (93) Code Section 38-3-51, relating to emergency powers of the Governor;
- (94) Code Section 40-5-25, relating to applications for instruction permits and drivers' licenses;

- (95) Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood relating to violations of driving under the influence of alcohol, drugs, or other intoxicating substances;
- (96) Code Section 42-1-7, relating to notification to transporting law enforcement agency of inmate's or patient's infectious or communicable disease;
- (97) Code Section 42-4-6, relating to confinement and care of tubercular inmates;
- (98) Code Section 42-4-32, relating to sanitation and health requirements for jails;
- (99) Code Section 42-5-52, relating to classification and separation of inmates generally;
- (100) Code Section 42-5-52.2, relating to testing of prison inmates for HIV;
- (101) Code Section 43-10-6, relating to rules and regulations as to sanitary requirements of beauty shops, beauty salons, schools of cosmetology, schools of esthetics, schools of hair design, and schools of nail care;
- (102) Code Section 43-11-74, relating to direct supervision requirement of dental hygienists by a licensed dentist;
- (103) Code Section 43-14-2, relating to definitions relative to the regulation of electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors;
- (104) Code Section 43-18-46, relating to grounds for denial or revocation of license or registration to operate a funeral establishment or to practice embalming or funeral directing;
- (105) Reserved;
- (106) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements;
- (107) Code Section 45-9-1, relating to general provisions relative to insuring and indemnification of state officers and employees;
- (108) Code Section 45-18-1, relating to definitions relative to the state employees' health insurance plan;
- (109) Code Section 45-18-32, relating to administration of deferred compensation plans for employees of the state;
- (110) Code Section 46-11-4, relating to regulation of transportation of hazardous materials on public roads of the state generally;
- (111) Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or repeal of rules by a state agency;
- (112) Code Section 50-16-3, relating to property of state boards and departments;
- (113) Reserved; and
- (114) Code Section 50-18-76, relating to written matter exempt from disclosure under vital records laws.

SECTION 6-4.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "Board of Community Health" wherever it occurs with "Board of Public Health":

- (1) Code Section 31-1-3.2, relating to hearing screenings for newborns;

- (2) Code Section 31-11-2, relating to definitions relative to emergency medical services;
- (3) Code Section 31-11-3, relating to recommendations by local coordinating entity as to administration of the Emergency Medical Systems Communication Program;
- (4) Code Section 31-11-31.1, relating to license fees on ambulance services;
- (5) Code Section 31-12-14, relating to breast cancer, prostate cancer, and ovarian cancer research program fund;
- (6) Code Section 42-9-12, relating to appointment of replacement for incapacitated member on the State Board of Pardons and Paroles; and
- (7) Code Section 43-7-9, relating to general powers and duties of the State Board of Barbers.

SECTION 6-5.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "commissioner of community health" and "commissioner of the department of community health" wherever either term occurs with "commissioner of public health":

- (1) Code Section 8-2-24, relating to appointment of advisory committee relating to state building, plumbing, and electrical codes;
- (2) Code Section 12-5-524, relating to the creation of the Water Council;
- (3) Code Section 16-12-141, relating to when abortion is legal;
- (4) Code Section 16-12-141.1, relating to disposal of aborted fetuses;
- (5) Code Section 21-2-231, relating to lists of persons convicted of felonies, persons declared mentally incompetent, and deceased persons provided to Secretary of State with respect to registration of voters;
- (6) Code Section 26-2-393, relating to enforcement of article relating to nonprofit food sales and food service;
- (7) Code Section 31-9A-2, relating to definitions relative to the "Woman's Right to Know Act";
- (8) Code Section 31-10-1, relating to definitions relative to vital records;
- (9) Code Section 31-11-2, relating to definitions relative to emergency medical services;
- (10) Code Section 31-11-36, relating to suspension or revocation of licenses for ambulance services;
- (11) Code Section 31-16-3, relating to functions of the Kidney Disease Advisory Committee;
- (12) Code Section 31-27-7, relating to emergency powers of the Governor regarding mass gatherings;
- (13) Code Section 31-35-10, relating to definitions relative to bioterrorism protection for emergency responders;
- (14) Code Section 31-36A-7, relating to petition for health care placement transfer, admission, or discharge order by health care facility;
- (15) Code Section 31-47-2, relating to the role and duties of the commissioner relative to the arthritis prevention and control program;

- (16) Code Section 31-47-3, relating to the acceptance of grants for the arthritis prevention and control program;
- (17) Code Section 38-2-10, relating to use of National Guard in drug law enforcement, provision of medical care in medically underserved areas, and for youth opportunity training programs;
- (18) Code Section 42-4-32, relating to sanitation and health requirements in jails generally;
- (19) Code Section 42-9-12, relating to appointment of replacement for incapacitated member on the State Board of Pardons and Paroles;
- (20) Code Section 43-1A-4, relating to the Occupational Regulation Review Council;
- (21) Code Section 43-45-3, relating to creation of the State Structural Pest Control Commission;
- (22) Code Section 45-9-73, relating to the creation of the Georgia Public School Personnel Indemnification Commission;
- (23) Code Section 45-9-83, relating to the creation of the Georgia State Indemnification Commission; and
- (24) Code Section 45-9-110, relating to authorization for consolidation of unemployment compensation claim matters under the commissioner of administrative services.

SECTION 6-6.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "division" and "division's" with "department" and "department's", respectively:

- (1) Code Section 31-41-13, relating to notice of lead poisoning hazard;
- (2) Code Section 31-41-14, relating to abatement of lead poisoning hazard;
- (3) Code Section 31-41-16, relating to certificate evidencing compliance; and
- (4) Code Section 31-41-17, relating to advice regarding cleaning activities in homes occupied by children with elevated blood lead levels.

PART VII

Effective Date and Repealer.

SECTION 7-1.

This Act shall become effective on July 1, 2011.

SECTION 7-2.

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

Representative Channell of the 116th moved that the House agree to the Senate substitute to HB 214.

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

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

On the motion, the ayes were 142, nays 18.

The motion prevailed.

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

March 31, 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 214 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

The Speaker announced the House in recess until 4:45 o'clock, this afternoon.

The Speaker Pro Tem called the House to order.

The Speaker Pro Tem announced the House in recess until 5:15 o'clock, this afternoon.

The Speaker called the House to order.

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

Mr. Speaker:

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

SB 143 Do Pass

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

The following Resolutions of the House were read and adopted:

HR 793. By Representatives Hugley of the 133rd, Smyre of the 132nd, Smith of the 131st, Morgan of the 39th, Randall of the 138th and others:

A RESOLUTION expressing regret at the passing of Vanessa F. Booker Morgan; and for other purposes.

HR 794. By Representatives Davis of the 109th, Welch of the 110th, Baker of the 78th, Mayo of the 91st and Mosby of the 90th:

A RESOLUTION honoring Miracle's Mile, Miracle Parham Williams, and the many children within the State of Georgia who have left us much too soon; and for other purposes.

HR 795. By Representatives Baker of the 78th, Neal of the 75th, Fullerton of the 151st and Bell of the 58th:

A RESOLUTION commending Davis Nguyen, Lovejoy High School's 2011 STAR Student; and for other purposes.

HR 796. By Representatives Holmes of the 125th and Epps of the 140th:

A RESOLUTION commending Tetsu Hooten, the 2011 Gray Station Middle School Teacher of the Year; and for other purposes.

HR 797. By Representatives Holmes of the 125th and Epps of the 140th:

A RESOLUTION commending Kandy Kemp, the 2011 Jones County High School Teacher of the Year; and for other purposes.

HR 798. By Representatives Holmes of the 125th and Epps of the 140th:

A RESOLUTION commending Natalie Register, the 2011 Turner Woods Elementary School Teacher of the Year; and for other purposes.

HR 799. By Representatives Holmes of the 125th and Epps of the 140th:

A RESOLUTION commending Ashley Turner, the 2011 Wells Elementary School Teacher of the Year; and for other purposes.

HR 800. By Representatives Holmes of the 125th and Epps of the 140th:

A RESOLUTION commending Nancy Ward, the 2011 Dames Ferry Elementary School Teacher of the Year; and for other purposes.

HR 801. By Representatives Holmes of the 125th and Epps of the 140th:

A RESOLUTION commending Roban Johnson, the 2011 Clifton Ridge Middle School Teacher of the Year and Jones County School System's Teacher of the Year; and for other purposes.

HR 802. By Representatives Holmes of the 125th and Epps of the 140th:

A RESOLUTION commending Jenifer Beaver, the 2011 Gray Elementary School Teacher of the Year; and for other purposes.

HR 803. By Representatives Coleman of the 97th, Dickson of the 6th, Maxwell of the 17th, Clark of the 104th and Ashe of the 56th:

A RESOLUTION recognizing and commending the Georgia School Boards Association on 60 years of stellar service to local boards of education in Georgia; and for other purposes.

HR 804. By Representatives Smith of the 70th and Nix of the 69th:

A RESOLUTION honoring the life and memory of Deputy William "Willie" Amos Cammon; and for other purposes.

HR 805. By Representatives Smith of the 70th and Horne of the 71st:

A RESOLUTION honoring military veterans of the Vietnam War and commending efforts to bring a display of the Vietnam Veterans Memorial Traveling Wall to Coweta County; and for other purposes.

HR 806. By Representative Smith of the 70th:

A RESOLUTION recognizing and commending the Roscoe Jenkins Funeral Home on the occasion of its 100th anniversary; and for other purposes.

HR 807. By Representatives Dukes of the 150th and Taylor of the 55th:

A RESOLUTION recognizing and commending Mr. Jerome Taylor; and for other purposes.

The following Resolution of the House was read:

HR 791. By Representative O`Neal of the 146th

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates

and dates of adjournment for the 2011 regular session of the General Assembly for the period of Friday, April 1, 2011, through Thursday, April 14, 2011, shall be as follows:

Friday, April 1 through Sunday, April 10in adjournment
 Monday, April 11in session for legislative day 38
 Tuesday, April 12in session for legislative day 39
 Wednesday, April 13in adjournment
 Thursday, April 14in session for legislative day 40

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

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

E Abdul-Salaam	Y Davis	Y Heckstall	E Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
E 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	Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	Y 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	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
E 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	James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Johnson	E Parent	Y Taylor, R
Y Bruce	E Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	E Walker
Y Carter	Y Golick	Kidd	Y Pruet	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Clark, J	Y Hanner	E Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	E Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	E 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	E Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the Resolution, the ayes were 158, nays 0.

The Resolution was adopted.

Due to a mechanical malfunction, the vote of Representative Smith of the 70th was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

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

SR 544. By Senator Rogers of the 21st:

A RESOLUTION relative to adjournment; and for other purposes.

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 78. By Representatives Ralston of the 7th, Jones of the 46th, O'Neal of the 146th, England of the 108th, Collins of the 27th and others:

A BILL to make and provide appropriations for the State Fiscal year beginning July 1, 2011 and ending June 30, 2012.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Hill of the 4th, Tolleson of the 20th, and Unterman of the 45th.

Representative O'Neal of the 146th moved that the House do now adjourn until 1:00 o'clock, P.M., Monday, April 11, 2011, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 1:00 o'clock, P.M., Monday, April 11, 2011.