

Representative Hall, Atlanta, Georgia**Wednesday, February 8, 2012****Seventeenth 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	Heard	Meadows	Sims, B
Abrams	Coomer	Hembree	Mitchell	Smith, E
Allison	Cooper	E Henson	Morgan	Smith, L
Amerson	Davis	Hightower	Morris	Smith, R
Anderson	Dawkins-Haigler	Hill	Mosby	Smith, T
Ashe	Dempsey	Holmes	Murphy	Smyre
Atwood	Dickson	Holt	Neal, J	Spencer
Baker	Dobbs	Horne	Nimmer	Stephens, M
Battles	Dollar	Houston	Nix	Stephens, R
E Beasley-Teague	Drenner	Howard	O'Neal	Stephenson
E Benfield	Dudgeon	E Hudson	Pak	E Talton
Benton	Dunahoo	Hugley	Parrish	Tankersley
Beverly	Dutton	James	Parsons	Taylor, D
Black	England	Jasperse	Peake	E Taylor, R
Braddock	Epps, J	Jerguson	Powell, J	Taylor, T
Brockway	Fludd	Jones, J	Pruett	Teasley
Brooks	Frazier	Jones, S	Purcell	Thomas
E Bryant	Fullerton	Kaiser	Ramsey	Watson
Buckner	Geisinger	Kendrick	Randall	Welch
Burns	Golick	Kidd	Reece	E Weldon
Byrd	Gordon	Knight	Rice	Wilkinson
Carson	Greene	Lane	Riley	Willard
Carter	Hamilton	Maddox, B	Roberts	Williams, A
Casas	Hanner	Maddox, G	Rogers, T	Williams, C
Channell	Harbin	Manning	Rynders	Williams, E
Cheokas	Harden, B	Marin	E Scott, M	Williams, R
Clark, J	Harden, M	Martin	Scott, S	Williamson
Clark, V	Harrell	Maxwell	E Setzler	Yates
Coleman	Hatchett	McCall	Shaw	Ralston, Speaker
Collins	Hatfield	McKillip	Sheldon	

Due to a mechanical malfunction, Representatives Dickey of the 136th and Dukes of the 150th were not recorded on the attendance roll call. They wished to be recorded as present.

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

Representatives Bruce of the 64th, Crawford of the 16th, Dickerson of the 95th, Epps of the 128th, Evans of the 40th, Floyd of the 99th, Gardner of the 57th, Heckstall of the

62nd, Jackson of the 142nd, Jacobs of the 80th, Johnson of the 37th, Jordan of the 77th, Lindsey of the 54th, Mayo of the 91st, McBrayer of the 153rd, Neal of the 75th, Oliver of the 83rd, Powell of the 29th, Rogers of the 26th, Sims of the 169th, Smith of the 129th, and Wilkerson of the 33rd.

They wished to be recorded as present.

Prayer was offered by Reverend Omer Reid, Pastor, Flagg Chapel Baptist Church, Milledgeville, 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 923. By Representatives Howard of the 121st, Murphy of the 120th, Smith of the 122nd and Frazier of the 123rd:

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, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3769), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 924. By Representatives Howard of the 121st, Murphy of the 120th, Smith of the 122nd and Frazier of the 123rd:

A BILL to be entitled an Act to amend an Act regulating public instruction for the County of Richmond, approved August 23, 1872 (Ga. L. 1872, p. 456), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3756), so as to change the description of the school board districts; to provide for definitions and inclusions; to provide for the continuation of current members; to provide for the submission of this Act under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 925. By Representative Hudson of the 124th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners of McDuffie County, approved February 16, 1955 (Ga. L. 1955, p. 2331), as amended, particularly by an Act approved April 2, 2002 (Ga. L. 2002, p. 3718), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 926. By Representative Hudson of the 124th:

A BILL to be entitled an Act to amend an Act providing for a seven-member Board of Education of McDuffie County, approved March 27, 1972 (Ga. L.

1972, p. 2538), as amended, particularly by an Act approved April 2, 2002 (Ga. L. 2002, p. 3708), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 927. By Representative Hudson of the 124th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Thomson, approved March 15, 1973 (Ga. L. 1973, p. 2132), as amended, particularly by an Act approved April 2, 2002 (Ga. L. 2002, p. 3724), so as to change the description of the election districts for the members of the city council; to provide for definitions and inclusions; to provide for the continuation in office of the current members; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 928. By Representatives Riley of the 50th, Greene of the 149th, Maddox of the 172nd, Wilkerson of the 33rd, Anderson of the 117th and others:

A BILL to be entitled an Act to amend Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the Peace Officers' Annuity and Benefit Fund, so as to provide that the board of trustees of such fund shall be authorized to employ a hearing officer; to provide for dispute resolution; to provide for powers and duties of the hearing officer; to provide for hearings; to provide for a record of hearings; to provide for judicial review; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 929. By Representatives O'Neal of the 146th, Harden of the 147th, Dickey of the 136th, Nimmer of the 178th, Sims of the 169th and others:

A BILL to be entitled an Act to repeal an Act creating the office of assistant district attorney in each judicial circuit having a population of not less than 103,000 and not more than 135,000 according to the United States decennial

census of 1970 or any future such census, approved March 31, 1976 (Ga. L. 1976, p. 3584), as amended, particularly by an Act approved April 15, 1992 (Ga. L. 1992, p. 1679); to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 930. By Representatives O'Neal of the 146th, Harden of the 147th, Dickey of the 136th, Nimmer of the 178th, Sims of the 169th and others:

A BILL to be entitled an Act to repeal an Act providing for a supplemental expense allowance for the judges of the superior courts of each judicial circuit within this state having a population of not less than 103,000 and not more than 135,000 according to the United States decennial census of 1970 or any future such census, approved March 23, 1977 (Ga. L. 1977, p. 727), as amended, particularly by an Act approved April 15, 1992 (Ga. L. 1992, p. 1680); to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 931. By Representatives Shaw of the 176th, Meadows of the 5th, Jasperse of the 12th, Smith of the 131st, Maxwell of the 17th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to update this state's domestic farmers' mutual fire insurance companies provisions; to provide that the companies are organized for the purpose of insuring property; to provide for minimum surplus requirements for the issuance of a certificate of authority; to provide that certain changes to a plan of operation require filing and approval by the Commissioner; to provide for bylaw amendment at least 30 days prior to adoption; to provide for minimum surplus requirements; to provide for limitations on amount that may be retained on any subject of insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 932. By Representatives Williams of the 4th, Dickson of the 6th and Powell of the 29th:

A BILL to be entitled an Act to amend Code Section 48-8-63 of the Official Code of Georgia Annotated, relating to the definition of "nonresident subcontractor," payment of tax by contractors furnishing tangible personal property and services, liability of seller, withholding of payments due

subcontractor, rate, bond, exemption of property unconsumed in use, property deemed consumed, and property of the state or of the United States, so as to change the required percentage of withholding payments due a nonresident subcontractor; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 933. By Representatives Rogers of the 26th, Williams of the 4th and Brockway of the 101st:

A BILL to be entitled an Act to amend Code Section 10-14-7 of the Official Code of Georgia Annotated, relating to preneed escrow accounts, so as provide for the release of funds from an escrow account when a monument is placed into a bonded memorial storage program; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 934. By Representatives Parsons of the 42nd, Williams of the 4th, Horne of the 71st and Baker of the 78th:

A BILL to be entitled an Act to amend Code Section 50-37-3 of the Official Code of Georgia Annotated, relating to state agencies entering into guaranteed energy savings performance contracts, so as to change certain provisions relating to the process of implementing guaranteed energy savings performance contracts for governmental units; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 935. By Representatives Casas of the 103rd, Coleman of the 97th, Kaiser of the 59th, Dickson of the 6th, Dudgeon of the 24th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to revise provisions relating to school health nurse programs; to include school nurses in state formula funding based on full-time equivalent student counts; to provide for grants for supplies for school health nurse programs; to provide for a state-level coordinator for school health nurse programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

- HB 936. By Representatives Casas of the 103rd, Coleman of the 97th, Dickson of the 6th, Dudgeon of the 24th and Maxwell of the 17th:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to provide for the development of category-level expenditure controls for staff development funds; to include school level administrators in professional development funding under the Quality Basic Education Formula; to provide for state-wide strategic initiatives for professional development; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

- HB 937. By Representatives Spencer of the 180th, Atwood of the 179th, Stephens of the 164th, Gordon of the 162nd, Lane of the 167th and others:

A BILL to be entitled an Act to amend Code Section 27-4-171 of the Official Code of Georgia Annotated, relating to bait shrimp dealers, so as to increase the limit on bait shrimp that may be transported between dealers to 200 quarts; to increase the limit for on board shrimp; to increase the limit for land transfers of shrimp and transfers of shrimp to vehicles with aeration equipment; to provide for uniformity; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

- HB 938. By Representatives Setzler of the 35th, Golick of the 34th and Ramsey of the 72nd:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to repeal and reenact Article 5, relating to a transportation sales and use tax; to provide findings by the General Assembly; to provide definitions; to provide for an up to 1 percent local sales tax to be used to fund transportation projects in special transportation districts within this state; to provide for the creation of such districts, the governance thereof, and the development of a list of transportation projects for the district; to provide for contracting and constructing of the approved transportation projects; to provide for exemptions; to provide for annual reporting; to provide for related matters; to provide for a conditional effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 939. By Representatives Rynders of the 152nd, Brockway of the 101st, Hamilton of the 23rd, Powell of the 29th and Morgan of the 39th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that, if the disqualification of a candidate is the result of an error or negligence and not the result of any action of the candidate and such error or negligence is verified in writing by the Secretary of State, the qualifying fee paid by the candidate may be refunded to the candidate; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 1350. By Representatives Setzler of the 35th, Golick of the 34th and Ramsey of the 72nd:

A RESOLUTION proposing an amendment to the Constitution so as to create special transportation districts for taxation purposes for the funding of regional transportation projects; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Transportation.

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

HB 949. By Representatives Hamilton of the 23rd, Kidd of the 141st, Lindsey of the 54th, Morgan of the 39th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that the number of signatures for ballot access petitions, nomination petitions, and pauper's petitions shall be based on the turnout in the last presidential election instead of voter registration totals; to provide for the posting of certain information regarding elections at the election superintendent's office; to provide for related matters; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to authorize the use of certain driver's licensing information for voter registration purposes; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

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

HB 902	HB 903
HB 904	HB 905
HB 906	HB 907
HB 908	HB 909
HB 910	HB 911
HB 912	HB 913
HB 914	HB 915
HB 917	HB 918
HB 919	HB 920
HB 921	HB 922
HR 1335	SB 363

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

Mr. Speaker:

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

HB 636 Do Pass, by Substitute

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

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

Mr. Speaker:

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

HB 640 Do Pass
HB 785 Do Pass
HB 786 Do Pass

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

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

HB 839 Do Pass

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

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1168 Do Pass
HR 1179 Do Pass

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

Mr. Speaker:

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

HR 1325 Do Pass

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

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

Mr. Speaker:

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

HB 817 Do Pass, by Substitute
HB 835 Do Pass, by Substitute

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

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

HOUSE RULES CALENDAR
WEDNESDAY, FEBRUARY 8, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 17th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

HB 342 Stalking; family violence order; define (Substitute)(JudyNC-McKillip-115th)

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

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

Representatives Williams of the 113th, Channell of the 116th, Welch of the 110th, Davis of the 109th, Baker of the 78th, Yates of the 73rd, Purcell of the 159th, Burns of the 157th, Knight of the 126th, Coomer of the 14th, Battles of the 15th, and Jasperse of the 12th.

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

HB 839. By Representatives Maxwell of the 17th and Braddock of the 19th:

A BILL to be entitled an Act to amend an Act to provide for the election of the members of the Paulding County Board of Education, approved March 21, 1968 (Ga. L. 1968, p. 2381), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4151), so as to revise the districts for the election of members of the board of education; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates and for automatic repeal under certain circumstances; 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.

By unanimous consent, the following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 700. By Representatives Purcell of the 159th and Burns of the 157th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Effingham County, approved March 26, 1987 (Ga. L. 1987, p. 4596), as amended, particularly by an Act approved September 21, 2011 (Ga. L. 2011 Ex. Sess., p. 315), so to correct the dates of certain elections; to provide for submission of this Act for approval under the federal Voting

Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

**A BILL TO BE ENTITLED
AN ACT**

To amend an Act reconstituting the Board of Education of Effingham County, approved March 26, 1987 (Ga. L. 1987, p. 4596), as amended, particularly by an Act approved September 21, 2011 (Ga. L. 2011 Ex. Sess., p. 315), so to correct the dates of certain elections; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; 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.

An Act reconstituting the Board of Education of Effingham County, approved March 26, 1987 (Ga. L. 1987, p. 4596), as amended, particularly by an Act approved September 21, 2011 (Ga. L. 2011 Ex. Sess., p. 315), is amended by striking subsection (a) of Section 1-3 in its entirety and inserting in its place the following:

"(a) The Board of Education of Effingham County which existed on the effective date of this Act is continued in existence. Those members of the Board of Education of Effingham County who are currently serving and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. The Board of Education of Effingham County so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as they existed immediately prior to the effective date of this Act. Education Districts 1, 2, 3, 4, and 5 shall continue to be designated as Education Districts 1, 2, 3, 4, and 5, respectively, but as newly described under this Act, and such members of the board serving from those former education districts shall be deemed to be serving from and representing their respective districts as newly described under this section. Successor members and future successors to represent Education Districts 1 and 4 shall be elected at the primary election in 2014 and every four years thereafter. Successor members and future successors to represent Education Districts 2, 3, and 5 shall be elected at the primary election in 2012 and every four years thereafter."

SECTION 2.

It shall be the duty of the attorney of the Board of Education of Effingham County to submit this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

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

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

On the passage of the Bills, and on the agreement to the Senate substitute, the roll call was ordered and the vote was as follows:

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

On the passage of the Bills, and on the agreement to the Senate substitute, the ayes were 155, nays 0.

The Bills, having received the requisite constitutional majority, were passed, and the House has agreed to the Senate substitute.

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

Mr. Speaker:

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

SB 337. By Senators Goggans of the 7th, Unterman of the 45th, Cowsert of the 46th and Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for limitations on licensure requirements for certain health care providers; to prohibit the conditioning of certain licensing for health care providers on the participation in health insurance plans and other activities; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 339. By Senators Miller of the 49th, Williams of the 19th, Mullis of the 53rd, Hill of the 32nd, Millar of the 40th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 6 of the O.C.G.A., relating to the Georgia Aviation Authority, so as to provide for the transfer of certain personnel, aircraft, and other assets from the Georgia Aviation Authority to the Department of Natural Resources and the State Forestry Commission; to provide for related matters; to amend Title 12 of the O.C.G.A., relating to conservation and natural resources, so as to transfer certain personnel, assets, and liabilities of the Georgia Aviation Authority to the Department of Natural Resources and the State Forestry Commission; to provide the Department of Natural Resources and the State Forestry Commission with certain authority and duties with regard to aviation; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 675. By Representatives Cooper of the 41st, Harden of the 147th, Wilkinson of the 52nd, Kaiser of the 59th, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to revise the definitions of "approved nursing education programs" for registered professional nurses and licensed practical nurses; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 709. By Representatives Stephens of the 164th and Tankersley of the 158th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the Board of Education of Bryan County, approved March 16, 1978 (Ga. L. 1978, p. 3774), as amended, specifically by an Act approved September 15, 2001 (Ga. L. 2001 Ex. Sess., p. 290), so as to reconstitute the board of education; to change the description of the education districts; to provide for continuation in office of certain current board members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

SB 337. By Senators Goggans of the 7th, Unterman of the 45th, Cowsert of the 46th and Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for limitations on licensure requirements for certain health care providers; to prohibit the conditioning of certain licensing for health care providers on the participation in health insurance plans and other activities; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

SB 339. By Senators Miller of the 49th, Williams of the 19th, Mullis of the 53rd, Hill of the 32nd, Millar of the 40th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 6 of the O.C.G.A., relating to the Georgia Aviation Authority, so as to provide for the transfer of certain personnel, aircraft, and other assets from the Georgia Aviation Authority to the Department of Natural Resources and the State Forestry Commission; to provide for related matters; to amend Title 12 of the O.C.G.A., relating to conservation and natural resources, so as to transfer

certain personnel, assets, and liabilities of the Georgia Aviation Authority to the Department of Natural Resources and the State Forestry Commission; to provide the Department of Natural Resources and the State Forestry Commission with certain authority and duties with regard to aviation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

Pursuant to HR 1168, the House commended Frank N. Osborne Middle School and invited Principal John Campbell to be recognized by the House of Representatives.

Pursuant to HR 1302, the House recognized the second week in November as Kindness Week at the capitol.

Pursuant to HR 1179, the House commended CeVontae Marque Miller and invited him to be recognized by the House of Representatives.

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

HR 1168. By Representatives Sheldon of the 105th and Coleman of the 97th:

A RESOLUTION commending Frank N. Osborne Middle School and inviting Principal John Campbell to be recognized by the House of Representatives; and for other purposes.

HR 1179. By Representatives Scott of the 76th, Jordan of the 77th, Neal of the 75th, Beasley-Teague of the 65th, Dickerson of the 95th and others:

A RESOLUTION commending CeVontae Marque Miller 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 1353. By Representative Heckstall of the 62nd:

A RESOLUTION recognizing and commending Ms. Valerie Marie Brown on the occasion of her retirement; and for other purposes.

HR 1354. By Representative Benton of the 31st:

A RESOLUTION commending Mr. Chris Corkery, Jefferson Middle School's 2012 Teacher of the Year and Jefferson City Schools Teacher of the Year; and for other purposes.

HR 1355. By Representatives Benton of the 31st and McCall of the 30th:

A RESOLUTION commending Diane Mergele, West Jackson Primary School's 2012 Teacher of the Year and Jackson County School System's Teacher of the Year; and for other purposes.

HR 1356. By Representatives Benton of the 31st and McCall of the 30th:

A RESOLUTION commending Mr. Cary Lepzelter, Jackson County Comprehensive High School's 2012 STAR Teacher; and for other purposes.

HR 1357. By Representatives Benton of the 31st and McCall of the 30th:

A RESOLUTION commending Elizabeth Page Johnson, Jackson County Comprehensive High School's 2012 STAR Student; and for other purposes.

HR 1358. By Representatives Benton of the 31st and McCall of the 30th:

A RESOLUTION commending Jill Edmondson, East Jackson Comprehensive High School's 2012 STAR Student; and for other purposes.

HR 1359. By Representatives Benton of the 31st and McCall of the 30th:

A RESOLUTION commending Denise Backus, East Jackson Comprehensive High School's 2012 STAR Teacher; and for other purposes.

HR 1360. By Representative Benton of the 31st:

A RESOLUTION commending Jennifer Ringo, Jefferson High School's 2012 STAR Student; and for other purposes.

HR 1361. By Representative Benton of the 31st:

A RESOLUTION commending Tirth Devang Shah, Commerce High School's 2012 STAR Student; and for other purposes.

HR 1362. By Representative Benton of the 31st:

A RESOLUTION commending Matthew M. Dahlke, Commerce High School's 2012 STAR Teacher; and for other purposes.

HR 1363. By Representative Benton of the 31st:

A RESOLUTION commending Mr. Kris Plummer, Jefferson High School's 2012 STAR Teacher; and for other purposes.

HR 1364. By Representative Benton of the 31st:

A RESOLUTION recognizing and commending Susan Redmon, the 2012 Commerce Elementary School Teacher of the Year and Commerce City Schools Teacher of the Year; and for other purposes.

HR 1365. By Representatives Atwood of the 179th and Lane of the 167th:

A RESOLUTION recognizing and commending Honorable Judge Orion L. Douglass; and for other purposes.

HR 1366. By Representatives McCall of the 30th, Tankersley of the 158th, Black of the 174th and Williams of the 113th:

A RESOLUTION recognizing and commending Alpha Gamma Rho fraternity at the University of Georgia on the occasion of its 85th anniversary; and for other purposes.

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

HB 342. By Representatives McKillip of the 115th, Lindsey of the 54th, Evans of the 40th and Houston of the 170th:

A BILL to be entitled an Act to amend Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to stalking, so as to define "family violence order"; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to stalking, so as to define "family violence order"; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to stalking, is amended by revising Code Section 16-5-95, relating to the offense of violating a family violence order, as follows:

"16-5-95.

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

(1) 'Family violence' shall have the same meaning as set forth in Code Section 19-13-1.

(2) 'Family violence order' means:

(A) Any temporary restraining order, temporary protective order, permanent restraining order, or permanent protective order issued pursuant to Article 1 of Chapter 13 of Title 19;

(B) Any order of pretrial release issued as a result of an arrest for an act of family violence; or

(C) Any order for probation issued as a result of a conviction or plea of guilty, nolo contendere, or first offender to an act of family violence.

(b) A person commits the offense of violating a family violence order when ~~the~~ such person knowingly and in a nonviolent manner violates the terms of a family violence ~~temporary restraining order, temporary protective order, permanent restraining order, or permanent protective order issued against that person pursuant to Article 1 of Chapter 13 of Title 19,~~ which:

(1) Excludes, evicts, or excludes and evicts the person from a residence or household;

(2) Directs the person to stay away from a residence, workplace, or school;

(3) Restrains the person from approaching within a specified distance of another person; or

(4) Restricts the person from having any contact, direct or indirect, by telephone, pager, facsimile, e-mail, or any other means of communication with another person, except as specified in the order.

~~(b)(c)~~ Any person convicted of a violation of subsection ~~(a)~~ (b) of this Code section shall be guilty of a misdemeanor.

~~(e)~~(d) Nothing contained in this Code section shall prohibit a prosecution for the offense of stalking or aggravated stalking that arose out of the same course of conduct; provided, however, that, for purposes of sentencing, a violation of this Code section shall be merged with a violation of any provision of Code Section 16-5-90 or 16-5-91 that arose out of the same course of conduct."

SECTION 2.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

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

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

HOUSE SUPPLEMENTAL RULES CALENDAR
WEDNESDAY, FEBRUARY 8, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 17th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

HR 1162 General Assembly; state-wide education policy; clarify authority - CA
(Substitute)(Ed-Jones-46th)

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 Resolution of the House was taken up for consideration and read the third time:

HR 1162. By Representatives Jones of the 46th, Coleman of the 97th, Lindsey of the 54th, Kaiser of the 59th, Morgan of the 39th and others:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to clarify the authority of the state to establish state-wide education policy; to restate the authority of the General Assembly to create special schools; to delineate types of schools that the General Assembly may authorize and clarify funding authority; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Proposing an amendment to the Constitution of Georgia so as to clarify the authority of the state to establish state-wide education policy; to restate the authority of the General Assembly to establish special schools; to provide that special schools include charter schools; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII, Section I of the Constitution is amended by revising Paragraph I as follows:
"Paragraph I. ***Public education; free public education prior to college or postsecondary level; support by taxation.*** The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation, and the General Assembly may by general law provide for the establishment of education policies for such public education. The expense of other public education shall be provided for in such manner and in such amount as may be provided by law."

SECTION 2.

Article VIII, Section V of the Constitution is amended by revising Paragraph I as follows:
"Paragraph I. ***School systems continued; consolidation of school systems authorized; new independent school systems prohibited.*** Authority is granted to county and area boards of education to establish and maintain public schools within their limits; provided, however, that the authority provided for in this paragraph shall not diminish any authority of the General Assembly otherwise granted under this article, including the authority to establish special schools as provided for in Article VIII, Section V, Paragraph VII. Existing county and independent school systems shall be continued, except that the General Assembly may provide by law for the consolidation of two or more county school systems, independent school systems, portions thereof, or any combination thereof into a single county or area school system under the control and management of a county or area board of education, under such terms and conditions as

the General Assembly may prescribe; but no such consolidation shall become effective until approved by a majority of the qualified voters voting thereon in each separate school system proposed to be consolidated. No independent school system shall hereafter be established."

SECTION 3.

Article VIII, Section V of the Constitution is amended by revising Paragraph VII as follows:

"Paragraph VII. *Special schools.* (a) The General Assembly may provide by law for the creation of special schools in such areas as may require them and may provide for the participation of local boards of education in the establishment of such schools under such terms and conditions as it may provide; but no bonded indebtedness may be incurred nor a school tax levied for the support of special schools without the approval of a majority of the qualified voters voting thereon in each of the systems affected. Any special schools shall be operated in conformity with regulations of the State Board of Education pursuant to provisions of law. Special schools shall include charter schools, as defined and provided for by law; provided, however, that special schools shall only be public schools. The state is authorized to expend funds for the support and maintenance of special schools in such amount and manner as may be provided by law.

(b) Nothing contained herein shall be construed to affect the authority of local boards of education or of the state to support and maintain special schools created prior to June 30, 1983."

SECTION 4.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended to allow state or local
() NO approval of public charter schools upon the request of local
communities?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

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

On the adoption of the Resolution, by substitute, the ayes were 110, nays 62.

The Resolution, having failed to receive the requisite constitutional majority, was lost.

Representative Lindsey of the 54th gave notice that at the proper time he would move that the House reconsider its action in failing to give the requisite constitutional majority to HR 1162.

Representative Clark of the 98th moved that the following Bill of the House be withdrawn from the Committee on Governmental Affairs and recommitted to the Committee on Budget and Fiscal Affairs Oversight:

HB 669. By Representatives Clark of the 98th, Allison of the 8th, Ramsey of the 72nd, Welch of the 110th, Cooke of the 18th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, so as to require the reporting of federal funds received by certain state agencies; to provide for definitions; to provide for contingency plans in the event of a reduction in federal funds; to provide for submittal of a report to legislative appropriations committees; to provide for legislative recommendations; to provide for legislative study regarding reporting by schools and postsecondary institutions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative O'Neal of the 146th moved that the House do now adjourn until 9:00 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 9:00 o'clock, tomorrow morning.