

**Representative Hall, Atlanta, Georgia**

**Tuesday, January 25, 2011**

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

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

Representatives Austin of the 10th, Floyd of the 99th, Golick of the 34th, Hatchett of the 143rd, Heckstall of the 62nd, Houston of the 170th, Hudson of the 124th, Lucas of the 139th, Morris of the 155th, Mosby of the 90th, Parrish of the 156th, Powell of the 29th,

Rogers of the 26th, Setzler of the 35th, Smyre of the 132nd, Stephens of the 164th, Tinubu of the 60th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Pastor Wilbur T. Purvis, III, Destiny World Church, Austell, 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.

The following communication was received:

House of Representatives  
Coverdell Legislative Office Building  
Suite 401  
Atlanta, Georgia 30334

January 25, 2011

Scotty Long  
House Journals Clerk

Dear Scotty:

Please place the following notation in the House Journal for the fourth legislative day, January 25, 2011:

Representative Jacobs was present on the House floor for the third legislative day, January 24, 2011, but his presence was not recorded on the voting machine. He wishes his presence for the third legislative day to be noted in the House Journal as soon as practicable.

Sincerely,

/s/ Mike Jacobs

cc: Legislative Fiscal Office

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

HB 34. By Representative Setzler of the 35th:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use taxes, so as to authorize use and expenditure of county special purpose local option tax proceeds for tax credit reduction of ad valorem tax liability of qualified homestead property and to authorize use and expenditure of proceeds of the sales tax for educational purpose for tax credit reduction of ad valorem tax liability of qualified homestead property; to provide for procedures, conditions, and limitations; to provide effective dates and a contingency; to provide for applicability; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

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

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

Referred to the Committee on Regulated Industries.

HB 54. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Code Section 16-11-127 of the Official Code of Georgia Annotated, relating to carrying weapons in unauthorized locations and penalty, so as to repeal a prohibition against carrying a weapon in a place of worship; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 55. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Code Section 16-11-127.1, relating to carrying a weapon within a school safety zone, at school functions, or on school property, so as to repeal a prohibition against carrying a weapon at postsecondary facilities; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 56. By Representative Franklin of the 43rd:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to provide that tax officials may not attach, garnish, levy on, or otherwise seize or attempt to seize property on the basis of an alleged tax liability unless the liability has been reduced to a lawful execution; to provide a criminal penalty and a civil remedy; to change provisions relating to jeopardy assessments so as to require notice and opportunity for appeal prior to enforcement; to change provisions relating to attachment and garnishment so as to require a valid execution as a condition precedent to attachment or garnishment; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 57. By Representative Holt of the 112th:

A BILL to be entitled an Act to amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, so as to provide a definition; to provide an exemption from licensing for

persons installing residential water treatment equipment; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 58. By Representative Holt of the 112th:

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 provide an exemption from certain laws regarding the carrying and possession of firearms by retired judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 59. By Representatives Rice of the 51st, Harrell of the 106th, Walker of the 107th, Ehrhart of the 36th, Bearden of the 68th and others:

A BILL to be entitled an Act to amend Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of lawful presence within the United States, so as to clarify that postsecondary education is a state and local public benefit; to reserve postsecondary education benefits to citizens and lawfully present and eligible aliens; to require verification of the eligibility for such applicants for such benefits through the federal SAVE program; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

HB 60. By Representative Maddox of the 172nd:

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to change certain provisions relating to a service cancelable loan fund and authorized types of service cancelable educational loans; to provide for a State Veterinary Education Board and its membership, powers, and duties; to provide for purchases of loans made for educational purposes to students who have completed a veterinary medical degree program; to provide for consideration for such purchases in the form of services rendered through the practice of certain veterinary medicine specialties in this state; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

HB 61. By Representative Maddox of the 172nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for an income tax credit with respect to certain volunteer firefighters; to provide for conditions and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 62. By Representatives Jacobs of the 80th, Setzler of the 35th, Morgan of the 39th, Austin of the 10th, Casas of the 103rd and others:

A BILL to be entitled an Act to amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for additional notification of the program; to provide for application deadlines; to provide deadlines for scholarship payments to parents; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

HB 63. By Representatives Jacobs of the 80th and Taylor of the 79th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to provide for certain requirements as to the composition and election of county boards of education in counties in which there is a homestead option sales and use tax and a county sales and use tax for educational purposes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 64. By Representatives Jacobs of the 80th, Ramsey of the 72nd, Lindsey of the 54th, Lane of the 167th, Welch of the 110th and others:

A BILL to be entitled an Act to amend Code Section 13-1-11 of the Official Code of Georgia Annotated, relating to the validity and enforcement of obligations to pay attorney's fees upon notes or other evidence of indebtedness, so as to change provisions relating to the payment of attorney

fees where such fees are provided for but a specific amount of fees are not set forth in the instrument; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 65. By Representative McCall of the 30th:

A BILL to be entitled an Act to amend Code Section 19-8-23 of the Official Code of Georgia Annotated, relating to where records of adoption are kept, examination of adoption records by parties and attorneys, and use of information by agency and department, so as to clarify that nonidentifying medical information contained in adoption records shall be open to certain persons for purposes of providing medical treatment and diagnoses; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

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.

Referred to the Committee on Insurance.

HB 67. By Representatives Mayo of the 91st, Stephens of the 161st and Gordon of the 162nd:

A BILL to be entitled an Act to amend Code Section 40-6-241 of the Official Code of Georgia Annotated, relating to the exercise of due care by drivers while operating a motor vehicle, so as to provide that only hands-free communications devices shall be used in motor vehicles; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HB 68. By Representative Setzler of the 35th:

A BILL to be entitled an Act to amend Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to conduct of special elections generally, so as to modify provisions relating to a special election to present a question to the voters; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 12. By Representative Setzler of the 35th:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes may include a tax credit reduction of the ad valorem tax liability for educational purposes of qualified homestead property or other ad valorem tax liability of qualified homestead property; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

HR 13. By Representative Setzler of the 35th:

A RESOLUTION proposing an amendment to the Constitution so as to provide for the dedication of 25 percent of the revenue received by the state from the levy of the state sales and use tax to be used for transportation purposes; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

HR 29. By Representatives Geisinger of the 48th, Jones of the 46th, Martin of the 47th, Wilkinson of the 52nd, Riley of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that the re-creation of a previously existing county which was merged into another county may be accomplished by law, subject to the approval of the voters therein and subject to certain conditions; to provide for the status and effect of the implementing law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

- HR 30. By Representatives Jones of the 46th, Wilkinson of the 52nd, Martin of the 47th, Geisinger of the 48th, Riley of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that the re-creation of a previously existing county which was merged into another county may be accomplished by law, subject to the approval of the voters therein and subject to certain conditions; to provide for the status and effect of the implementing law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

- HR 31. By Representatives Martin of the 47th, Geisinger of the 48th, Jones of the 46th, Wilkinson of the 52nd, Riley of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that the re-creation of a previously existing county which was merged into another county may be accomplished by law, subject to the approval of the voters therein and subject to certain conditions; to provide for the status and effect of the implementing law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

- HR 32. By Representatives Rice of the 51st, Wilkinson of the 52nd, Jones of the 46th, Martin of the 47th, Riley of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that the re-creation of a previously existing county which was merged into another county may be accomplished by law, subject to the approval of the voters therein and subject to certain conditions; to provide for the status and effect of the implementing law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

- HR 33. By Representatives Riley of the 50th, Wilkinson of the 52nd, Jones of the 46th, Martin of the 47th, Geisinger of the 48th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that the re-creation of a previously existing county which was merged into another county may be accomplished by law, subject to the approval of the voters therein and subject to certain conditions; to provide for the status and effect of the implementing law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

HR 34. By Representatives Wilkinson of the 52nd, Geisinger of the 48th, Jones of the 46th, Martin of the 47th, Riley of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that the re-creation of a previously existing county which was merged into another county may be accomplished by law, subject to the approval of the voters therein and subject to certain conditions; to provide for the status and effect of the implementing law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

HR 35. By Representatives Willard of the 49th, Geisinger of the 48th, Jones of the 46th, Martin of the 47th, Riley of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that the re-creation of a previously existing county which was merged into another county may be accomplished by law, subject to the approval of the voters therein and subject to certain conditions; to provide for the status and effect of the implementing law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

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

HB 23

HB 24

HB 26

HB 27

HB 30

HB 33

HB 41

HB 42

HB 43	HB 44
HB 45	HB 46
HB 47	HB 48
HB 49	HB 50
HB 51	HB 52
HR 28	

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

Representatives Rice of the 51st, Neal of the 1st, and Sims of the 169th.

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

HR 52. By Representatives McCall of the 30th, Pruett of the 144th, Roberts of the 154th and England of the 108th:

A RESOLUTION commending Dalton Benjamin Richards and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 53. By Representatives McCall of the 30th, Roberts of the 154th, England of the 108th, Powell of the 29th and Cooke of the 18th:

A RESOLUTION recognizing February 8, 2011, as Georgia Farm Bureau Federation Day at the state capitol and inviting members to be recognized by the House of Representatives; and for other purposes.

HR 54. By Representative Maddox of the 172nd:

A RESOLUTION recognizing February 3, 2011, as Veterinary Medicine Day at the state capitol and inviting representatives from the Georgia veterinary medical community to be recognized by the House of Representatives; and for other purposes.

HR 55. By Representatives Yates of the 73rd, Ralston of the 7th, Jones of the 46th, O'Neal of the 146th, Cheokas of the 134th and others:

A RESOLUTION recognizing and commending National Commander of the American Legion Jimmie L. Foster and inviting him to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 46. By Representative Setzler of the 35th:

A RESOLUTION recognizing January 25, 2011, as School Choice Day at the state capitol; and for other purposes.

HR 47. By Representatives Stephens of the 164th, Sims of the 119th, Pruett of the 144th and Rogers of the 26th:

A RESOLUTION declaring January 25, 2011, as Tourism Day at the state capitol and commending the tourism industry of Georgia; and for other purposes.

HR 48. By Representatives Stephens of the 164th, Sims of the 119th, Pruett of the 144th and Rogers of the 26th:

A RESOLUTION recognizing January 26, 2011, as Economic Development Day at the state capitol; and for other purposes.

HR 49. By Representative Buckner of the 130th:

A RESOLUTION recognizing and commending Mrs. Mary Cochran McCorkle on the grand occasion of her 100th birthday; and for other purposes.

HR 50. By Representatives Smyre of the 132nd, Ralston of the 7th, Roberts of the 154th, Mitchell of the 88th, Abrams of the 84th and others:

A RESOLUTION honoring the life and memory of Mr. Raymond Royal Marshall; and for other purposes.

HR 51. By Representatives McCall of the 30th, Roberts of the 154th, Pruett of the 144th, England of the 108th and Powell of the 29th:

A RESOLUTION recognizing February 16, 2011, as Equine Youth Day at the state capitol; and for other purposes.

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

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