

Representative Hall, Atlanta, Georgia

Wednesday, January 25, 2012

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

Due to a mechanical malfunction, Representative Byrd of the 20th was not recorded on the attendance roll call. She wished to be recorded as present.

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

Representatives Allison of the 8th, Benfield of the 85th, Bruce of the 64th, Crawford of the 16th, Dobbs of the 53rd, Dollar of the 45th, Floyd of the 99th, Gardner of the 57th, Geisinger of the 48th, Heckstall of the 62nd, Houston of the 170th, Hudson of the 124th,

Jacobs of the 80th, Jordan of the 77th, Long of the 61st, Morris of the 155th, Mosby of the 90th, Neal of the 1st, Neal of the 75th, Peake of the 137th, Randall of the 138th, Setzler of the 35th, Shaw of the 176th, Sims of the 169th, Smith of the 168th, and Taylor of the 79th.

They wished to be recorded as present.

Prayer was offered by Reverend Gene Sheffield, Senior Pastor, Jodeco Road United Methodist Church, Stockbridge, Georgia.

The members pledged allegiance to the flag.

Representative Davis of the 109th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

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

HB 788. By Representative Spencer of the 180th:

A BILL to be entitled an Act to amend an Act providing for the Board of Education of Camden County, approved March 30, 1987 (Ga. L. 1987, p. 4943), as amended, particularly by an Act approved August 24, 2001 (Ga. L.

2001, Ex. Sess., p. 232), so as to change the description of the education districts; to provide for inclusions; to provide for continuation in office of current members; to provide for submission of this Act for approval under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 789. By Representative Spencer of the 180th:

A BILL to be entitled an Act to amend an Act to amend, restate, revise, reorganize, and modernize the law relating to the board of commissioners of Camden County and certain officers of Camden County, approved March 25, 2002 (Ga. L. 2002, p. 3609), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for approval under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 790. By Representatives McBrayer of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act creating the Tift County Board of Education, approved March 31, 1971 (Ga. L. 1971, p. 2722), as amended, particularly by an Act approved May 10, 2002 (Ga. L. 2002, p. 5720), so as to change the description of the education districts; to define certain terms; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 791. By Representatives McBrayer of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Tift County, approved August 9, 1917 (Ga. L. 1917, p. 396), as amended, particularly by an Act approved May 10, 2002 (Ga. L. 2002, p. 5712), so as to reapportion the commissioner districts; to define certain terms; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 792. By Representatives Casas of the 103rd, Hembree of the 67th, Allison of the 8th, Amerson of the 9th and Ehrhart of the 36th:

A BILL to be entitled an Act to amend Code Section 20-3-250.8 of the Official Code of Georgia Annotated, relating to applications to operate or conduct postsecondary activities under the "Nonpublic Postsecondary Educational Institutions Act of 1990," so as to provide for authorization to operate by means of accreditation for nonpublic postsecondary institutions that meet certain requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

HB 793. By Representative Sims of the 169th:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 32, relating to dimensions and weight of vehicles and loads, so as to provide for an exception to dimension and weight load requirements for emergency tows of commercial vehicles; to provide for an increase in the maximum vehicle load length for the issuance of an annual permit; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 794. By Representatives Mayo of the 91st, Riley of the 50th, Kaiser of the 59th, Lindsey of the 54th and Marin of the 96th:

A BILL to be entitled an Act to amend Code Section 48-5-2 of the Official Code of Georgia Annotated, relating to definitions regarding ad valorem taxation of property, so as to change certain definitions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other matters.

Referred to the Committee on Ways & Means.

HB 795. By Representatives Powell of the 29th, Rice of the 51st, Battles of the 15th and Johnson of the 37th:

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 modify definitions related to all-terrain vehicles, recreational off-highway vehicles,

and off-road vehicles to make such definitions consistent with current industry standards and practices; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 796. By Representatives Marin of the 96th, James of the 135th, Abrams of the 84th, Fullerton of the 151st, Baker of the 78th and others:

A BILL to be entitled an Act to amend the O.C.G.A., so as to repeal those provisions enacted by House Bill 87 of the 2011 Session of the Georgia General Assembly and related provisions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 797. By Representatives Jones of the 46th, Coleman of the 97th and Lindsey of the 54th:

A BILL to be entitled an Act to amend Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to charter schools, so as to revise funding for state chartered special schools; to provide for submittal of charter petitions to the Charter Committee of the State Board of Education; to provide for resubmittal of a charter petition to a local board of education upon expiration of the charter term of a state chartered special school; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 798. By Representatives Smith of the 168th and Oliver of the 83rd:

A BILL to be entitled an Act to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to substantially revise the "Ethics in Government Act"; to rename the Georgia Government Transparency and Campaign Finance Commission as the State Ethics Commission; to change certain provisions relating to campaign contributions; to change provisions relating to the powers and duties of the commission; to change provisions relating to public officials' conduct and lobbyist disclosure; to change provisions relating to postemployment restrictions on public officers; to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to conform certain cross-references; to provide for related matters; and for other purposes.

Referred to the Committee on Rules.

HB 799. By Representatives Kidd of the 141st, Powell of the 29th, Clark of the 104th, Baker of the 78th and Parent of the 81st:

A BILL to be entitled an Act to amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to serious traffic offenses, so as to provide for expungement of a conviction for driving under the influence of alcohol, drugs, or other intoxicating substances under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 800. By Representatives Hatchett of the 143rd, Yates of the 73rd, Amerson of the 9th, Setzler of the 35th, Holcomb of the 82nd and others:

A BILL to be entitled an Act to amend Code Section 38-2-152 of the Official Code of Georgia Annotated, relating to assistant adjutants general, eligibility, appointment, duties, compensation, and tenure, so as to change certain qualifications for the position of assistant adjutant general; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Defense & Veterans Affairs.

HB 801. By Representatives Gardner of the 57th, Beverly of the 139th, Dobbs of the 53rd, Smyre of the 132nd, Buckner of the 130th 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 establish the Georgia Health Insurance Marketplace Authority; to provide for legislative intent; to provide for definitions; to provide for a board of directors; to provide for composition, terms, and officers; to provide for powers and duties of the authority; to provide for the Georgia Health Insurance Marketplace and the Small Business Health Insurance Marketplace; to provide for a trust fund; to provide for advisory committees; to provide for limited liability; to provide for rules and regulations; to provide for accounts and audits; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 802. By Representatives McKillip of the 115th, Jacobs of the 80th and Lindsey of the 54th:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 44 of the Official Code of Georgia Annotated, relating to ordinances providing for historic preservation, so as to allow for subdivision of historic property; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 803. By Representative Ralston of the 7th:

A BILL to be entitled an Act to amend an Act providing the method of election of the members of the Board of Education of Gilmer County, approved April 10, 1971 (Ga. L. 1971, p. 3471), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 1158. By Representatives Greene of the 149th, Hanner of the 148th, Fullerton of the 151st, Kidd of the 141st, Stephens of the 164th and others:

A RESOLUTION honoring the life and memory of the Honorable Jimmie Hodge Timmons, Jr., and designating the Jimmie Hodge Timmons, Jr., Highway; and for other purposes.

Referred to the Committee on Transportation.

HR 1159. By Representatives Smyre of the 132nd, Hugley of the 133rd and Buckner of the 130th:

A RESOLUTION compensating Nakiya Jermaine Jackson and providing for a state income tax exclusion with respect to such compensation; and for other purposes.

Referred to the Committee on Appropriations.

HR 1160. By Representatives Hugley of the 133rd, Smyre of the 132nd and Buckner of the 130th:

A RESOLUTION compensating Mr. Lathan Rydell Word; and for other purposes.

Referred to the Committee on Appropriations.

HR 1161. By Representatives Buckner of the 130th, Hugley of the 133rd and Smyre of the 132nd:

A RESOLUTION compensating Mr. James A. Cauley and providing for a state income tax exclusion with respect to such compensation; and for other purposes.

Referred to the Committee on Appropriations.

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.

Referred to the Committee on Education.

HR 1163. By Representatives Byrd of the 20th, Horne of the 71st, Braddock of the 19th, Holt of the 112th, Brockway of the 101st and others:

A RESOLUTION urging the Georgia Department of Audits and Accounts to create the "Georgia Transparency in Government Spending" website; and for other purposes.

Referred to the Committee on Governmental Affairs.

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 804. By Representatives Heard of the 114th, McKillip of the 115th and Williams of the 113th:

A BILL to be entitled an Act to provide for a nonbinding, advisory referendum by the electors of Clarke County for the purpose of ascertaining whether the General Assembly should enact local legislation to change county commission election districts from the current eight member districts and two semi-at-large districts to a new election district plan with nine equally sized districts that match the districts of the Clarke County Board of Education; to provide for procedures and requirements relating thereto; to provide for a referendum and effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

HB 680	HB 681
HB 749	HB 750
HB 751	HB 752
HB 753	HB 754
HB 755	HB 756
HB 757	HB 758
HB 759	HB 760
HB 761	HB 762
HB 763	HB 764
HB 765	HB 766
HB 767	HB 768
HB 769	HB 770
HB 771	HB 772
HB 773	HB 774
HB 775	HB 776
HB 777	HB 778
HB 779	HB 780
HB 781	HB 782
HB 783	HB 784
HB 785	HB 786
HB 787	HR 1141
HR 1142	HR 1150
HR 1151	HR 1152

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 690	Do Pass	HB 694	Do Pass
HB 701	Do Pass	HB 702	Do Pass
HB 740	Do Pass		

Respectfully submitted,
/s/ Sims of the 169th
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 Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1103 Do Pass

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

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

HOUSE RULES CALENDAR
WEDNESDAY, JANUARY 25, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 8th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

HB 351 Probate Courts Retirement Fund of Georgia; probate court fines and fees; provide (Substitute)(Ret-Maxwell-17th)

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 690. By Representatives Smith of the 70th and Horne of the 71st:

A BILL to be entitled an Act to amend an Act creating a board of commissioners for Coweta County, approved August 26, 1872 (Ga. L. 1872, p. 405), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3809), so as to revise the districts for the election of members of the board of commissioners; to provide for definitions and inclusions; 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 provide effective dates; 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 694. By Representatives Smith of the 70th and Horne of the 71st:

A BILL to be entitled an Act to amend an Act providing for the composition of the Board of Education of Coweta County, approved March 5, 1984 (Ga. L. 1984, p. 3701), as amended, particularly by an Act approved April 8, 2002

(Ga. L. 2002, p. 3801), 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 the submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide effective dates; 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 701. By Representatives Nix of the 69th, Smith of the 129th and Epps of the 128th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Troup County, approved March 25, 1958 (Ga. L. 1958, p. 3068), as amended, particularly by an Act approved February 27, 1992 (Ga. L. 1992, p. 4796), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide effective dates; 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 702. By Representatives Nix of the 69th, Smith of the 129th and Epps of the 128th:

A BILL to be entitled an Act to amend an Act providing a board of education of Troup County, approved January 1, 1986 (Ga. L. 1986, p. 3515), as amended, particularly by an Act approved March 18, 2002 (Ga. L. 2002, p. 3600), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; 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 740. By Representatives Cooke of the 18th, Hightower of the 68th and Nix of the 69th:

A BILL to be entitled an Act to amend an Act amending, revising, superseding, and consolidating the laws pertaining to the Board of Commissioners of Carroll County, approved February 28, 1989 (Ga. L. 1989, p. 3546), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4570), so as to change the descriptions of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of the current chairperson and members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide effective dates; 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	Y Davis	Heckstall	Y McBrayer	Y Shaw
Y Abrams	E 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	Morgan	Y Smith, K
Y Atwood	Dobbs	Y Holmes	Morris	Y Smith, L
Y Baker	Y Dollar	Holt	Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	Smith, T
Y Beasley-Teague	Y Dudgeon	Y Houston	Neal, J	Y Smyre
Y Bell	Y Dukes	Y Howard	Neal, Y	Y Spencer
Benfield	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	Oliver	E Stephenson
Y Black	Y England	Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	Y Parent	Taylor, D
Y Brooks	Y Evans	E Jerguson	Y Parrish	Y Taylor, R
Y Bruce	Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	Frazier	Y Jones, S	Y Powell, A	Y Thomas
Y Burns	Y Fullerton	Y Jordan	Y Powell, J	VACANT
Y Byrd	Gardner	Y Kaiser	Y Pruett	VACANT
Y Carson	Geisinger	Y Kendrick	Y Purcell	Y Watson
Y Carter	Y Golick	Kidd	Y Ramsey	Y Welch
Casas	Y Gordon	Knight	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	Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
Y Coleman	Y Harden, B	Maddox, G	Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Williams, E

E Cooke	Y Harrell	Y Marin	Y Rynders	E Williams, R
Coomer	Y Hatchett	Y Martin	E Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Crawford	Heard	Mayo	Setzler	Ralston, Speaker

On the passage of the Bills, the ayes were 136, nays 0.

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

Representatives Dobbs of the 53rd and Heard of the 114th 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.

Pursuant to HR 1145, the House recognized and commended Southwest Airlines on its expansion into Atlanta and Hartsfield-Jackson International Airport, the busiest in the world.

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

Representatives Braddock of the 19th, Taylor of the 55th, and Taylor of the 79th.

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

HB 706. By Representatives Dudgeon of the 24th, Coleman of the 97th, England of the 108th, Kaiser of the 59th, Dickson of the 6th 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 delete obsolete, unused, and unnecessary provisions; to clarify a provision relating to eligibility for enrollment; to eliminate a deadline for annual performance evaluations; to clarify the legal status of regional educational service agencies; to provide that declarations of intent and attendance records for home study programs are submitted to the Department of Education rather than local school systems; to revise provisions for purposes of conformity; to provide for related matters; 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 House was taken up for consideration and read the third time:

HB 351. By Representative Maxwell of the 17th:

A BILL to be entitled an Act to amend Article 4 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to revenues collected from fines and fees in the probate courts, so as to change the portion of such fines paid to the Judges of the Probate Courts Retirement Fund of Georgia; to provide that a portion of certain fines collected in certain state courts shall be paid to such retirement fund; 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 4 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to revenues collected from fines and fees in the probate courts, so as to change the portion of such fines paid to the Judges of the Probate Courts Retirement Fund of Georgia; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to revenues collected from fines and fees in the probate courts, is amended by revising Code Section 47-11-51, relating to payment to fund of a portion of criminal and quasi-criminal fines and forfeited bonds, duty to record and report collection, and penalties, as follows:

"47-11-51

(a) In every criminal and quasi-criminal case for violating state statutes or traffic laws, which case is before a judge of the probate court and in which case a fine is collected or a bond is forfeited, ~~a sum based upon the scale set out below for each case~~ \$3.00 shall be collected by the judge, clerk of court, or other collecting authority. Such bond or fine shall be construed to include costs. ~~Such sums shall be paid upon the following scale:~~

~~For any fine or bond forfeiture of more than \$4.00, but not more than \$25.00 —~~ \$1.00

~~For any fine or bond forfeiture of more than \$25.00, but not more than \$50.00 —~~ 1.50

~~For any fine or bond forfeiture of more than \$50.00 but not more than \$100.00~~ 2.00

~~For any fine or bond forfeiture of more than \$100.00 ———~~ 2.50

(b) The sum provided for shall be paid to the board before the payment of any cost or any claims whatsoever against such fine or forfeiture. It is made the duty of the judge of

the probate court or other authority collecting the money to keep accurate records of the amount due the board so that the same may be audited or inspected at any time by any representative of the board at the direction of the board. Sums remitted to the board under this Code section shall be used as provided for elsewhere in this chapter.

(c)(1) All moneys required to be paid to the board by this Code section shall be due on the twentieth day of the month after collection. Each judge of the probate court, clerk of court, or other collecting authority shall pay such moneys to the board no later than such due date and shall submit with such moneys a sworn statement of the number and nature of transactions for which such moneys are required to be paid and the amount due. Such sworn statement shall be on a form furnished to each judge of the probate court by the board.

(2) Moneys not paid when due shall bear interest at the rate of 7 percent per annum.

(3) Moneys not paid within 60 days of the date they are due shall be delinquent. There shall be imposed on delinquent funds a specific penalty in the amount of 5 percent of the principal amount delinquent per month for each month such moneys remain delinquent; but such specific penalty shall not exceed 25 percent of the principal amount due. Such specific penalty shall be in addition to the 7 percent per annum interest charged on overdue moneys. ~~All funds due on or before July 10, 1980, shall be delinquent 60 days after such date.~~

(4) For failure to file the written report of transactions and amount due when due, there shall be imposed a specific penalty in the amount of \$5.00 for each month such report remains overdue; but such specific penalty shall not exceed \$50.00 for failure to file any one report.

(5) By affirmative vote of all the members, the board, upon the payment of all overdue funds and interest and for good cause shown, may waive the specific penalties provided by paragraphs (3) and (4) of this subsection."

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	Heckstall	Y McBrayer	Shaw
Y Abrams	E Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
Y Allison	Y Dempsey	E Henson	McKillip	Y Sims, B
Y Amerson	Y Dickerson	Hightower	Y Meadows	Sims, C
Y Anderson	Y Dickey	Y Hill	Y Mitchell	Y Smith, E
Y Ashe	Y Dickson	Y Holcomb	Morgan	Y Smith, K
Y Atwood	Dobbs	Holmes	Morris	Y Smith, L
Y Baker	Y Dollar	Holt	Y Mosby	Y Smith, R
Y Battles	Y Drenner	N Horne	Y Murphy	Y Smith, T

N Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Y Smyre
Y Bell	Y Dukes	Y Howard	Neal, Y	N Spencer
Benfield	Y Dunahoo	Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	Y Hugley	Y Nix	Y Stephens, R
Y Beverly	Ehrhart	Y Jackson	Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	Y O'Neal	Y 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	E Jerguson	Y Parrish	N Taylor, R
Y Bruce	Floyd	Y Johnson	Y Parsons	Y Taylor, T
Bryant	Fludd	Y Jones, J	Y Peake	E Teasley
Y Buckner	Y Frazier	Y Jones, S	Y Powell, A	Y Thomas
Y Burns	Y Fullerton	Y Jordan	Y Powell, J	VACANT
N Byrd	Y Gardner	Y Kaiser	Y Pruett	VACANT
Y Carson	Y Geisinger	Y Kendrick	Y Purcell	Y Watson
Y Carter	Y Glick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	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	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
Y Coleman	Y Harden, B	Maddox, G	Y Rogers, C	Y Williams, C
Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
E Cooke	Y Harrell	Y Marin	Y Rynders	E Williams, R
Coomer	Y Hatchett	Y Martin	E Scott, M	Y Williamson
Cooper	Y Hatfield	Y Maxwell	N Scott, S	Y Yates
Crawford	Y Heard	Y Mayo	Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 137, nays 6.

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

Representatives Bryant of the 160th, Coomer of the 14th, Dobbs of the 53rd, Hightower of the 68th, Holt of the 112th, Hudson of the 124th, Maddox of the 172nd, and Shaw of the 176th 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 Hill of the 21st stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Scott of the 2nd was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Due to a mechanical malfunction, the vote of Representative Collins of the 27th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

HR 1166. By Representatives Jones of the 46th, Lindsey of the 54th, Riley of the 50th and Martin of the 47th:

A RESOLUTION commending Southwest Airlines on its expansion into Atlanta and Hartsfield-Jackson International Airport, the busiest in the world, and inviting Chief Marketing Officer David Ridley to be recognized by the House of Representatives; and for other purposes.

HR 1167. By Representatives Teasley of the 38th, Manning of the 32nd, Evans of the 40th and Cooper of the 41st:

A RESOLUTION commending Dr. Emily Lembeck and inviting her to be recognized by the House of Representatives; and for other purposes.

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.

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

HR 1166 Do Pass

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

HR 1166. By Representatives Jones of the 46th, Lindsey of the 54th, Riley of the 50th and Martin of the 47th:

A RESOLUTION commending Southwest Airlines on its expansion into Atlanta and Hartsfield-Jackson International Airport, the busiest in the world, and inviting Chief Marketing Officer David Ridley to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1169. By Representatives Benton of the 31st and McCall of the 30th:

A RESOLUTION recognizing and commending Matthew Deremer; and for other purposes.

HR 1170. By Representatives Holt of the 112th and Williams of the 113th:

A RESOLUTION commemorating Madison Hardware and Supply; and for other purposes.

HR 1171. By Representatives Scott of the 76th, Jordan of the 77th, Heckstall of the 62nd, Beasley-Teague of the 65th, Neal of the 75th and others:

A RESOLUTION recognizing and commending the Concerned Black Citizens Coalition; and for other purposes.

HR 1172. By Representatives Byrd of the 20th, Pak of the 102nd, Coomer of the 14th, Heckstall of the 62nd, Benfield of the 85th and others:

A RESOLUTION recognizing February 9, 2012, as Georgia Asian Pacific American Day at the capitol; and for other purposes.

HR 1173. By Representatives Morgan of the 39th, Lindsey of the 54th, Kaiser of the 59th, Coleman of the 97th, Evans of the 40th and others:

A RESOLUTION recognizing January 22-28, 2012, as Georgia School Choice Week at the capitol; and for other purposes.

HR 1174. By Representatives Williams of the 165th, Hugley of the 133rd and Abrams of the 84th:

A RESOLUTION recognizing and commending Frances L. Morgan; and for other purposes

HR 1175. By Representatives Frazier of the 123rd, Howard of the 121st, Murphy of the 120th, Abdul-Salaam of the 74th, Bruce of the 64th and others:

A RESOLUTION recognizing Deacon Frank LaFavor and celebrating the occasion of his 100th birthday; and for other purposes.

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

SB 223. By Senators Ligon, Jr. of the 3rd, Rogers of the 21st, Hill of the 32nd, Ginn of the 47th, Albers of the 56th 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 establish the "Georgia Government Accountability Act"; to provide for a short title; to provide for legislative intent; to create the Legislative Sunset Advisory Committee; to authorize the committee to review and evaluate state agencies' productivity, efficiency, and responsiveness; to provide for the automatic abolition of certain state agencies contingent upon adoption of a resolution by the General Assembly declaring that the state laws applicable to such agency have been repealed, revised, or reassigned; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Horne of the 71st moved that the House adhere to its position in disagreeing to the Senate amendment to the House substitute to SB 223 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 Horne of the 71st, Martin of the 47th and Allison of the 8th.

Representative Coleman of the 97th moved that the following Resolution of the House be withdrawn from the Committee on Ways & Means and recommitted to the Committee on Education:

HR 1150. By Representatives Coleman of the 97th, England of the 108th, Dickson of the 6th, Kaiser of the 59th, Abrams of the 84th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and the independent school districts located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The motion prevailed.

The Speaker called the House to order.

The hour of convening the Joint Session pursuant to HR 1098 having arrived, the Senate appeared upon the floor of the House and the Joint Session, convened for the purpose of hearing an address from the Honorable Carol W. Hunstein, Chief Justice of the Supreme Court, was called to order by the President of the Senate, Lieutenant Governor Casey Cagle.

The Resolution calling for the Joint Session was read.

The Honorable Carol W. Hunstein appeared upon the floor of the House and addressed the Joint Session.

Senator Williams of the 19th moved that the Joint Session of the General Assembly be now dissolved and the motion prevailed.

The President of the Senate, Lieutenant Governor Casey Cagle, announced the Joint Session dissolved.

The Speaker called the House to order.

Representative Maxwell of the 17th District, Chairman of the Committee on Retirement, submitted the following report:

Mr. Speaker:

Your Committee on Retirement 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 542	Do Pass, by Substitute
HB 635	Do Pass, by Substitute

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

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.